



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

200 North Fifth Street

Garland, Texas

February 6, 2017

6:00 p.m.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items are often accompanied by a formal presentation followed by discussion.

**[Public comment will not be accepted during Work Session
unless Council determines otherwise.]**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Written Briefings:

a. Abandonment and Sale of Seventh Street Public Right-of-Way between Avenue A and Avenue B, including portion of 20 foot Alley Right-of-Way, to Tx Garland Apartments, LP

Council is requested to consider abandoning Seventh Street public right-of-way between Avenue A and Avenue B, including a portion of 20 foot alley public right-of-way. The abandonment has been requested by the developer of an apartment community located at 704 Avenue B (formerly the old Bank of America property). Unless otherwise directed by Council, this item will be scheduled for formal consideration at the February 21, 2017 Regular Meeting.

b. Public Health Agreement with Garland Independent School District

Council is requested to consider two agreements regarding assistance in a public health emergency between the Garland Independent School District (GISD) and the City of Garland. This agreement expired in 2016 and staff seeks Council authorization to renew these agreements. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the February 21, 2017 Regular Meeting.

2. Verbal Briefings:

a. Downtown Square Design

Staff will provide an update to the Council on the proposed process for moving forward on the design of the Downtown Square.

b. Review and/or Adoption of Policies Regarding City Boards and Commissions

At the request of Council Member David Gibbons and Council Member Rich Aubin, Council is requested to discuss the review and/or adopt a policy regarding actions, activities and expenditures by City Boards and Commissions including annual budget amounts and purchases related to meals, travel, clothing, business cards, promotional items, outside organization participation and other miscellaneous expenditures.

c. Recap of January 25 Legislative Trip to Austin

Council will be briefed on the January 25, 2017 trip to Austin.

3. Regular Item:

a. Rules of Order and Council Policies

Consider for adoption Rules of Order and Council Policies to be operative for calendar year 2017.

b. Review and Deliberation of 2017 Capital Improvement Program

Council will continue its review and discuss the 2017 Capital Improvement Program.

4. Discuss Appointments to Boards and Commissions

Council Member Anita Goebel

- Eric Stuyvesant - Citizens Environmental and Neighborhood Advisory Committee

5. Consider the Consent Agenda

A member of the City Council may ask that an item on the consent agenda for the next regular meeting be pulled from the consent agenda and considered separate from the other consent agenda items. No substantive discussion of that item will take place at this time.

6. Announce Future Agenda Items

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

7. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

Work Session Item 1. a.

Meeting Date: February 6, 2017

Item Title: Abandonment and Sale of Seventh Street Public Right-of-Way between Avenue A and Avenue B, including portion of 20 foot Alley Right-of-Way, to Tx Garland Apartments, LP

Submitted By: Michael Polocek, Engineering Director

Council Goal: Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs
Safe, Family-Friendly Neighborhoods

ISSUE

Consider abandoning Seventh Street public right-of-way between Avenue A and Avenue B, including a portion of 20 foot alley public right-of-way. The abandonment has been requested by the developer of an apartment community located at 704 Avenue B (formerly the old Bank of America property).

OPTIONS

1. Approve the sale and abandonment of Seventh Street public right-of-way between Avenue A and Avenue B, including a portion of 20 feet alley public right-of-way, to TX Garland Apartments, LP for fair market value in the amount of \$110,000.
2. Take no action.

RECOMMENDATION

Approve Option 1. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the February 21, 2017 Regular Meeting.

BACKGROUND

The right-of-way of Seventh Street and alley was dedicated by the plat of the Town of Embree and filed for record September 18, 1886. The portion of Seventh Street measures 70 feet wide by 270 feet in length from Avenue A to Avenue B and is approximately 0.434 acres. The portion of the alley measures 20 feet wide by 166 feet in length and is approximately 0.076 acres.

TX Garland Apartments, LP recently purchased the former bank properties located at 616 W. Avenue A and 705 W. Avenue B, and thus own both sides of Seventh Street from Avenue A to Avenue B. Mr. Bill Fisher presented his development plan to City Council on February 2, 2015 requesting a Resolution of Support of the project from the City of Garland. The Resolution of Support was necessary for TX Garland Apartments, LP to apply for a 9% tax credit application from the Texas Department of Housing and Community Affairs for an adaptive reuse of the

existing building. In their presentation, Mr. Fisher mentioned the desire to abandon Seventh Street in order to develop the site. Council approved the Resolution of Support on February 17, 2015.

Recently, TX Garland Apartments, LP approached the City requesting the abandonment of the right-of-way adjacent to and across their properties as part of the proposed two-phase development of an apartment community. TX Garland Apartments, LP provided the City with an appraisal prepared by BBG, Inc. valuing the land at \$110,000.

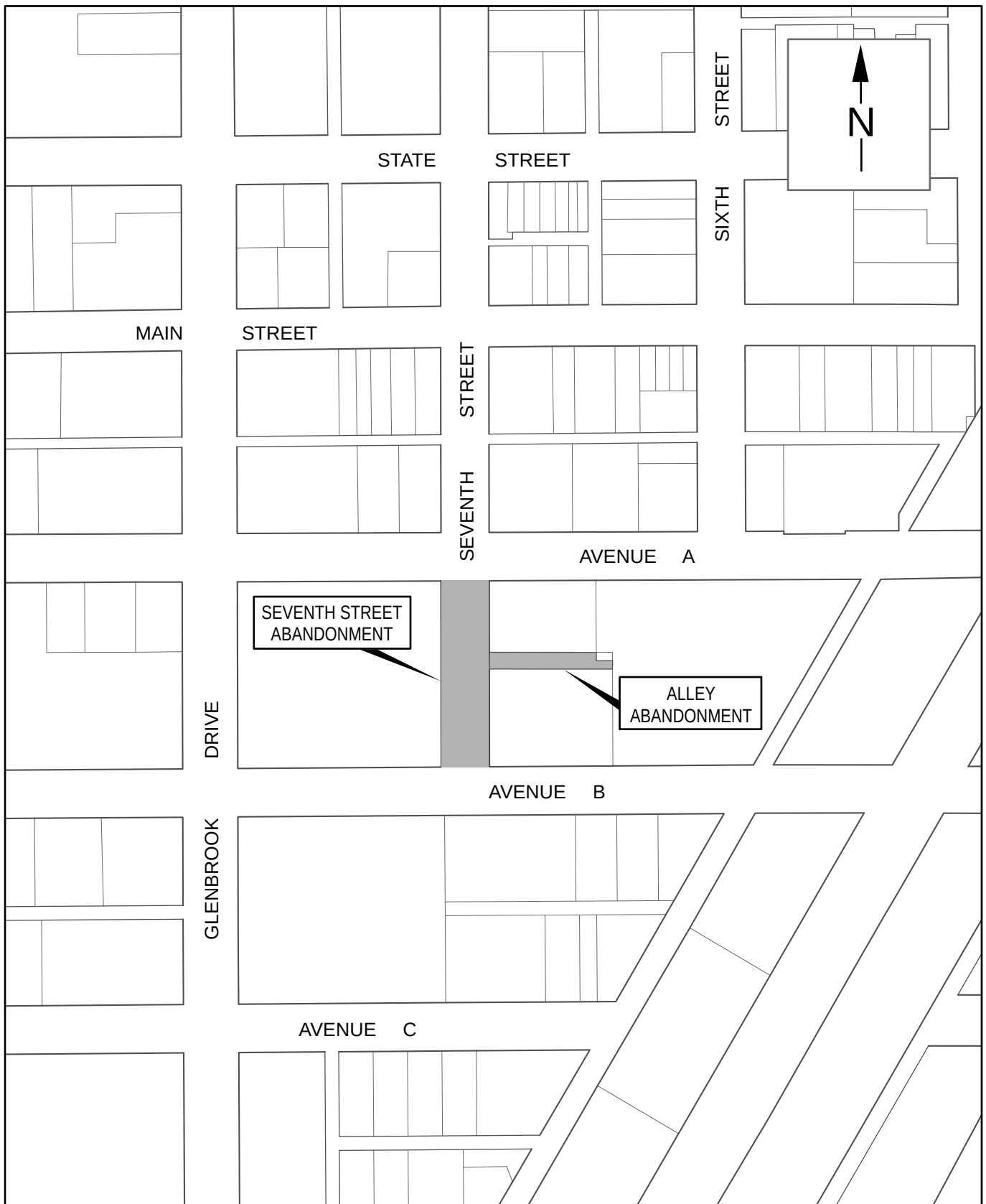
TX Garland Apartments, LP also provided a Traffic Volume Analysis for Seventh Street performed by Lee Engineering. The study shows a weekday average of 325 vehicles/day (M-F) and a weekend average of 198 vehicles/day (Sat-Sun). The average peak hourly rate is 40 vehicles/hour (M-F) and 26 vehicles/hour (Sat-Sun). According to the study, the low traffic counts would have a minimal impact on adjacent roadways should Seventh Street be abandoned.

CONSIDERATION

1. TX Garland Apartments, LP owns both sides of Seventh Street from Avenue A to Avenue B. The abandonment would allow TX Garland Apartments to proceed with the redevelopment of the existing bank site into affordable apartments. Additionally, the City of Garland would no longer have any responsibility for maintenance of the right-of-way.
2. Because of its size and shape, this tract could not reasonably be utilized by a separate, non-adjacent owner.

Attachments

Location Map
Offer and Abandonment Request Letter
Seventh Street Appraisal
Seventh Street Traffic Count Study
Exhibit Seventh St. ROW Abandon
Exhibit Alley ROW Abandon



SEVENTH STREET ABANDONMENT AVENUE A TO AVENUE B

Scale: 1"= 200'
File: Seventh.mxd
Date: 08/11/2016
Drawn: jmk

SHEET
1
OF
1

**TX GARLAND APARTMENTS LP
ATTN: MELISSA R. ADAMI
16812 DALLAS PARKWAY
DALLAS, TX 75248
972-701-5558**

Mr. Michael Polocek
Director-Engineering Department

January 10, 2017

RE: Offer to purchase abandoned ROW on 7th Street and related alley for full fair-market value

Dear Mr. Polocek:

On behalf of TX Garland Apartments, LP, in follow to our request for the abandonment of the 7th street ROW between Avenue A and Avenue B and related alley, I hereby confirm our offer to purchase the ROW from the City for full fair-market value. The recent Butler Burgher appraisal values the property at \$110,000. TX Garland's request for the abandonment to the City of Garland is wholly conditioned on our agreement to pay the City full value for the parcel in accordance with appraisal.

TX Garland presumes the abandonment action by the City would not be valid unless or until payment in accordance with this letter is made to Garland for \$110,000 in good funds. TX Garland covenants to pay for the ROW abandonment within 10 days of the required approvals by the City of Garland City Council.

Your consideration of our offer to purchase the ROW and related alley for fair-market value is appreciated.

Sincerely,



Melissa R. Adami

President and Manager of the GP

TX Garland GP, LLC

TX Garland Apartments, LP (owner of the former Bank of America property)



AN APPRAISAL REPORT OF

**A 0.434 ACRE ABANDONMENT OF STREET,
7TH STREET, BETWEEN AVENUE A AND
AVENUE B, GARLAND, DALLAS COUNTY,
TEXAS 75040**

BBG FILE #: 0116008422

FOR

**MR. BILL FISHER
SONOMA ADVISORS
5430 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75240**

Date of Valuation "As Is": December 8, 2016

Date of Report: December 16, 2016

BY

**BBG, INC.
CORPORATE OFFICES:
8300 DOUGLAS AVENUE, SUITE 600
DALLAS, TX 75225**

FOR QUESTIONS OR MORE INFORMATION ABOUT THIS
REPORT,
PLEASE CONTACT YOUR BBG CLIENT MANAGER,
MARY ANN BARNETT AT 214-269-0522
MBARNETT@BBGRES.COM



December 16, 2016

Mr. Bill Fisher
Sonoma Advisors
5430 LBJ Freeway, Suite 1200
Dallas, Texas 75240

**Re: A 0.434 Acre Abandonment of Street,
7th Street, between Avenue A and Avenue B
Garland, Dallas County, Texas 75040
BBG File #: 0116008422**

Dear Mr. Fisher:

We have performed an appraisal on the above referenced property, the conclusions of which are set forth in the attached Appraisal Report. The purpose of this appraisal report is to form an opinion of the as-is Market Value of the fee simple interest in the property. The effective date for the as-is Market Value is December 8, 2016, the date of inspection. The value conclusion is subject to the general underlying assumptions and limiting conditions and extraordinary assumptions, as presented herein. The intended user of this report is Sonoma Advisors, its successor and assigns and the City of Garland. The intended use of this appraisal is for collateral valuation by Sonoma Advisors, its successor and assigns.

The intent of this report is conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) as set forth by the Appraisal Foundation, as well as the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. In addition, this report was written in conformance with FIRREA and Office of Comptroller of the Currency guidelines, the December 2010 Interagency Appraisal and Evaluation Guidelines, as well as our understanding of Sonoma Advisors' appraisal guidelines.

DALLAS
+ CORPORATE OFFICE

P + 214.739.0700
F + 214.361.8168

8300 DOUGLAS AVE. + STE. 600
DALLAS, TX 75225

BBGRES.COM

In view of the following facts and data in conjunction with this appraisal, it is our opinion that the as-is Market Value of the fee simple interest in the subject property as of December 8, 2016, and subject to the general underlying assumptions and limiting conditions and extraordinary assumptions, was:

\$110,000

Extraordinary Assumptions

- The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The City of Garland has agreed in principle to the abandonment of its fee simple rights to this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two parcels, one of which is located west of the subject site, and the other east of the subject site. As the subject will remain encumbered with a utility easement which will prevent the subject tract to be built upon, the highest and best use of the subject tract is for assemblage with the adjacent parcels. It is assumed that abandonment will occur and therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that will be re-developed with a multi-family project known as City Square Lofts.

Exposure Time/Marketing Period

Based on exposure times of comparable sales and interviews with active participants in the local and regional multi-family market, the above Market Value conclusion could be achieved with an exposure time of less than twelve months. Furthermore, it is our opinion that a sale could be consummated at the Market Value conclusions stated herein within a twelve-month marketing period of the effective date.

Our firm appreciates the opportunity to have performed this appraisal assignment on your behalf. If we may be of further service, please contact us.

Respectfully submitted,

BBG, Inc.



Mary Ann Barnett, MAI
Texas State Certified
General Real Estate Appraiser
License # 1326580-G



Kyle T. Dieterich
Texas State Certified
General Real Estate Appraiser
License # 1380633-G

TABLE OF CONTENTS

SUBJECT PROPERTY AT A GLANCE1

SUMMARY OF SALIENT FACTS..... 2

ASSUMPTIONS AND LIMITING CONDITIONS..... 4

CERTIFICATION 9

INTRODUCTION..... 11

DALLAS/FORT WORTH METROPOLITAN ANALYSIS15

PRIMARY MARKET AREA ANALYSIS25

SITE ANALYSIS35

ZONING ANALYSIS.....42

HIGHEST AND BEST USE46

REAL ESTATE TAX ANALYSIS.....49

APPRAISAL PROCESS.....50

SALES COMPARISON APPROACH51

EXHIBITS.....58

SUBJECT PROPERTY AT A GLANCE



View North at subject, 7th Street, from W Avenue B



View South at subject, 7th Street, from W Avenue A

Please refer to the exhibits section of the report for all property photos.

SUMMARY OF SALIENT FACTS

Subject: A 0.434 Acre Abandonment of Street
7th Street, between Avenue A and Avenue B
Garland, Dallas County, Texas 75040
BBG Project #: 0116008422

Purpose of the Appraisal: Form an opinion of the as-is market value, based upon the general underlying assumptions and limiting conditions and extraordinary assumptions, if any.

Interest Valued – As-Is: Fee Simple

Intended Use of the Report: Collateral valuation.

Effective Date of Value
“As-Is”: December 8, 2016

Date of Report: December 16, 2016

Summary of Subject Property

Parcel Number: 26165500110010000 & 26165500100060100

Site Size: 0.434 acres; 18,900 SF

Zoning: "DT" - Downtown District (Uptown Subdistrict) – City of Garland

Flood Plain: Zone “X”, Panel July 7, 2014 (48113C0220L)

Improvements: None

Highest and Best Use:

As Vacant: Assemblage with adjacent parcel(s) for future development

As-Is Fee Simple Value Indication

Sales Comparison Approach:	\$110,000
Income Capitalization Approach:	NA
Cost Approach:	NA
Market Value (Fee Simple):	\$110,000
Exposure Time	12 months

Extraordinary Assumptions

- The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The City of Garland has agreed in principle to the abandonment of its fee simple rights to this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two parcels, one of which is located west of the subject site, and the other east of the subject site. As the subject will remain encumbered with a utility easement which will prevent the subject tract to be built upon, the highest and best use of the subject tract is for assemblage with the adjacent parcels. It is assumed that abandonment will occur and therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that will be re-developed with a multi-family project known as City Square Lofts.

The use of extraordinary assumptions may have affected the assignment results.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report has been made with the following general assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, surveys, plats, photographs, drawings or other exhibits are included only to assist the intended user to better understand and visualize the subject property, the environs, and the competitive data. We have made no survey of the property and assume no responsibility in connection with such matters.
2. The appraiser has not conducted any engineering or architectural surveys in connection with this appraisal assignment. Information reported pertaining to dimensions, sizes, and areas is either based on measurements taken by the appraiser or the appraiser's staff or was obtained or taken from referenced sources and is considered reliable. No responsibility is assumed for the costs of preparation or for arranging geotechnical engineering, architectural, or other types of studies, surveys, or inspections that require the expertise of a qualified professional.
3. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in fee simple unless otherwise stated in the report. The property is considered to be free and clear of existing liens, easements, restrictions, and encumbrances, except as stated.
4. Unless otherwise stated herein, it is assumed there are no encroachments or violations of any zoning or other regulations affecting the subject property and the utilization of the land and improvements is within the boundaries or property lines of the property described and that there are no trespasses or encroachments.
5. BBG, Inc. assumes there are no private deed restrictions affecting the property which would limit the use of the subject property in any way.
6. It is assumed the subject property is not adversely affected by the potential of floods; unless otherwise stated herein.
7. It is assumed all water and sewer facilities (existing and proposed) are or will be in good working order and are or will be of sufficient size to adequately serve any proposed buildings.
8. Unless otherwise stated within the report, the depiction of the physical condition of the improvements described herein is based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were conducted. No liability is assumed for the condition of mechanical equipment, plumbing, or electrical components, as complete tests were not made. No responsibility is assumed for hidden, unapparent or masked property conditions or characteristics that were not clearly apparent during our inspection.
9. If building improvements are present on the site, no significant evidence of termite damage or infestation was observed during our physical inspection, unless so stated in the report. No termite inspection report was available, unless so stated in the report. No responsibility is assumed for hidden damages or infestation.
10. Any proposed or incomplete improvements included in this report are assumed to be satisfactorily completed in a workmanlike manner or will be thus completed within a reasonable length of time according to plans and specifications submitted.

11. No responsibility is assumed for hidden defects or for conformity to specific governmental requirements, such as fire, building, safety, earthquake, or occupancy codes, except where specific professional or governmental inspections have been completed and reported in the appraisal report.
12. Responsible ownership and competent property management are assumed.
13. The appraisers assume no responsibility for any changes in economic or physical conditions which occur following the effective date of value within this report that would influence or potentially affect the analyses, opinions, or conclusions in the report. Any subsequent changes are beyond the scope of the report.
14. The value estimates reported herein apply to the entire property. Any proration or division of the total into fractional interests will invalidate the value estimates, unless such proration or division of interests is set forth in the report.
15. Any division of the land and improvement values estimated herein is applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.
16. Unless otherwise stated in the report, only the real property is considered, so no consideration is given to the value of personal property or equipment located on the premises or the costs of moving or relocating such personal property or equipment.
17. Unless otherwise stated, it is assumed that there are no subsurface oil, gas or other mineral deposits or subsurface rights of value involved in this appraisal, whether they are gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered; unless otherwise stated. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
18. Any projections of income and expenses, including the reversion at time of resale, are not predictions of the future. Rather, they are our best estimate of current market thinking of what future trends will be. No warranty or representation is made that these projections will materialize. The real estate market is constantly fluctuating and changing. It is not the task of an appraiser to estimate the conditions of a future real estate market, but rather to reflect what the investment community envisions for the future in terms of expectations of growth in rental rates, expenses, and supply and demand. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
19. Unless subsoil opinions based upon engineering core borings were furnished, it is assumed there are no subsoil defects present, which would impair development of the land to its maximum permitted use or would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
20. BBG, Inc. representatives are not experts in determining the presence or absence of hazardous substances, defined as all hazardous or toxic materials, wastes, pollutants or contaminants (including, but not limited to, asbestos, PCB, UFFI, or other raw materials or chemicals) used in construction or otherwise present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such substances or for loss as a result of the presence of such substances. Appraisers are not qualified to detect such substances. The client is urged to retain an expert in this field.

21. We are not experts in determining the habitat for protected or endangered species, including, but not limited to, animal or plant life (such as bald eagles, gophers, tortoises, etc.) that may be present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such species or for loss as a result of the presence of such species. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent endangered species impact studies, research, and investigation that may be provided.
22. No environmental impact studies were either requested or made in conjunction with this analysis. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, and investigation that may be provided.
23. The appraisal is based on the premise that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in the report; further, that all applicable zoning, building, and use regulations and restrictions of all types have been complied with unless otherwise stated in the report; further, it is assumed that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
24. Neither all nor any part of the contents of this report or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media, without the prior written consent and approval of the appraisers. This limitation pertains to any valuation conclusions, the identity of the analyst or the firm and any reference to the professional organization of which the appraiser is affiliated or to the designations thereof.
25. Although the appraiser has made, insofar as is practical, every effort to verify as factual and true all information and data set forth in this report, no responsibility is assumed for the accuracy of any information furnished the appraiser either by the client or others. If for any reason, future investigations should prove any data to be in substantial variance with that presented in this report, the appraiser reserves the right to alter or change any or all analyses, opinions, or conclusions and/or estimates of value.
26. If this report has been prepared in a so-called "public non-disclosure" state, real estate sales prices and other data, such as rents, prices, and financing, are not a matter of public record. If this is such a "non-disclosure" state, although extensive effort has been expended to verify pertinent data with buyers, sellers, brokers, lenders, lessors, lessees, and other sources considered reliable, it has not always been possible to independently verify all significant facts. In these instances, the appraiser may have relied on verification obtained and reported by appraisers outside of our office. Also, as necessary, assumptions and adjustments have been made based on comparisons and analyses using data in the report and on interviews with market participants. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
27. The American Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the property to determine whether or not it is in conformity with the various detailed requirements of ADA. It is possible that a compliance survey of the property and a detailed analysis of the requirements of the ADA would reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has no direct

evidence relating to this issue, possible noncompliance with the requirements of ADA was not considered in estimating the value of the property.

28. This appraisal report has been prepared for the exclusive benefit of the client. It may not be used or relied upon by any other party. Any other party who is not the identified client within this report who uses or relies upon any information in this report does so at their own risk.
29. The dollar amount of any value opinion herein rendered is based upon the purchasing power and price of the United States Dollar as of the effective date of value. This appraisal is based on market conditions existing as of the date of this appraisal.
30. The right is reserved by the appraiser to make adjustments to the analyses, opinions, and conclusions set forth in this report as may be required by consideration of additional or more reliable data that may become available. No change of this report shall be made by anyone other than the appraiser or appraisers. The appraiser(s) shall have no responsibility for any unauthorized change(s) to the report.
31. If the client instructions to the appraiser were to inspect only the exterior of the improvements in the appraisal process, the physical attributes of the property were observed from the street(s) as of the inspection date of the appraisal. Physical characteristics of the property were obtained from tax assessment records, available plans, if any, descriptive information, and interviewing the client and other knowledgeable persons. It is assumed the interior of the subject property is consistent with the exterior conditions as observed and that other information relied upon is accurate.
32. The submission of this report constitutes completion of the services authorized. It is submitted on the condition the client will provide reasonable notice and customary compensation, including expert witness fees, relating to any subsequent required attendance at conferences, depositions, and judicial or administrative proceedings. In the event the appraiser is subpoenaed for either an appearance or a request to produce documents, a best effort will be made to notify the client immediately. The client has the sole responsibility for obtaining a protective order, providing legal instruction not to appear with the appraisal report and related work files and will answer all questions pertaining to the assignment, the preparation of the report, and the reasoning used to formulate the estimate of value. Unless paid in whole or in part by the party issuing the subpoena or by another party of interest in the matter, the client is responsible for all unpaid fees resulting from the appearance or production of documents regardless of who orders the work.
33. Use of this appraisal report constitutes acknowledgement and acceptance of the general assumptions and limiting conditions, special assumptions (if any), extraordinary assumptions (if any), and hypothetical conditions (if any) on which this estimate of market value is based.
34. If provided, the estimated insurable value is included at the request of the client and has not been performed by a qualified insurance agent or risk management underwriter. This cost estimate should not be solely relied upon for insurable value purposes. The appraisers are not familiar with the definition of insurable value from the insurance provider, the local governmental underwriting regulations, or the types of insurance coverage available. These factors can impact cost estimates and are beyond the scope of the intended use of this appraisal. The appraisers are not cost experts in cost estimating for insurance purposes.

Extraordinary Assumptions

- The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The City of Garland has agreed in principle to the abandonment of its fee simple rights to this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two parcels, one of which is located west of the subject site, and the other east of the subject site. As the subject will remain encumbered with a utility easement which will prevent the subject tract to be built upon, the highest and best use of the subject tract is for assemblage with the adjacent parcels. It is assumed that abandonment will occur and therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that will be re-developed with a multi-family project known as City Square Lofts.

CERTIFICATION

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- Kyle T. Dieterich inspected the subject property on December 8, 2016. Mary Ann Barnett, MAI did not inspect the property.
- The undersigned have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute and the minimum appraisal standards cited in Section 323.4 of Title XI of FIRREA.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

- As of the date of this report, Mary Ann Barnett, MAI and Kyle T. Dieterich have completed the requirements of Section 22 of the Real Estate License Act (Article 657a, V.T.C.S.) and of Chapter 544 of the Rules of the Texas Real Estate Commission. Mary Ann Barnett, MAI has completed the continuing education requirements of the Appraisal Institute for designated members.



-
Mary Ann Barnett, MAI
Texas State Certified
General Real Estate Appraiser
License # 1326580-G



Kyle T. Dieterich
Texas State Certified
General Real Estate Appraiser
License # 1380633-G

Property Appraised

A 0.434 Acre Abandonment of Street
7th Street, between Avenue A and Avenue B
Garland, Dallas County, Texas 75040
BBG Project #: 0116008422

Property Identification

The subject property is a 0.434 acre vacant site that is an abandonment of 7th Street, between Avenue A to the north and Avenue B to the south, City of Garland, Dallas County, Texas. The subject site has not been assigned a local address.

Legal Description

The subject tract is a portion of 7th Street between W Avenue A to the north and W Avenue B to the south. It is legally described as “being a 0.434 acre tract of parcel of land situated in the Joel Crumpacker Survey, Abstract Number 328, City of Garland, Dallas County, Texas, being a portion of Seventh Street, also known as Third Street as shown on Plat of the Town of Embree, now the City of Garland, as recorded in Volume 77, Page 441, Plat Records, Dallas County, Texas.” A metes and bounds legal description has been provided in the Exhibits section of this report.

Type of Value, Intended Use & User of Appraisal

The purpose of this appraisal report is to form an opinion of the as-is Market Value of the fee simple interest in the property. The effective date for the as-is Market Value opinion is December 8, 2016, the date of inspection. The value conclusion is subject to the general underlying assumptions and limiting conditions and extraordinary assumptions, as presented herein.

The intent of this report is conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) as set forth by the Appraisal Foundation, as well as the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. In addition, this report was written in conformance with FIRREA and Office of Comptroller of the Currency guidelines, the December 2010 Interagency Appraisal and Evaluation Guidelines, as well as our understanding of Sonoma Advisors’ appraisal guidelines. The letter of engagement is included in the Exhibits section of this report

It is our understanding that this appraisal will be used by our client Sonoma Advisors, its successor and assigns and the City of Garland, for collateral valuation.

Property Rights Appraised

The Market Value conclusion for the property reflects the Fee Simple interest in the subject.

Definition of Market Value

The following definition of market value is used by agencies that regulate federally insured financial institutions in the United States:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- *Buyer and seller are typically motivated;*
- *Both parties are well informed or well advised, and acting in what they consider their best interests;*
- *A reasonable time is allowed for exposure in the open market;*
- *Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
- *The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.* ^[1]

History of the Subject Property

The subject property is a 0.434 acre vacant site that consists of an abandonment of 7th Street, between Avenue A to the north and Avenue B to the south in downtown portion of the City of Garland, Texas.

The City of Garland has agreed in principal to the abandonment of their fee simple rights of this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two adjacent parcels, one of which is located west of the subject site, and the other west of the subject site. A site plan was completed on January 29, 2015 that illustrates a plan for the subject site along with the two adjacent parcels to be developed with an affordable housing multi-family project known as City Square Lofts.

No other transactions involving the subject property are believed to have occurred during the past three years. The appraisers involved in this appraisal have not performed any other appraisal or other services involving the subject property during the three years immediately preceding the date of this assignment.

^[1] (Interagency Appraisal and Evaluation Guidelines; December 10, 2010, Federal Register, Volume 75 Number 237, Page 77472)

Scope of Appraisal/Extent of the Data Collection Process

The purpose of this appraisal is to arrive at an opinion of the as-is market value for the fee simple interest in the subject as of December 8, 2016. This value is subject to the general underlying assumptions and limiting conditions and extraordinary assumptions as presented herein. The value conclusion is reported herein in an Appraisal Report format that follows generally accepted appraisal procedures as set forth in the Uniform Standards of Professional Appraisal Practice (USPAP). This appraisal utilizes the Sales Comparison Approach. As the subject is a vacant site that is not currently leased and is not likely to be leased as land, the Income Approach is not relevant. Due to the lack of improvements, the Cost Approach is not relevant. Procedures and methodologies employed in these approaches are outlined in the Appraisal Process section of this report. The following steps were completed by the appraisers.

1. Kyle T. Dieterich inspected the subject property on December 8, 2016. Specific information relative to the subject property was provided by the client. An inspection of the general and immediate market area was made.
2. Gathered information from various secondary data sources regarding regional and local economic and demographic data specifically relating to the regional, city and neighborhood analyses.
3. Analyzed trends in the local market utilizing data compiled through confirmation of the land sales and general observations of the market.
4. Collected publicly available data on the subject, including the flood plain reference relative to the subject.
5. Analyzed the highest and best use of the site. Supply, demand and absorption potential as well as construction costs and required yields were analyzed relative to the subject market and specifically the subject property. Alternative uses were also analyzed relative to their financial feasibility.
6. Confirmed land sales within the city of Garland.
7. The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The city has agreed in principle to abandon the subject site to the adjacent property owner, TX Garland Apartments, L.P. Therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that TX Garland Apartments, L.P. will re-develop with a multi-family project known as City Square Lofts. As the highest and best use of the site is for assemblage with the adjacent parcels, the 3.33 acre site was valued on a \$/SF basis and that concluded value was then applied to the subject site size of 0.434 acres (18,900 SF) to arrive at the subject value conclusion.

8. Analyzed the data to arrive at a conclusion of value via the Sales Comparison Approach for the subject site.
9. Prepared an appraisal report.

The client provided the appraisers with the following information with which to complete the appraisal assignment:

- Survey completed by Adams Surveying Company, LLC dated 01/12/2016;
- Site Plan for City Square Lofts completed by RKM & Associates, Inc. dated 01/29/2015;
- Tax information for adjacent parcel to west with an address of 705 W Avenue B, Garland, Texas; and
- Letter to Utility Service Provider from TX Garland Apartments, L.P. dated 06/19/2016.

Competency

The appraisers involved in this assignment have, collectively, considerable experience in appraising this property type.

The appraisers are actively engaged in appraisal work in the geographical area of the subject property. The company maintains a database on this area for similar properties. We believe we have adequate knowledge of the property type and location to meet the competency requirements of USPAP.

DALLAS/FORT WORTH METROPOLITAN ANALYSIS

Introduction

The Dallas-Fort Worth-Arlington Consolidated Metropolitan Statistical Area (CMSA) commonly referred to as “D/FW” or the “Metroplex,” is the fourth largest U.S. metropolitan area, in terms of population, as of 2010 estimates. It is the top financial and trade center in the Southwest. The Metroplex consistently ranks near the top of all U.S. metropolitan areas for population growth, job creation, business relocations, and housing construction. It is a major center for semiconductor manufacturing, telecommunications, defense, and technology services.

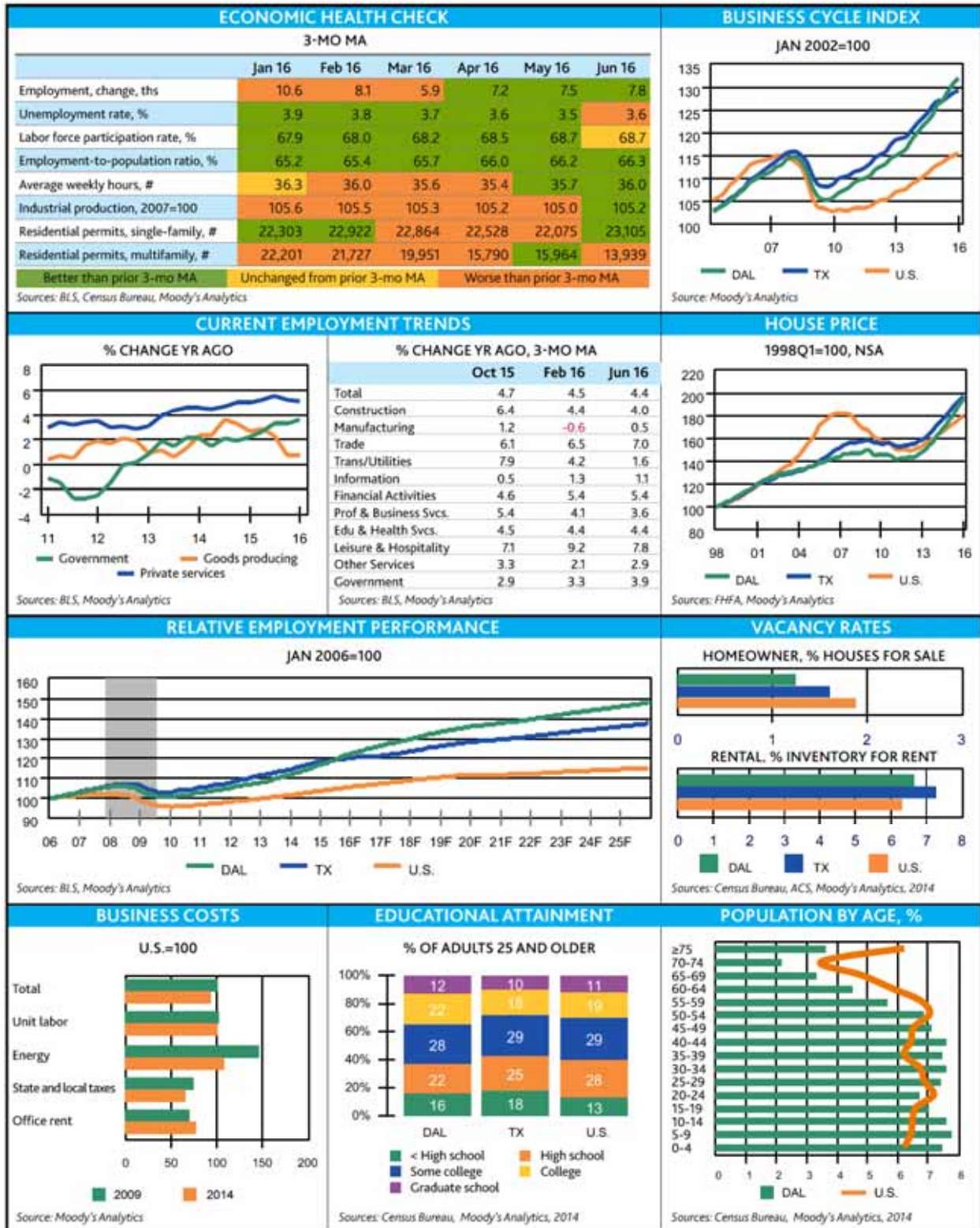


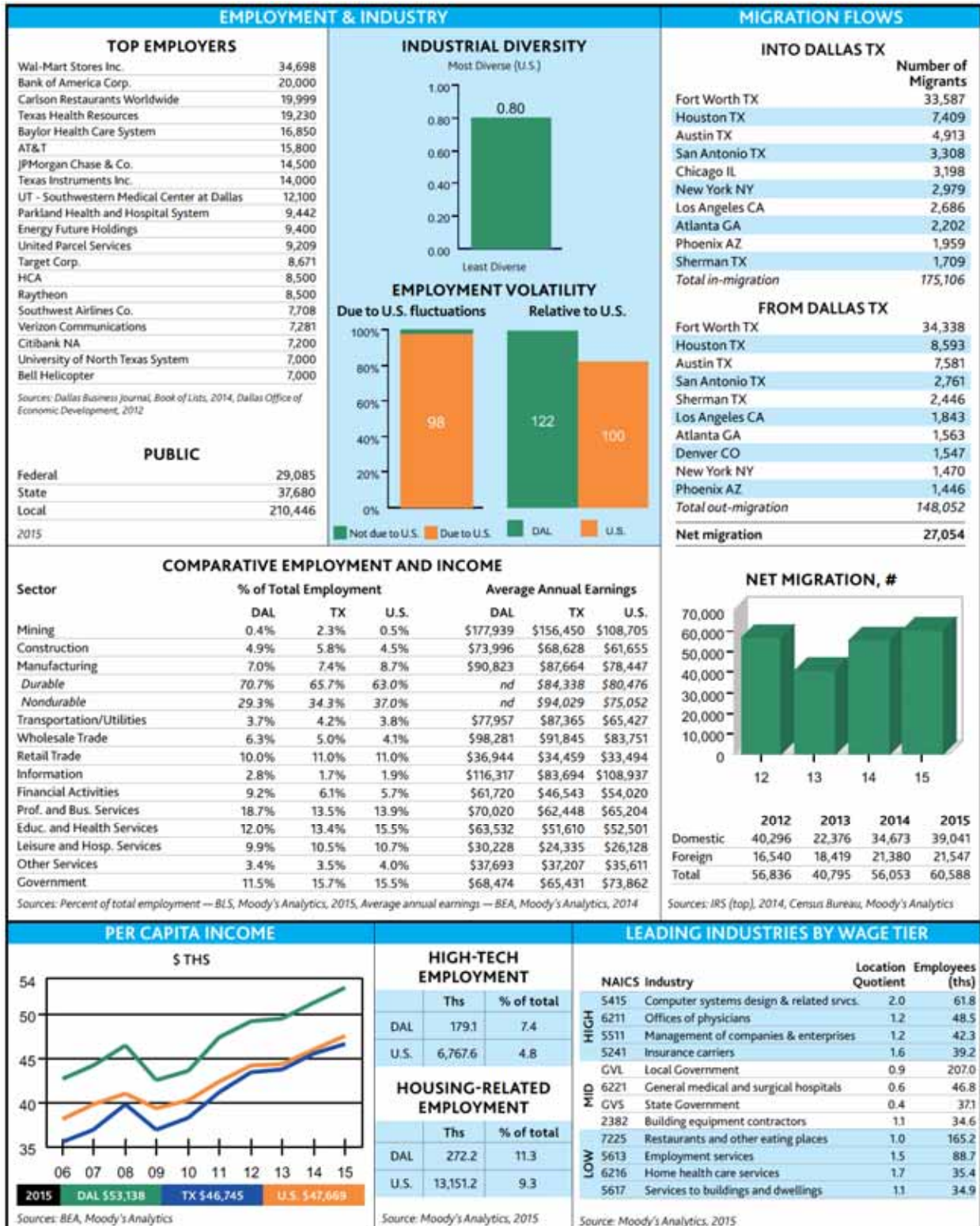
Figure 1: Regional Map

Moody's Economy.com Metropolitan Summary

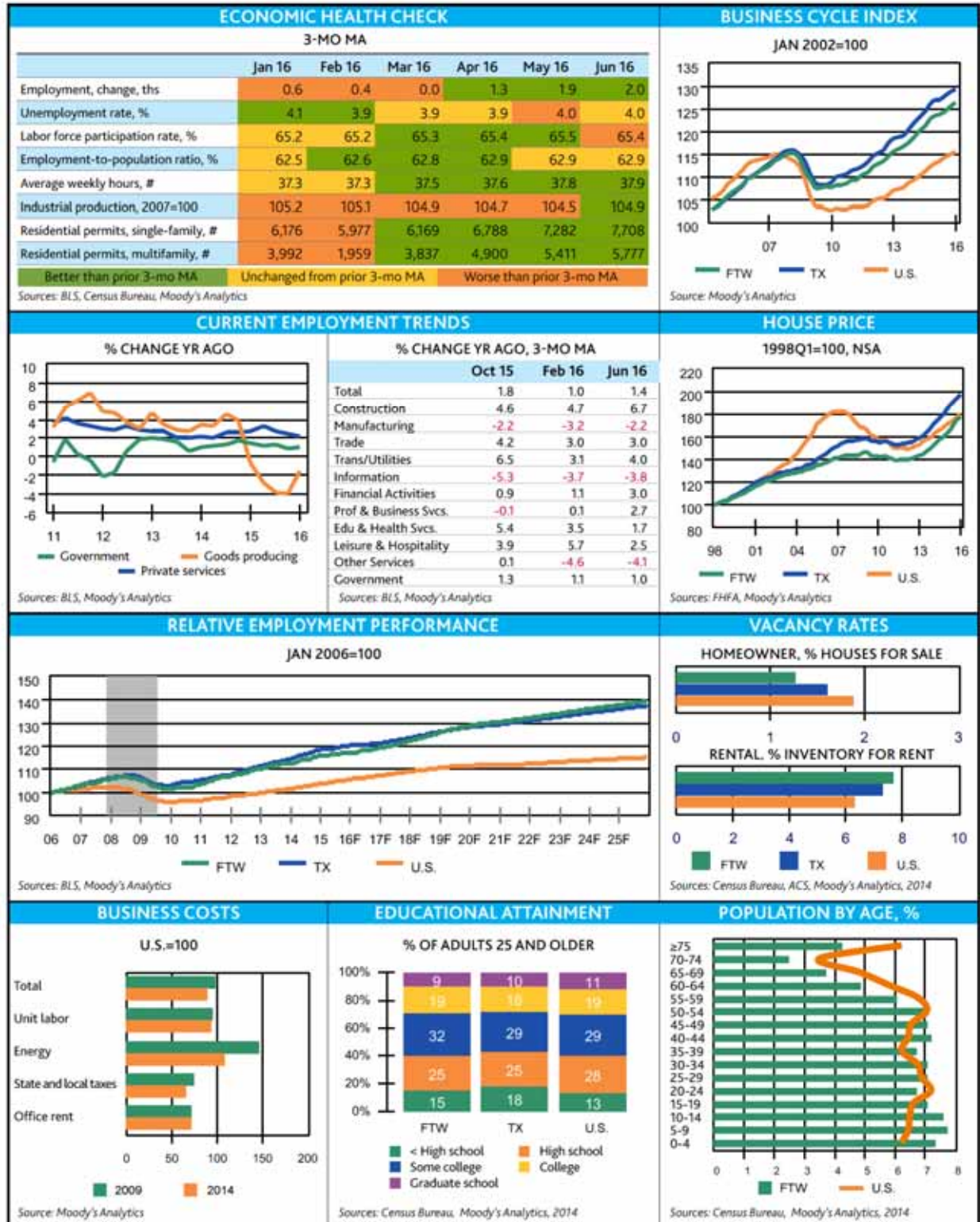
The subject site is located in an area which is included within the Dallas/Fort Worth Metropolitan Statistical Area (MSA). The following pages are taken from Moody's Economy.com July 2016 Metropolitan Summary of the Dallas/Fort Worth MSA.

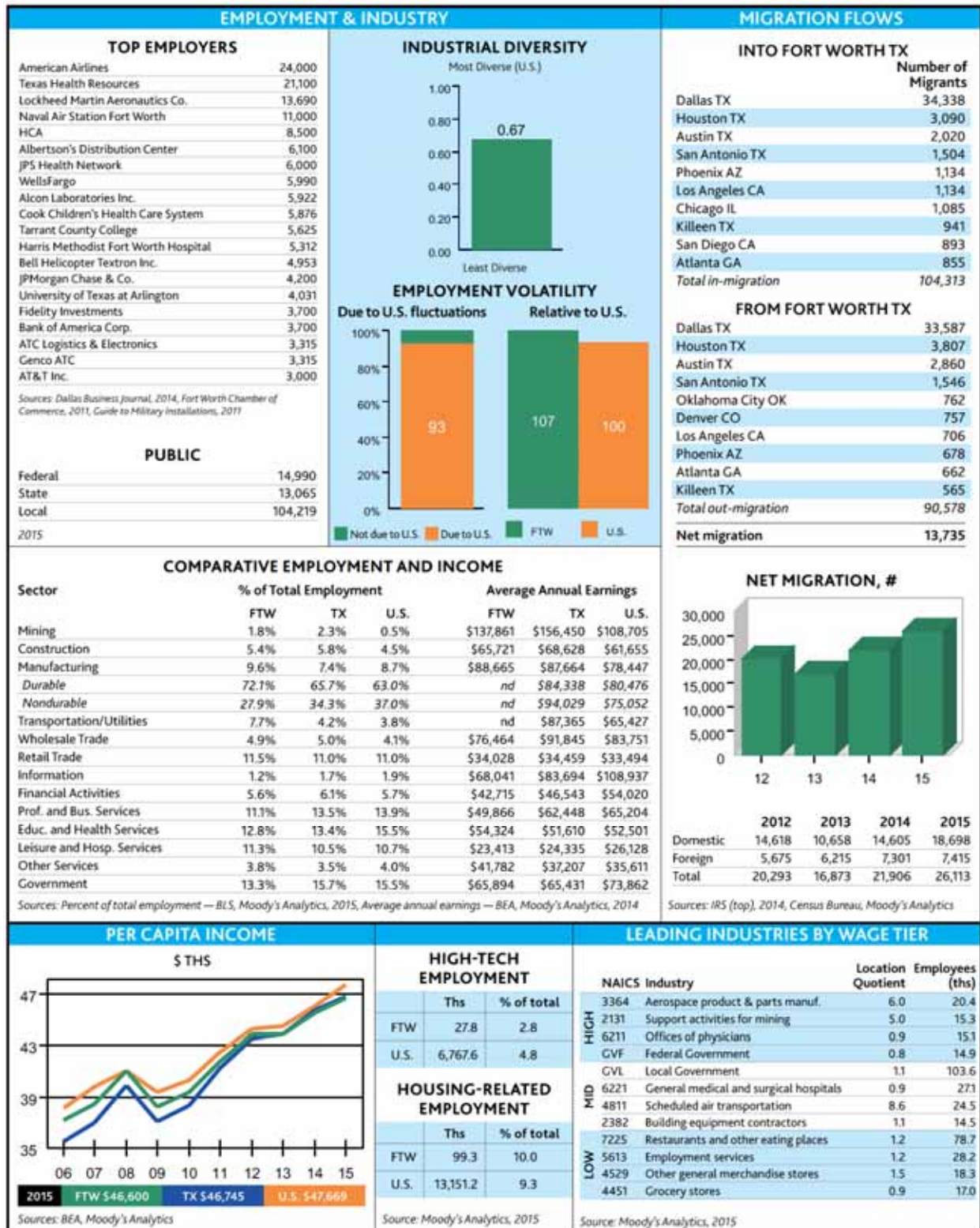






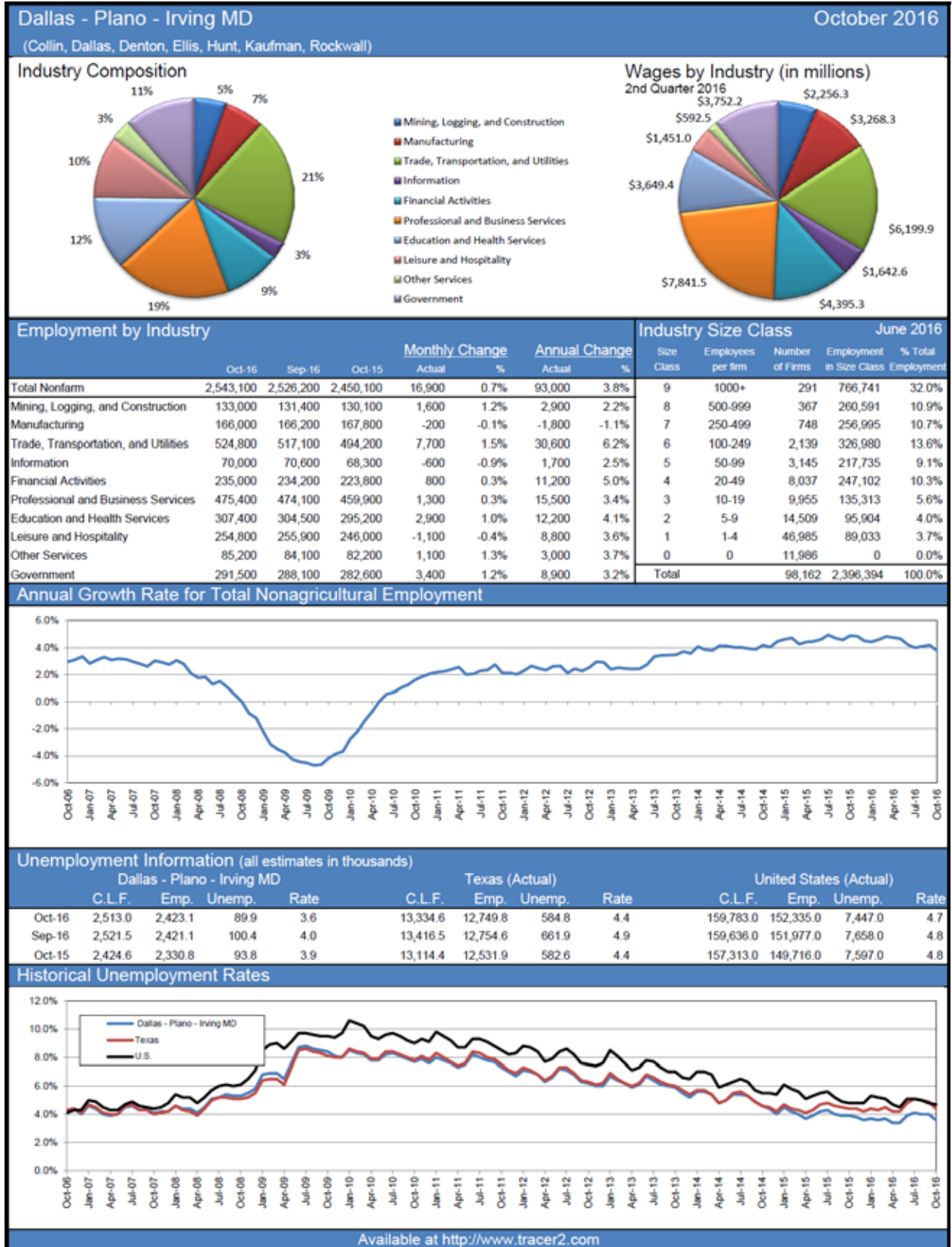


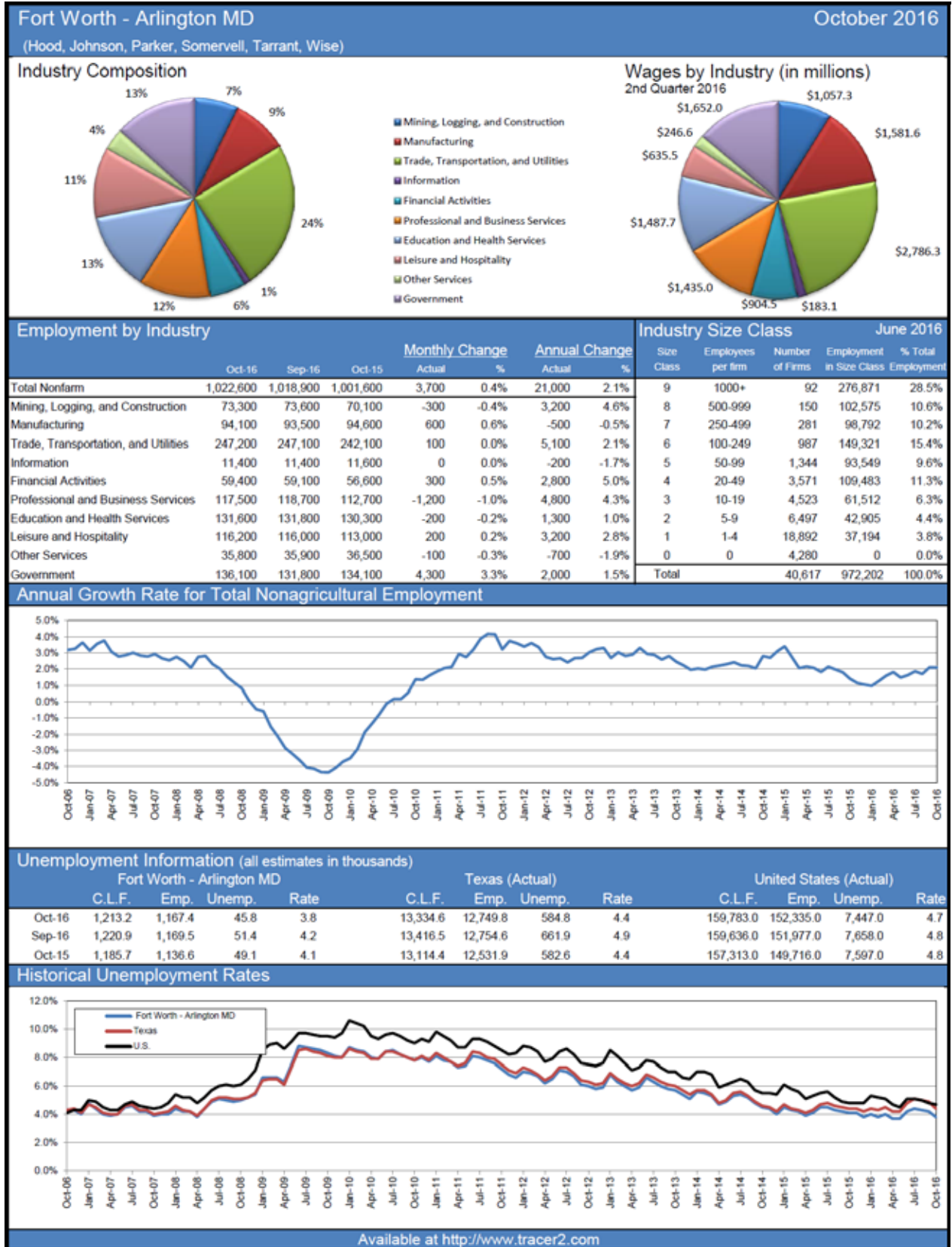




Labor Force

The following tables show a recent snapshot of labor statistics in terms of the Dallas and Fort Worth Metropolitan Divisions' employment, unemployment, and labor force.





Summary

According to Moody's Economy.com, Dallas-Plano-Irving will grow steadily in 2016 at an above-average pace, with financial, professional and health services and housing construction being the most important drivers. Longer term, the high concentrations of technology businesses, corporate headquarters, banking, distribution infrastructure, and above-average population growth will contribute to above-average performance. Fort Worth-Arlington will expand at a moderate pace in 2016, supported by its manufacturing industries that do not depend on energy production, and later on by housing. Longer term, above-average population growth, a diversified manufacturing base, and lower business and living costs relative to those in Dallas will help support above-average gains.

PRIMARY MARKET AREA ANALYSIS

Introduction

The purpose of a market area analysis is to provide a bridge between the study of general influences on all property values and the analysis of a particular subject. Market area boundaries are identified by determining the area in which the four forces that affect value (social, economic, governmental and environmental) operate in the same way they affect the subject property.



Figure 2: Primary Market Map

General Description

The subject's primary market area is the northeast area of Dallas County, mainly consisting of Garland as well as surrounding communities of Richardson, Rowlett and Sachse. The formal primary market area boundaries include President George Bush Turnpike (SH 190) to the north, Lyndon B. Johnson Freeway (I-635) to the south and west, and Lake Ray Hubbard to the east. The market area is focused on the Garland city limits.

Access

Access to the market area from surrounding areas is good. Access to the market area from the west is provided by SH 190 (George Bush Turnpike) and IH 635 (LBJ Freeway). Additional east/west roads include Forest Lane/SH 66 Belt Line Road, West Buckingham, West Walnut, and Miller Road. Jupiter Road, Shiloh Road, Garland Avenue, Lavon Drive and Centerville Road provide north/south access through the market area.

State Highway 78 is the market area's main north-south traffic artery, providing access to several major thoroughfares in the Metroplex including LBJ Freeway and SH 190. The eight-lane LBJ Freeway (IH 635) borders the market area to the west and serves as the primary perimeter loop around Dallas. LBJ Freeway has the highest traffic count of any road in Dallas County.

The recently completed east section of George Bush Turnpike provides access to areas north of LBJ Freeway such as Garland, Richardson, Plano, and Carrollton. This Eastern Extension is an approximately 9.9 mile portion of the tollway that extends from State Highway 78 to IH 30. It has three lanes running in each direction, one main lane gantry and six sets of ramp gantries, and connects the cities of Garland, Sachse, and Rowlett. The extension opened on December 21, 2011.

IH-30 is a major area thoroughfare located just south of the market area, which runs from southwest to northeast. This roadway provides direct access to Lake Ray Hubbard to the east and IH 635 to the west.

In addition to the major thoroughfares, the market area is well served by secondary roadways that provide access throughout the area.

Dallas Area Rapid Transit (DART) provides access to and from the market area via conveniently located bus stops, as well as the DART rail system, which combined provide access as far north as Plano and as far southwest as Westmoreland (south of downtown Dallas). The Dallas Area Rapid Transit (DART) serves the area with public transportation (bus) and four light rail stations that have been completed in Richardson at Spring Valley, Arapaho, Galatyn Park and 190/Bush Turnpike. DART provides excellent transportation throughout the Metroplex.

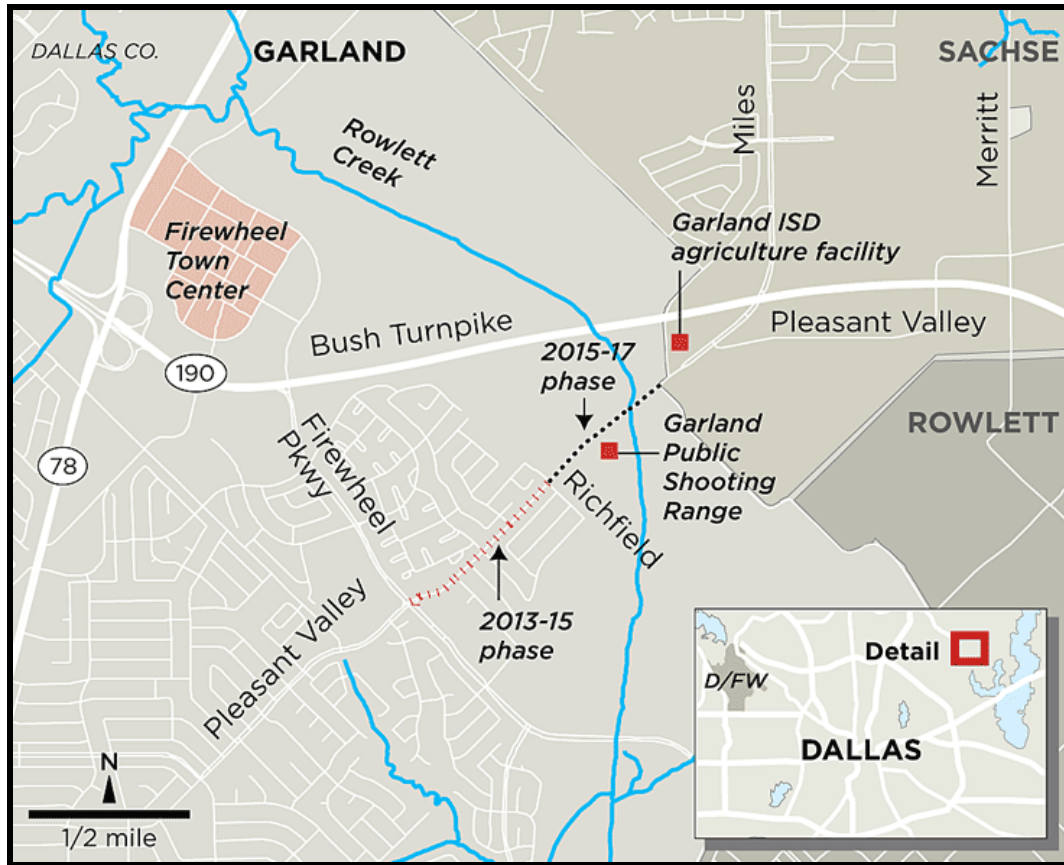
Love Field (general aviation) is approximately 12 miles southwest of the market area and D/FW International Airport (commercial) is located approximately 20 miles west of the market area.

Pleasant Valley Road

A \$28 million project to take Pleasant Valley Road out of the Rowlett Creek flood plain will provide relief to congestion in northeast Dallas County.

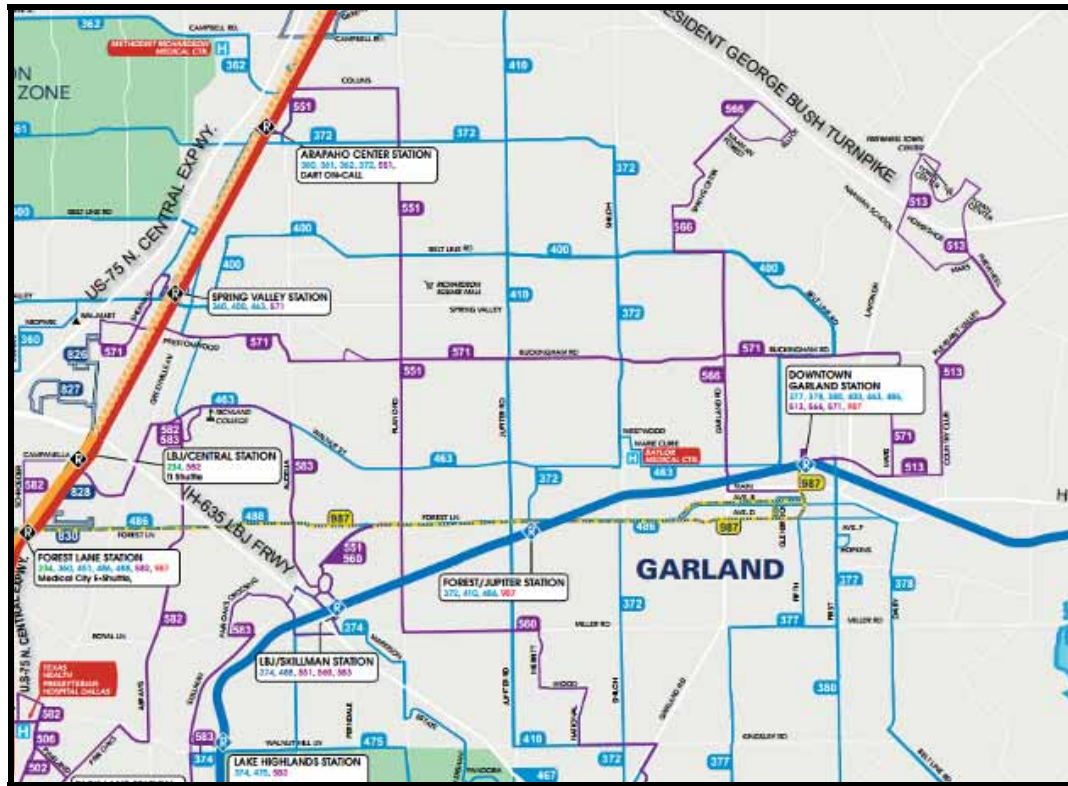
Garland plans to complete the first phase, to Firewheel Parkway, as part of its 2015 Capital Improvements Program. The \$7 million cost for that segment of Pleasant Valley is split with Dallas County. Both phases are designed for large loads.

The regional toll revenue program is picking up most of the larger cost to lift the road out of the flood plain. About \$5 million fall to the city and county.



The two most prominent DART bus routes in market area are the Blue Line and Purple Line Bus Routes. The 566 Naaman Forest Purple Bus Route runs along Main Street in Garland stops at the “Main @ 11th - W – FS” bus stop which is located at the subject.

Downtown Garland Station (formerly known as Garland Central Transit Center until 2002) is a DART Light Rail station located at Walnut and Fifth Streets. It reopened in November 2002, serving the downtown Garland area including Garland City Hall, Historic Downtown Garland and Heritage Park. From 2002 until the 2012 extension to Downtown Rowlett, it served as the northeast terminus of the Blue Line.



Land Use Patterns/Supportive Development

The primary market area, approximately 80% developed, is a predominantly residential area of the greater Dallas Metroplex. Single-family and multifamily residential is prevalent throughout the market area. The Telecom Corridor is located just west of the market area in Richardson. The northern Garland area and Wylie/Sachse area have seen a heavy influx of new development, partly due to the recent extension of George Bush Turnpike. The area has recently seen the development of the Firewheel Town Center, a regional open-air mixed-use center with office, retail, restaurants, and multifamily residential.

Land uses within the area primarily residential in nature, with the bulk of the retail development concentrated along the major roadways and at the larger intersections mostly located to the immediate northwest of the market area. The intersection of Jupiter Road and Arapaho Road is the Duck Creek Shopping Center, anchored by a regional grocery store. Other retail corners include Campbell Road and Jupiter Road, Lookout Drive and Jupiter Road, Shiloh Road and Campbell Road. The Shiloh Road/Campbell Road location is the site of Shiloh Springs Shopping Center.

The following table summarizes the city's land use composition:

Market Area Composition	
Use	% of PMA
Single-family residential	40.00%
Multi-family residential	15.00%
Retail	10.00%
Office	10.00%
Industrial	5.00%
Vacant Land	20.00%

Recent apartment development is scattered but is not a prevalent use as this area has historically been a single family residential area. Development has occurred along George Bush Tollway at Renner Road, Lookout Drive, the Galatyn development, and in Firewheel.

The southwestern portion of the market area is composed of industrial and commercial development with scattered single-family and multifamily development. The Northgate Business Park is located along Forest Lane, Plano Road and Miller Road along the western periphery of the market area. It consists of several showroom and distribution projects generally occupied by regional and national tenants. Major employers are located in the industrial development between Forest Lane and IH 635.

The largest development in the area is the CityLine development located at the southeast corner of US 75 and The President George Bush Turnpike on approximately 186 acres. The master plan for the project calls for 6 million SF of office space, over 300,000 SF of retail, two hotels, nearly 4,000 residential units, and multiple parks & gathering places. Upon completion there is expected to be over 30,000 employees & residents within CityLine.

In October of 2014 CityLine announced that a 40,000 square foot Whole Foods and a 12 screen LOOK Cinema would be added to the mixed use project. The \$1.5 billion project is the largest real estate development in North Texas. More than 8,000 State Farm workers are scheduled to work in four large office campuses that partially completed in late 2014 and have an estimated entire completion scheduled for 2016. State Farm workers moved into the first office tower at the end of 2014 with plans to move staff into the second and third buildings by the end of 2015 and a fourth building in 2016. Raytheon just broke ground on their development in July 2014. Almost 1,700 employees of Raytheon Co. are planned to work in the area after the new Raytheon campus completes construction sometime in 2015.

Developers have also recently broken ground on 532 multifamily units, 233 of which will be located on top of 20,000 SF of retail space. It was announced in September 2014 that Look Cinemas would be building a freestanding 60,000-square-foot upscale dining and entertainment complex located on the corner of State Street and Plano Road. That includes about 5,000 square feet for Look's new

restaurant concept called Ivy Kitchen. This is expected to be the largest entertainment tenant in the development. Construction is expected to start in May 2015.

The area also includes the “Telecom Corridor”, so named because of the concentration of telecommunication companies located along the North Central Expressway (US 75) corridor from LBJ Freeway (IH 635) on the south, to the City of Plano on the north, and along the George Bush Turnpike from UT Dallas on the west to the City of Garland on the east. More than 600 technology companies, including Ericsson, Nortel, Alcatel-Lucent, Texas Instruments and AT&T fill over 25 million square feet of office space with over 82,600 employees.

Firewheel Town Center is an open air mall and retail mixed use development located at the at the North East corner of the President George Bush Turnpike and Lavon Drive (SH 78). The center includes upscale multifamily apartments, shopping, dining, and entertainment featuring 125 stores, an 18-screen AMC/iMAX theatre, and a variety of popular dining destinations.

Richardson Square Mall was built in 1987 and is anchored by Sears, Sports Authority, SteinMart, and Barnes & Noble. Ross Dress for Less opened in the former Dillard’s space next to Zales. This mall is located at the southeast corner of Belt Line Road and S. Plano Road.

Multifamily communities are featured along Custer, Arapaho and Spring Valley. These communities are primarily mid-1970 to 2000+ vintage developments. Custom single-family residences and subdivisions are located throughout the market area as well. The area has a high average household value which is indicative of the income level of residents and the quality of the housing provided.

Revitalization of Downtown Garland

The Garland City Center project is a public/private partnership that is a continuation of the City’s phase I urban renewal initiative catalyzed by the Oaks 5th Street crossing mixed-used development and is a key component to the realization of the citywide “Envision Garland” comprehensive plan. A gray field transformation, the project will revitalize the historic downtown by re-purposing a parking lot and two aging buildings into a vibrant, urban, transit-oriented, mixed-residential community. Phase II, which opened in October 2015, was estimated to cost \$25 million.

The project consists of a 190-unit, market rate, and transit-oriented, mixed-use development on three separate tracts of land in downtown Garland. The scope includes a three-story, wood-framed residential building encompassing 170 units, two 3-story, wood-framed residential/mixed-use buildings with ten units in each; and a three-level parking structure with 440 spaces that will be shared with the City of Garland.

The design includes efficiency, one, two and three bedroom apartments in a variety of floor plans, with the average unit size of approximately 800 sf. Residential amenities include a courtyard pool, balconies and an enhanced fitness/yoga/dance/Pilates studio. Other community amenities include a

guest suite, crafts/activities room, community gardens, community electric car, bike/scooter storage areas and a vehicle charging station.

A large public open space currently referred to as the Walnut Pedestrian Corridor, is being developed south of Walnut Street between Glenbrook Drive and Fifth Street. The corridor showcases the Landmark Museum depot and railcar, highlighting Garland's rail history — from freight to mass transit.

City Hall renovations also are included in the plans and will consist of reskinning the facility's facade, updating City Hall to current building code and safety requirements, and expanding the studio for CGTV—Garland's government access channel. Other enhancements to the area will include updates to streetscape and utility infrastructure, additional pocket parks/open spaces for residents to enjoy, and upgraded parking lot lighting at the Central Library.

Downtown Square Revitalization: This project will redesign the Downtown Square to create a larger, more functional and inviting public space. The project will include evaluation of design concepts such as replacement of the large reflecting pool with a central fountain, raising the grade of the Plaza to street level, and creating a more flexible and functional space for large gatherings as well as individual activity.

Garland has historically been labeled a blue-collar suburb of Dallas with many industrial developments throughout the city with a few scattered retail/office developments along major secondary roadways. Most of Garland's major commercial developments are located along the outer edges of Garland created by major corridors – I-30, LBJ Freeway and President George Bush Turnpike. Over the years, the several new economic development/redevelopment projects in Garland occurred on the outer edges of Garland. For example, Firewheel Town Center opened its 1,004,000 at the northeast corner of President George Bush Turnpike and State Highway 78 in 2005 and Bass Pro Shop opened its 120,000 SF shop in 2006 near the I-30 and President George Bush Turnpike.

This development pattern has created a “doughnut” effect to the city of Garland which led to a decline in commercial developments to Garland downtown district and inner core. City leaders have failed in the past to address Garland's declining neighborhoods which has led to deterioration of sidewalks, landscaping, utilities and infrastructure throughout the city.

However, as of late, new leadership has purposed overhauling the city's development code by creating a new code to consolidate the land development regulations into a cohesive document that will help the city respond to changing demographics and market and development trends. Also, a Capital Improvement Program (CIP) is in-place that will involve the repair/reconstruction of infrastructure and major facilities in the city. Furthermore, emphasis on revitalizing Garland's downtown district has taken top priority in the City's development. While growth in downtown Garland has been at a slow place, there is optimism that development could gain momentum in the

future which is spurred by the Garland's City Center mixed use project and other revitalization projects on-going in the downtown district

Life Stages And Trends

The market area is in a stable to minimal growth state with some infill type vacant sites available. Multifamily and commercial improvements in the area are typically in average to good condition, and the overall appearance of the market area ranges from average to excellent.

Homes in the market area range in age from approximately 5 to 30 plus years, and range in value from approximately \$65,000 to over \$300,000. Overall, the appearance of the market area is average to good as it continues to mature and be developed with new residential uses. This trend is expected to continue over the next 15 to 20 years.

Demographic Data

The demographic makeup within a 1, 3, and 5-mile radius of the subject is included in the following table.

COMPARATIVE DEMOGRAPHIC ANALYSIS FOR PRIMARY TRADE AREA			
Description	1 Mile Radius Totals	3 Mile Radius Totals	5 Mile Radius Totals
Population			
2021 Projection	13,306	140,993	361,471
2016 Estimate	12,480	133,627	340,317
2010 Census	11,523	126,216	317,911
2000 Census	11,054	123,211	304,146
2016 Est. Median Age	31.40	33.80	34.70
2016 Est. Average Age	33.30	35.30	35.90
Households			
2021 Projection	4,185	44,377	123,362
2016 Estimate	3,900	42,027	116,297
2010 Census	3,541	39,675	109,210
2000 Census	3,540	39,636	108,092
2016 Est. Average Household Size	3.19	3.17	2.92
2016 Est. Households by Household Income			
Income Less than \$15,000	8.3%	8.3%	9.2%
Income \$15,000 - \$24,999	15.8%	11.5%	11.0%
Income \$25,000 - \$34,999	16.3%	13.6%	12.7%
Income \$35,000 - \$49,999	20.9%	18.1%	16.3%
Income \$50,000 - \$74,999	19.4%	19.4%	18.1%
Income \$75,000 - \$99,999	9.2%	11.1%	11.5%
Income \$100,000 - \$124,999	5.4%	7.8%	8.4%
Income \$125,000 - \$149,999	2.3%	4.4%	4.8%
Income \$150,000 - \$199,999	1.3%	3.6%	4.7%
Income \$200,000 - \$249,999	0.4%	1.2%	1.7%
Income \$250,000 - \$499,999	0.5%	0.8%	1.4%
Income \$500,000 and more	0.2%	0.1%	0.3%
2016 Est. Average Household Income	\$52,632	\$63,700	\$68,777
2016 Est. Median Household Income	\$41,897	\$48,748	\$50,974
2016 Est. Tenure of Occupied Housing Units			
Owner Occupied	60.67%	66.81%	61.49%
Renter Occupied	39.33%	33.19%	38.51%
2016 Est. Median All Owner-Occupied Housing Value	\$89,492	\$123,874	\$142,835
Source: 2016 Claritas, Inc.			

Within a one-mile radius of the subject 60.67% of the housing is owner occupied. The median value for existing homes in 2016 was \$89,492 and the median household income was \$41,897 within a one-mile radius for 2016.

Public Facilities / Services

Service Providers	
Electricity:	TXU Electric and Gas
Natural Gas:	Atmos Energy
Sewer/Water:	City of Garland
Police:	City of Garland
Education:	Garland ISD

Higher education is provided by several local and nearby universities including Southern Methodist University, Dallas Baptist University, and University of Texas at Dallas, Richland College, and Amberton University.

Major medical and emergency facilities are located in the market area boundaries and include Baylor Medical Center Garland. Major medical facilities located west of the market area boundaries include Presbyterian Hospital of Dallas and Medical City Hospital. All of the previous provide comprehensive medical and emergency services.

Houses of worship of all denominational preference are throughout, or are within close proximity to, the market area. The Garland Independent School District provides the public learning institutions in the area and this portion of the city is well served by these facilities.. Included in Garland ISD is the Garland Special Events Center, a \$31.5 million dollar multipurpose rentable facility that features an arena and conference center. The Special Events Center was completed in 2005 and is approximately 190,000 SF, with seating of 7,500 for the arena and 400 guests in the conference center.

Conclusion

The subject market area is well located with good access characteristics. Primary access to the area is provided by IH 635 and SH 78. The improvements vary in age from 5 to 30 plus years old. Development on a small scale is expected to continue for the foreseeable future as demand for most all types of property is relatively strong. Commercial uses are concentrated along the major roads. The market area has an average reputation relative to residential housing. The area is served by a number of arterial streets that provide the market area with good access to other parts of Garland and the D/FW Metroplex freeway system, and will be further enhanced from the recently completed Eastern Extension of President George Bush Tollway and the access it provides to Garland. Overall, the subject market area is expected to remain a desirable location within the D/FW area and future development is anticipated to occur in line with the growing population.

Physical Characteristics

General Description

The subject site has not been assigned a local address. It consists of 7th Street, between Avenue A to the north and Avenue B to the south. According to the survey provided to our office, the site contains 0.434 acres of land (18,900 SF), and is basically rectangular in shape. The immediate area is currently developed with retail developments, school and religious facilities along W Avenue B and smaller retail uses along Main Street to the north. Adjacent to the subject is the former Bank of America Tower to the west and a drive-thru branch bank location and the Garland Senior Activity Center to the east. The City of Garland has agreed in principle to the abandonment of its fee simple rights of 7th Street, between Avenue A and Avenue B to the adjacent property owner, TX Garland Apartments, L.P. The plat map, survey, and aerial that depict the subject and adjacent parcels follow.



Figure 3: Tax Plat Map (Subject outlined in red)

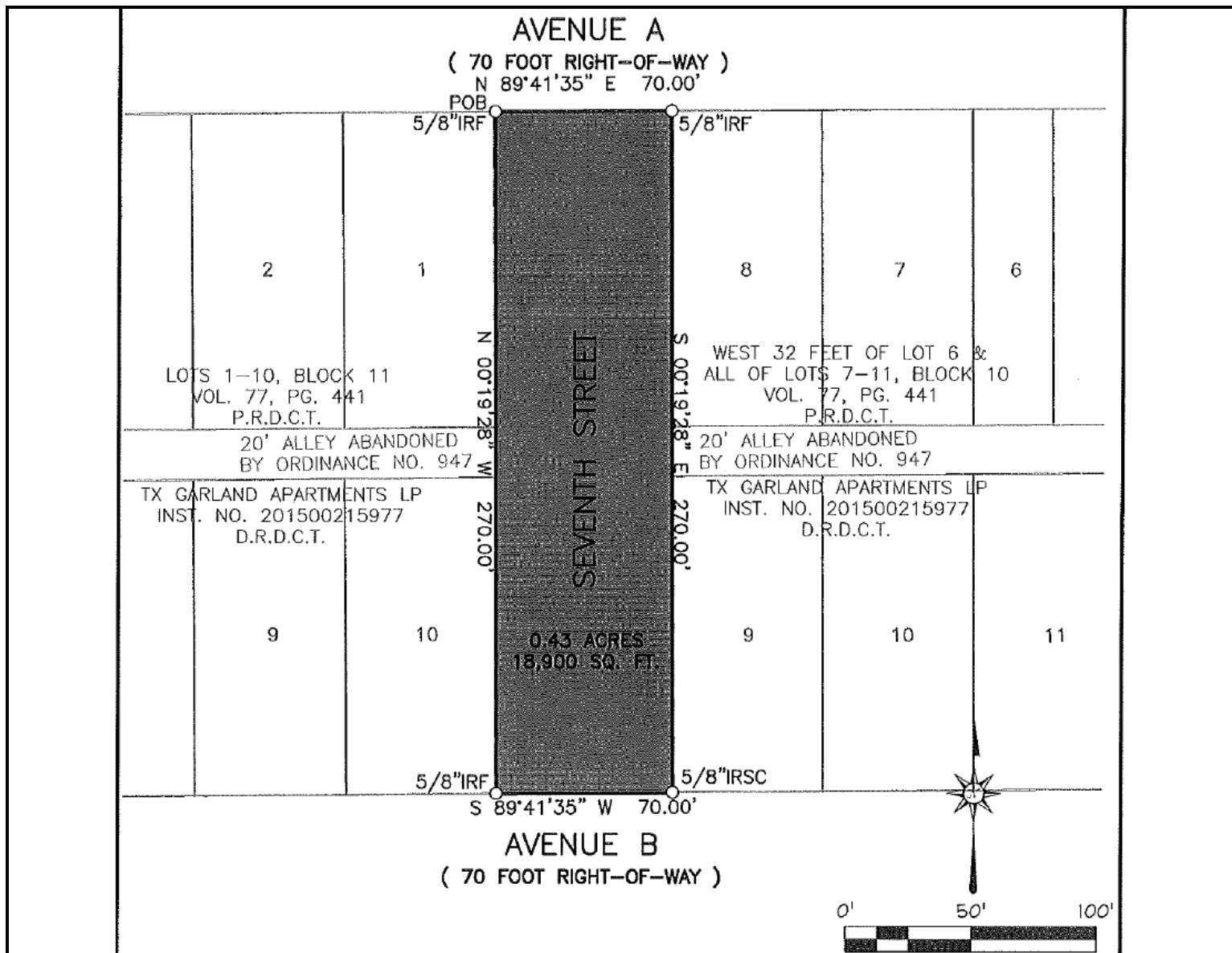


Figure 4: Survey

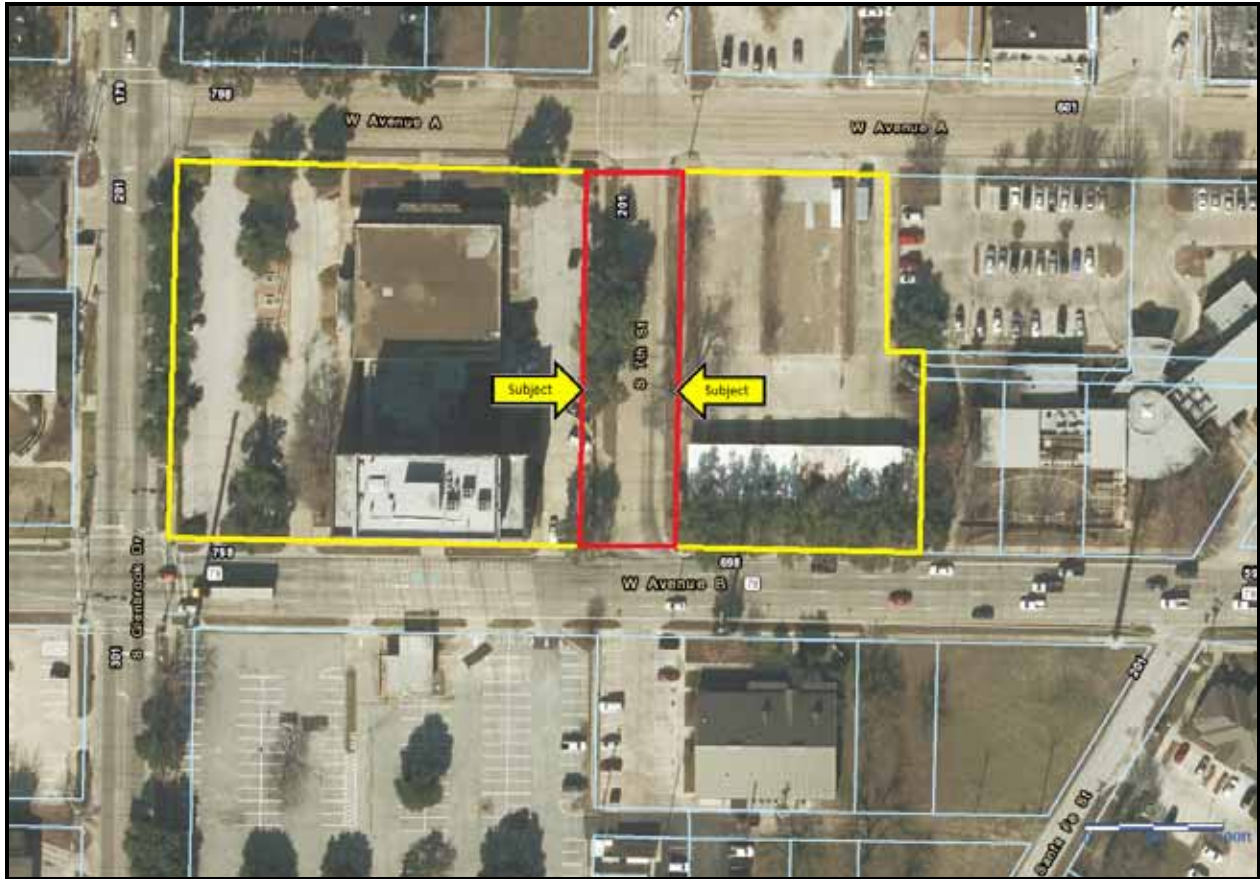


Figure 5: Aerial (Subject outlined in red)

Size / Shape / Dimensions

For a graphical illustration of the tract, please refer to the preceding maps. The area of the site is 0.434 acres (18,900 SF). The site is 7th Street, between Avenue A to the north and Avenue B to the south and is rectangular shaped. Per the provided survey, the site has 70' of frontage along the north side of W Avenue B and a depth of 270', which results in a frontage-to-depth ratio of 0.26:1.

Access / Visibility

Access and visibility to the site are both above average. The subject site has direct frontage along West Avenue B and W Avenue A, just east of South Glenbrook Drive. The site is a city street that the City of Garland has agreed to abandon to the adjacent parcel owner in order to aid in the redevelopment of the adjacent parcels with an affordable housing multi-family development. The site plan for the development known as City Square Lofts shows the subject site will be utilized for access from W Avenue B and W Avenue A as well as parking. The site plan map for the future development is provided below. The subject portion of the site plan is outlined in red.

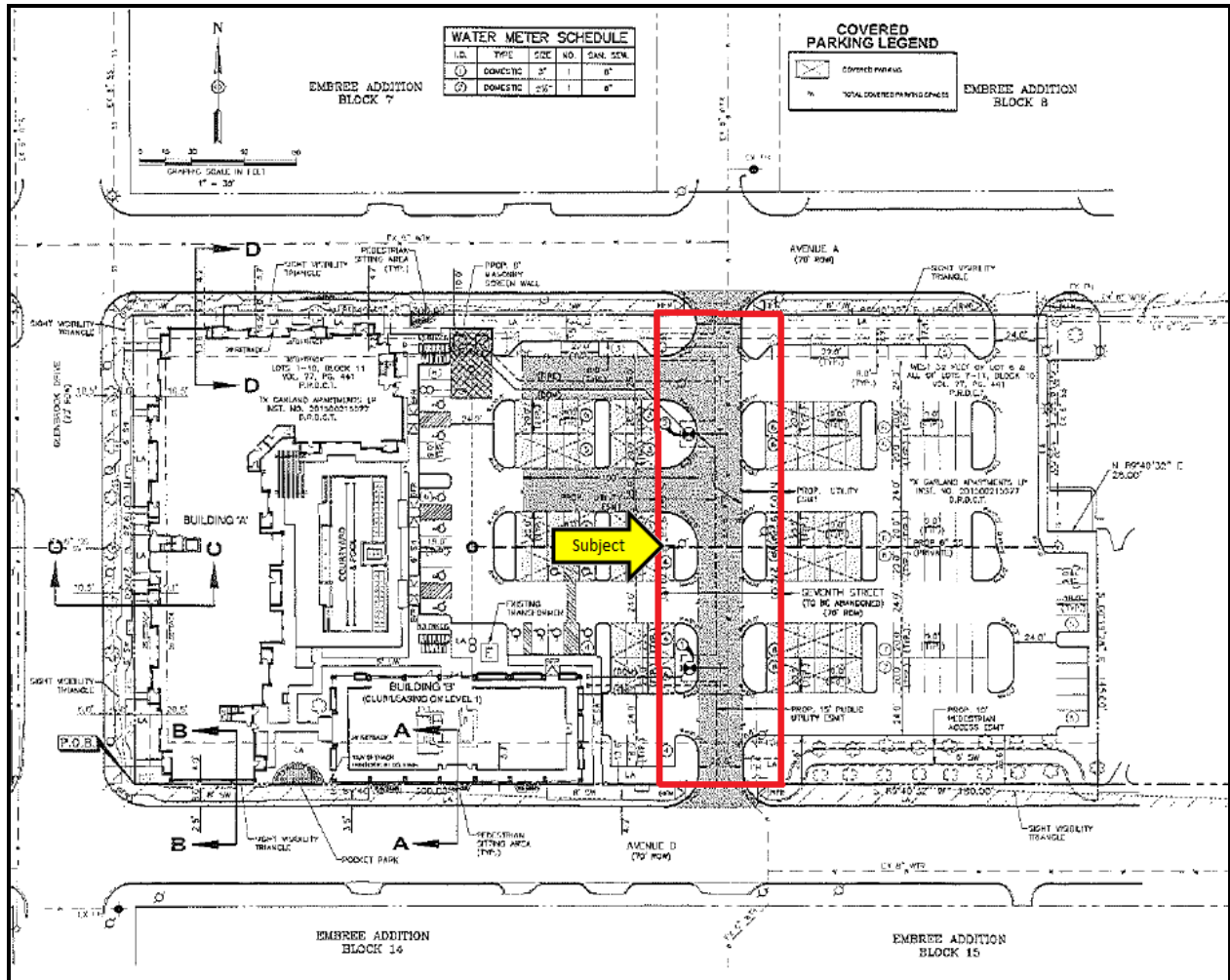


Figure 6: Aerial (Subject outlined in red)

W Avenue B is a one-way, westbound primary four-lane, concrete paved thoroughfare, which provides west access from S 1st Street/Lavon Drive on the east side of downtown Garland to S Garland Avenue on the west side of downtown Garland. This portion of W Avenue B is a part of SH 78 which travels through the market area in a southwest/northeast direction connecting Northeast Dallas to the southwest to Garland, and the suburban cities of Sachse and Wylie to the northeast. Additionally, W Avenue B effectively connects SH 66 to the east to Forest Lane to the west. SH 66 extends eastward into neighboring Rowlett and Rockwall on the east side of Lake Ray Hubbard. W Avenue A, adjacent to the subject to the north, is a two-lane, two-way secondary thoroughfare that connects 3rd Street to the east to S 12th Street to the west. It provides access to several downtown streets in the immediate area. Daily traffic counts (most recent available) along W Avenue B (SH 78) and nearby S Glenbrook drive (to the west) are presented below.

Traffic Count Summary		
Location	Date	Daily Count
W Avenue B & S Santa Fe	2015	15,934
W Avenue B & S 11th St	2015	16,138
S Glenbrook Drive & W Avenue B	2015	7,282
*Source: CoStar		

Topography / Drainage

The subject site is at grade level with W Avenue B and W Avenue A; drainage appears adequate.

Floodplain

According to the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Panel Number 48113C0220L, effective July 7, 2014, the subject tract is located within Zone X. This classification indicates that the subject property is not located within a designated flood hazard area.

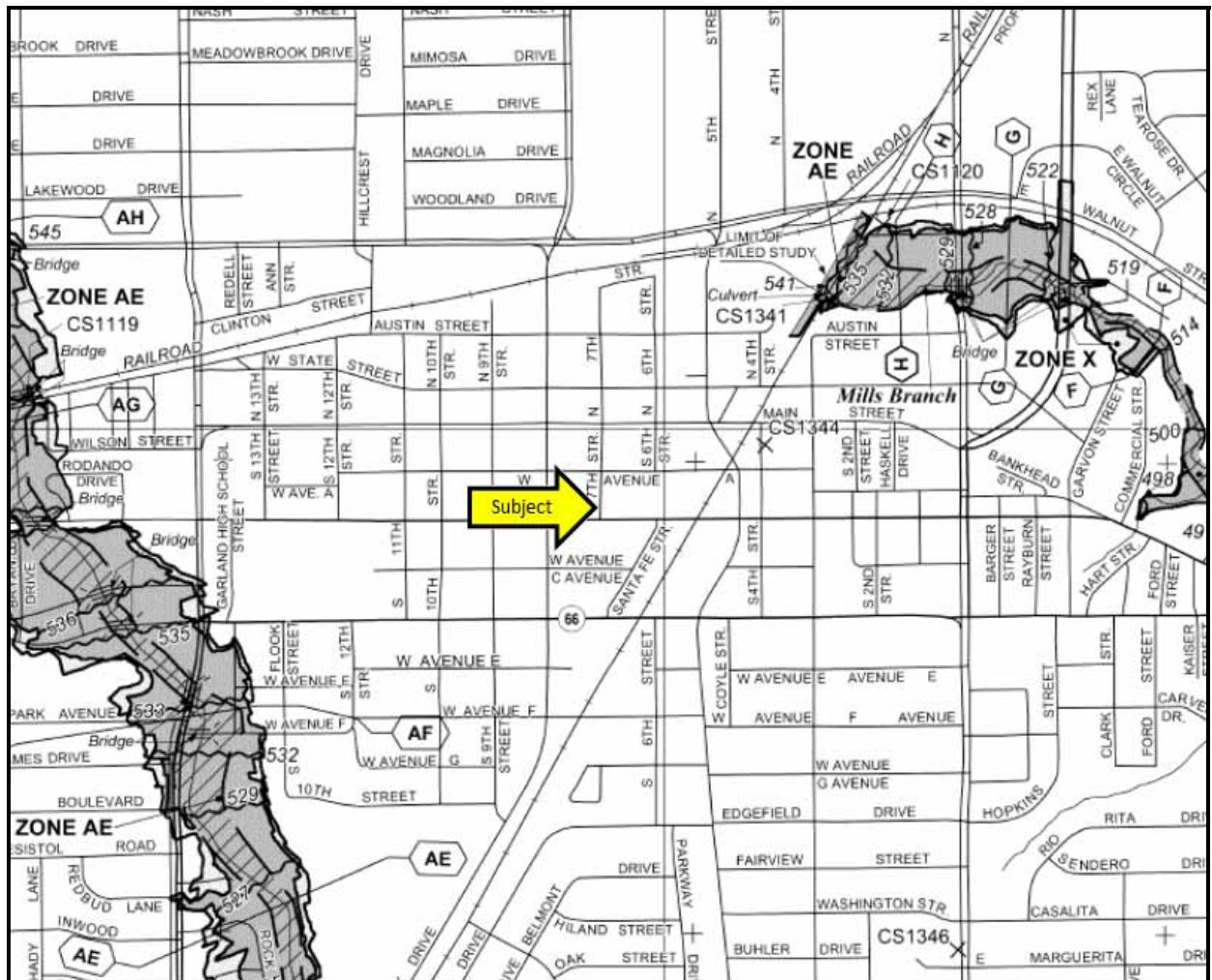


Figure 7: Flood Plain

Soil/Subsoil Conditions

A geo-technical analysis describing the soil and subsoil conditions at the site was not provided, but is assumed to be adequate for development with proper engineering and no responsibility is assumed by BBG, Inc. for these issues. Based on the surrounding development, it appears that soil/subsoil stability is adequate for development; however, it is recommended that a qualified expert be retained to render an opinion relative to soil/subsoil conditions.

Seismic Activity

A geological survey was not provided or obtained. BBG, Inc. is not qualified to determine if fault lines do or do not affect the subject, and we recommend the acquisition of an engineering study relating to the geological stability of the site and surrounding areas, if concerns are present.

Utilities/Services

All public utilities and services are currently available to the site. They are sufficient to support any new development. In addition, traffic capacity appears adequate.

Manmade Improvements

The subject property is currently a portion of 7th Street and is improved with asphalt paving, curbs, and paved sidewalks along the existing right-of-way.

Hazards/Nuisances

No apparent hazards or nuisances, such as smoke and hazardous materials, were noted on or near the subject site. The existence of additional hazardous materials that may or may not be present on the property, were not observed by the appraisers. We have no knowledge of the existence of additional hazardous materials on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon, and other potentially hazardous materials may affect the value of the property. The value conclusion stated herein is predicated on the assumption that there is no additional material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them.

Legal-Government Factors***Development Restrictions/Easements***

Based on a visual inspection of the site and the provided survey and site plan, the subject site is encumbered with utility easements that do not allow for the site to be built upon. This characteristic is detrimental to development of the site. However, if the site were to be assembled with an adjacent parcel, the site could provide access and additional parking.

Locational Factors

Surrounding Land Uses

The subject site is located on 7th Street, between Avenue A to the north and Avenue B to the south. Land uses in the subject's immediate vicinity are summarized in the following table:

Surrounding Land Uses	
North	7th Street
South	W Avenue B, First Baptist Church Friendship House
East	Former Bank Branch with Drive-Thru lanes, Garland Senior Activity Center
West	Former Bank of America Tower, S Glenbrook Drive

Transportation Facilities

Private vehicular transportation is the prevalent form of transportation within the primary market area. Additionally, there are several Dallas Area Rapid Transit bus stop locations along W Avenue B, two of which are located in close proximity to the subject site. One is located approximately 150 feet to the east of the subject site, and the other approximately 100 feet to the west of the subject site; both of which are located along the north side of W Avenue B.

Conclusion

The subject site has above average access and visibility due to its location at 7th Street, between Avenue A to the north and Avenue B to the south. The site benefits from being located along W Avenue B (SH 78) proximate to the Garland Senior Activity Center, Garland High School, and being located south of Main Street in the downtown portion of the City of Garland. Additionally, the site is located adjacent to parcels that are planned to be developed with an affordable housing multi-family development to be known as City Square Lofts. Topographical characteristics are conducive to development and access to the site is provided from westbound traffic along W Avenue B and both directions of traffic along W Avenue A. Sufficient utilities are available for most uses. The site is encumbered with a utility easement that does not allow the addition of improvements, but assemblage with adjacent parcels would provide value as the site could then be utilized for additional access and parking for the adjacent parcels.

Introduction

Zoning is the governmental power involving the supervision and control over the utilization of privately owned land for the general good of the community. According to the Garland Development Code Ordinance #6773, which was adopted on May 19, 2015, the subject is currently zoned "DT" - Downtown District (Uptown Subdistrict).

According to the current Garland Development Code, "The purpose of the Downtown (DT) district is to establish a pedestrian-oriented district with an infrastructure of streets and buildings that are flexible in terms of use, and that will attract ongoing reinvestment.

The goals of this district are:

(A) To make Downtown viable through:

- (1) Providing for integrated mixed-use;
- (2) Embodying LEED-ND (Leadership in Energy and Environmental Design – Neighborhood Development) and LEED building principles;
- (3) Providing focal open space amenities;
- (4) Assuring pedestrian and bicycle friendliness; and
- (5) Minimizing the "heat island" effect of large expanses of paving.

(B) To provide a mixture of residential, retail, entertainment, office and government uses.

(C) To encourage high-quality development by providing a balance of development standards and expedited administrative approvals for projects which meet the intent of this district.

(D) To create standards that ensure an appropriate transition between existing neighborhoods and new development.

The intent of this district is:

(A) To provide a comfortable and attractive environment for pedestrians that includes such elements as buildings that frame public space, windows on street walls, street trees, lighting and street furniture.

(B) To construct a continuous building frontage along block faces, except where it is desirable to provide outdoor public plazas, courtyards or pocket parks.

(C) To construct buildings close to the sidewalk and street so as to create a comfortable and attractive pedestrian environment, yet reinforce the street character of setbacks that is unique to Garland.

(D) To provide parking at ratios that will adequately serve the variety of activities within the district, allow for fluctuations in market demand for a variety of uses, and reduce the overall amount of paving within the district.

(E) To encourage the use of public parks and plazas as focal points for quality residential and mixed-use developments.

(F) To design and build flexible buildings that can accommodate a range of uses over time.

(G) To create a multi-modal, mixed-use environment.”

A map of the subject location within the “DT” – Downtown District is provided below.

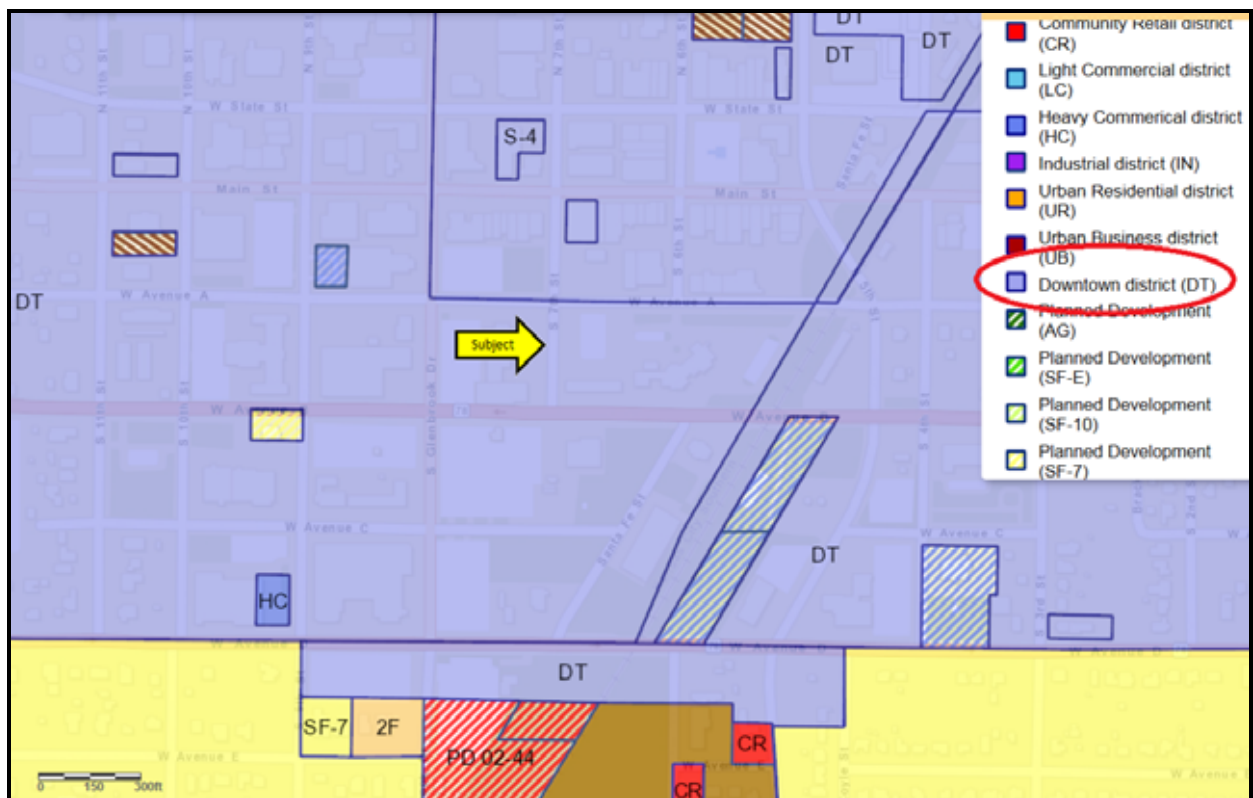


Figure 8: Zoning Map

Within the “DT” – Downtown District, the subject is located in the (U) – Uptown Subdistrict. According to the current development code, “The Uptown (U) sub-district consists of mixed-use office, retail and urban lifestyle housing. It may have a wide range of residential building types:

townhouses, live/work, apartments, condominiums and lofts. Setbacks and landscaping are variable. Streets with dense street tree coverage and sidewalks define medium-sized blocks.”

A map of the subject’s location within this subdistrict is provided below.

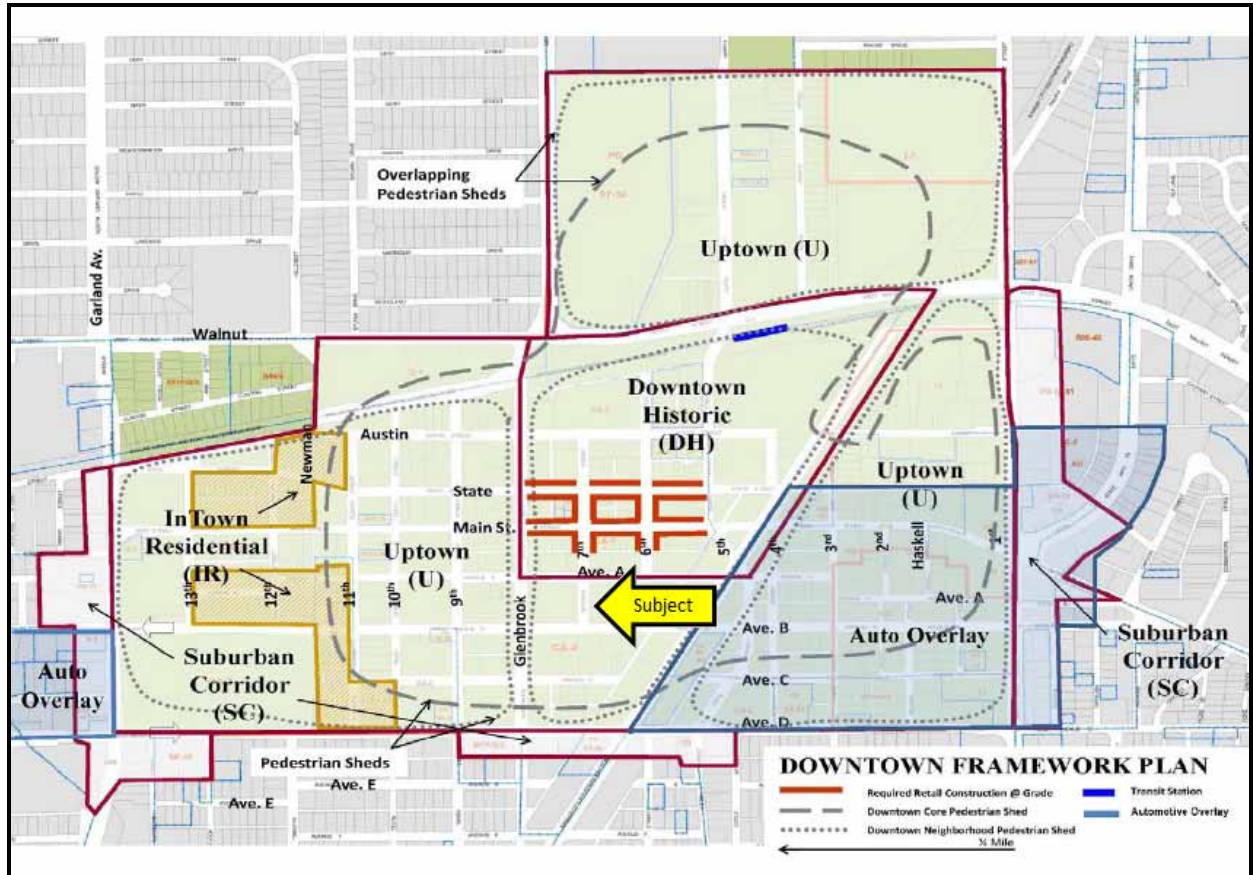


Figure 9: Zoning Map

The following table presents specific development requirements for the Uptown Subdistrict of the Downtown District per the current Garland Development Code.

"DT" - Downtown District (Uptown Subdistrict)	
Clear Sidewalk	8 feet along Avenue B and D; 6 feet otherwise
Build-to-Zone	26 feet - 36 feet
Building Height	Min. 1 story, constructed to accommodate a second story, Max. 8 stories (Single Story by Major Waiver – Major waiver required to construct a single story building without the ability to accommodate a second story)
Parking:	Multi-Family requirements: Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)

A copy of the complete DT – Downtown District portion of the current development code (Chapter 7) with information regarding other general standards, buildings, parking and accessibility, lighting, mechanical and utilities, landscape, and sign standards has been provided in the exhibits section of this report.

Analysis of Site as Vacant***Legally Permissible***

Except for a legally nonconforming property, the first step in determining what is legally permissible is to analyze private restrictions, zoning, building codes, historic district controls, and environmental regulations.

Except for a legally nonconforming property, the first step in determining what is legally permissible is to analyze private restrictions, zoning, building codes, historic district controls and environmental regulations. The subject is located in the "DT" - Downtown District (Uptown Subdistrict) which allows for a wide variety of retail and multi-family uses. Based upon the information provided to this office, the subject site is encumbered with a utility easement that detrimentally impacts development, as no improvements can legally be built on site. However, if the site were to be assembled with an adjacent parcel, the site could accommodate additional parking. Thus, most types of development are not legally permissible on the subject tract.

Physically Possible

The physical characteristics of a site can affect the uses. These characteristics include: (1) size; (2) shape; (3) terrain or topography; (4) soil condition; (5) utilities; (6) access characteristics; and (7) surrounding land uses. Each of these site characteristics was described and discussed in the Site Analysis section of this report.

The 0.434 acre subject site has a level topography and rectangular shape. Soil and subsoil conditions appear adequate for development as evidenced by area construction. Public utilities are provided and are of adequate capacity for various uses. The tract is located within the downtown portion of the City of Garland in an area that has educational and religious facilities and commercial/retail along the thoroughfares. The tract size is only sufficient and adequate for small types of legally allowable development. Additionally, an existing utility easement encumbers the site, preventing most forms of development. Physically possible uses on the site are therefore limited. From a development standpoint, the location offers above average exposure and access due to its location at 7th Street, between Avenue A to the north and Avenue B to the south.

The site is compatible with many of the surrounding uses, if assembled with adjacent parcels.

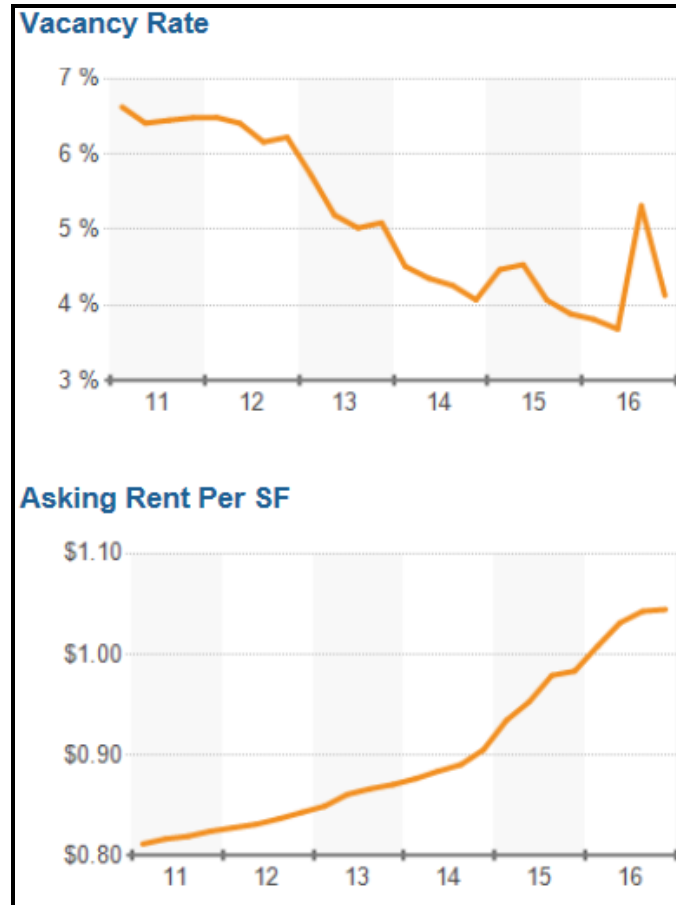
Financially Feasible

In determining which uses are legally permissible and physically possible, an appraiser eliminates some uses from consideration. Then the uses that meet the first two criteria are analyzed further. If the uses are income-producing, the analysis will study which are likely to produce an income, or return equal to or greater than the amount needed to satisfy operating expenses, financial

obligations, and capital amortization. All uses that are expected to produce a positive return are regarded as financially feasible.¹

According to CoStar, the City of Garland has 134 multi-family properties with a total of 18,600 units as of the 3rd Quarter 2016. The multi-family market has shown decreases in vacancy and increases in rental rate in 3rd Quarter 2016 data compared to the previous 5-year averages. As of the 3rd Quarter 2016, the total multi-family market in the City of Garland has experienced negative absorption of -292 units but has a total vacancy rate of 4.1%, and average quoted rental rates of all unit types have increased compared to the previous 5-year averages. The following tables show the current status of improvement in the multi-family market compared with previous 5-year averages.

Leasing Units	Survey	5-Year Avg	Inventory in Units	Survey	5-Year Avg
Vacant Units	723	859	Existing Units	18,314	18,318
Vacancy Rate	4.1%	4.9%	12 Mo. Const. Starts	0	63
12 Mo. Absorption Units	-292	171	Under Construction	0	131
			12 Mo. Deliveries	0	84
Rents	Survey	5-Year Avg			
Studio Asking Rent	\$624	\$575	Sales	Past Year	5-Year Avg
1 Bed Asking Rent	\$802	\$689	Sale Price Per Unit	\$76,951	\$78,597
2 Bed Asking Rent	\$982	\$854	Asking Price Per Unit	\$53,526	\$36,660
3+ Bed Asking Rent	\$1,159	\$940	Sales Volume (Mil.)	\$21	\$148
Concessions	0.3%	0.6%	Cap Rate	6.3%	6.7%



While the multi-family vacancy rate is low and would tend to support new construction, the majority of the speculative development is occurring in the Firewheel Parkway area, northeast of the subject location at the convergence of The President George Bush Turnpike with Firewheel Parkway and SH 78. However, the subject site is best suited for abandonment and assemblage with adjacent parcels along W Avenue B (SH 78) for re-development of the adjacent parcels for affordable housing multi-family use. Based on the allowable uses, an affordable housing multi-family development is a financially feasible use of the site if assembled with adjacent parcels when abandonment occurs.

Maximally Productive

Of the financially feasible uses, the use that produces the highest residual land value consistent with the market's acceptance of risk and with the rate of return warranted by the market for that use. Given the legally permissible and physically possible discussions set forth above, the only financially feasible use for the subject site given its location and physical characteristics, as well as current market conditions, was concluded to be assemblage with adjacent parcels upon abandonment for affordable housing multi-family development.

REAL ESTATE TAX ANALYSIS

The subject property consists of a street in Garland, and therefore is not a taxable parcel of land on the date of this appraisal. As the city plans to abandon the subject in order for adjacent parcels to utilize it, the tax liability of the adjacent parcels' land value has been analyzed in order to estimate a future tax liability for the subject site. The adjacent parcels are located within the following taxing jurisdictions and were subject to the following 2016 tax rates.

Tax Rate Summary	
Taxing Authority	(\$) 2016 Tax Rates
City of Garland	0.704600
Dallas County	0.252371
Dallas Co Comm College	0.122933
Garland ISD	1.460000
Parkland Hospital	0.279400
Total 2015 Tax Rate	2.819304

According to the Dallas County's Tax Assessor's Office, taxable parcels are assessed at 100% of market value and tax rates are applied per \$100 of the assessed value. The current assessed value of the *land portion only* of the adjacent parcels and resulting tax liability are presented within the following table.

Estimated Taxes	
Year:	2016
Account Numbers:	26165500110010000 & 26165500100060100
Market Land Value	\$441,350
Market Improvement Value	\$0
Total Market Value - All Accounts	\$441,350
Taxable Ratio	100%
Total Assessed Value	\$441,350
Tax Rate/\$100	2.819304
Total Tax Liability	\$12,443

Based on the tax parcel sizes and assessments of the adjacent parcels, 26165500110010000 & 26165500100060100, the assessed land value of each is \$4.00/SF. In estimating the tax liability for the subject property, the 2016 certified assessment of the adjacent parcels' land value and the 2016 tax rates were utilized. Upon abandonment and assemblage with the adjacent parcels, it is reasonable to expect the subject's assessment to be \$4.00/SF, or a total of \$75,600. The resulting tax liability for the subject, based on current tax rates, would be \$2,131.

Overview

The three traditional approaches to valuing improved properties are,

1. Sales Comparison Approach – a comparison of the property appraised with reasonably similar, recently conveyed properties for which the price, terms, and conditions of sale are known.
2. Income Capitalization Approach - the processing of a projected net income into a valuation estimate via one or more capitalization techniques.
3. Cost Approach - an estimate of the replacement cost of all structural improvements as if new, less loss in value attributable to depreciation from all causes, plus the value of the land as if vacant.

The Sales Comparison Approach is founded upon the principle of substitution that holds that the cost to acquire an equally desirable substitute property without undue delay ordinarily sets the upper limit of value. At any given time, prices paid for comparable properties are construed by many to reflect the value of the property appraised. The validity of a value indication derived by this approach is heavily dependent upon the availability of data on recent sales of properties similar in location, size, and utility to the appraised property.

The Income Capitalization Approach is based on the principle of anticipation which recognizes the present value of the future income benefits to be derived from ownership in a particular property. The Income Approach is most applicable to properties that are bought and sold for investment purposes, and is considered very reliable when adequate income and expense data are available. Since income producing real estate is most often purchased by investors, this approach is valid and is generally considered the most applicable when the property being appraised was designed for, or is easily capable of producing a rental income.

The Cost Approach is based on the premise that the value of a property can be indicated by the current cost to construct a reproduction or replacement for the improvements minus the amount of depreciation evident in the structures from all causes plus the value of the land and entrepreneurial profit. This approach to value is particularly useful for appraising new or nearly new improvements.

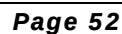
The Appraisal Process is concluded by a reconciliation and correlation of the approaches. This aspect of the process gives consideration to the type and reliability of market data used, the applicability of each Approach to the type of property appraised and the type of value sought.

SALES COMPARISON APPROACH

Introduction

The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The City of Garland has agreed in principle to the abandonment of its fee simple rights of this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two parcels, one of which is located west of the subject site, and the other east of the subject site. As the subject will remain encumbered with a utility easement which will prevent the subject tract to be built upon (other than surface parking), the highest and best use of the subject tract is for assemblage with the adjacent parcels. It is assumed that abandonment and assemblage with the adjacent parcels will occur and therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that will be re-developed with an affordable housing multi-family project known as City Square Lofts. As such, for purposes of this appraisal, the appraisers will conclude a per/SF value of the larger 3.33 acre site (145,000 SF) and then apply the per/SF value conclusion to the subject's size (18,900 SF).

Summary of Comparable Land Sales						
Sale No.	Location	Date of Sale	Size (Acres)	Size (SF)	Zoning	SP/SF (\$)
1	2301 Lavon Dr, E/S of Lavon Dr, S of Carriagehouse Ln Garland, Texas	Jun-16	1.44	62,614	CR	4.01
2	1620 Forest Lane, Wraps SEC of Forest Ln & Marion Dr Garland, Texas	Nov-15	1.72	74,891	GB	1.67
3	N/S George Bush Tollway, S/S of Bunker Hill Rd Garland, Texas	Nov-15	10.00	435,600	PD 16-06	9.16
4	702 W Avenue B, SEC of W Avenue B & S Glenbrook Dr Garland, Texas	Jan-14	1.86	81,000	DT	9.75
5	600 W Avenue B, SWC of W Avenue B & Santa Fe St Garland, Texas	Sep-13	0.77	33,374	CA-2	3.75
Subject and Adj Tracts	NEC of W Avenue B & S Glenbrook Dr Garland, Texas		3.3300	145,000	DT	



0116008422

The comparable sales were sold for cash or terms equivalent to cash; thus, no cash equivalency adjustments are required.

Conditions of Sale

Conditions of sale adjustments are generally made when a particular need or motivation is recognized that may have an influence on the value of a transaction. Conditions of sale adjustments are generally made when a particular need or motivation is recognized that may have an influence on the value of a transaction. Sales 4 and 5 were both purchased by a local religious facility in order to obtain more parking space in the immediate area. Sale 4 consists of a large paved parking lot and small 675 SF building. The buyer was motivated to obtain a nearby tract that was already improved with paved parking. Sale 4 has been adjusted downward for conditions of sale due to a motivated buyer. Sale 5 consists of a vacant land tract with no improvements of contributory value and the sale price was reportedly not affected by the assemblage. Sale 5 was not adjusted. Each of the remaining sales were transacted between typically motivated buyers and sellers at market prices, and therefore, needed no adjustments for general motivations.

Expenditures After the Sale

Any expense known by the buyer at the time of negotiating the purchase price is considered in this adjustment. For land sales, these items can include removing debris or adding soils. The costs for such items as presented on the sale write-ups form the basis of the adjustments made. The sales do not require adjustment for such expenditures.

Market Conditions

According to brokers and investors interviewed by the appraisers, the demand for land has remained stable since the drastic declines in prices/values observed for other property types during the Great Recession. The sales occurred from September 2013 to June 2016. The most reliable method for estimating changes in market conditions is the sale and resale of the same property. Unfortunately, the sale and resale of the same property are not available. The data does not indicate that market conditions for Sale 1 were not notably different and a market conditions adjustment was not made to this sale. Sales 2 and 3 were transacted in November 2015, a year prior to the effective date of this appraisal. Sale 4 was transacted in January 2014, almost three years prior to the effective date of this appraisal. Sale 5 was transacted in September 2013, over three years prior to the effective date of this appraisal. Per interviews with brokers familiar with the subject's market, property values have increased since 2014 but an exact percentage was not provided. Estimates ranged from 5% to 15%. A 5.0% adjustment is warranted to Sales 2 and 3 for being transacted in November 2015, a 10.0% adjustment is warranted to Sale 4 for being transacted in January 2014, and a 15.0% adjustment is warranted to Sale 5 for being transacted in September 2013. All periods were inferior to the present with respect to market conditions.

Location

This salient feature applies to the impact on value of time-distance relationships between a site and common origins and destinations. Forms of access to/from the property and traffic volume are considered in the evaluation of a location. Sales 1 is located northeast of the subject location along

the east side of Lavon Drive (SH 78), however its visibility is limited as it is positioned behind an AutoZone location. The location is superior due to heavy traffic counts (over 40,000 cars daily), but is limited somewhat due to a lack of visibility. Sale 1 is adjusted downward.

Sale 2 wraps the southeast corner of Forest Lane and Marion Drive just west of the downtown Garland area. While proximate to the subject's general area, the site lacks a hard corner location and reportedly the sales price diminished greatly due to the seller being unable to deliver the hard corner location to the buyer. A likely sales price of \$225,000 decreased significantly to a final sales price of \$125,000. The sale is located along a similar multi-lane one-way thoroughfare with access from an additional secondary roadway, but is inferior and has been adjusted upward for location.

Sale 3 is located furthest from the subject in comparison to the other comparable sales. It is located northwest of the subject location and the President George Bush Turnpike along Bunker Hill Road but in a newly developed portion of the city with superior surrounding demographics. It is located just east of the Firewheel Town Center, a major mixed use retail development located at the convergence of President George Bush Turnpike with Firewheel Parkway and SH 78 (Lavon Drive). Given the superior surroundings, Sale 3 has a superior location compared to the subject and is adjusted downward.

Sales 4 and 5 are located proximate to the subject location along W Avenue B. Sale 4 is actually located directly across the street from the subject location at the southeast corner of W Avenue B and S Glenbrook Drive. Sale 5 is located east of the subject and Sale 4 at the southwest corner of W Avenue B and Santa Fe Street. Both Sale 4 and Sale 5 have locations that are similar to the subject location and neither were adjusted.

Size

Market data typically indicates that the size of a tract (assuming all other factors are relatively similar) is inversely proportional to the sale price/unit of comparison; i.e., the larger the tract, the lower the sale price/unit of comparison, and vice versa. Sales 1, 2, 4 and 5 are smaller than the subject and are adjusted downward. Sale 3 is larger than the subject and is adjusted upward.

Shape / Topography

The subject site is rectangular in shape and has a basically level topography. Sales 2 and 5 have irregular and trapezoid shapes that could limit development and have been adjusted upward. Though Sale 1 is not rectangular, its shape is not detrimental and it is not adjusted. Sales 3 and 4 have basically rectangular shapes and were also not adjusted. All of the sales have comparable topography and therefore no adjustments for topography were made.

Zoning

Zoning for each sale is commercial or multi-family focused, and is comparable to the subject property. All of the sales are similar to the subject and no adjustment is necessary to any of the sales for zoning.

Flood Zone

The subject and comparable sales are not located in a designated flood zone and are not adjusted.

Site Improvements

Sale 4 was improved with an asphalt-paved parking lot and small 675 SF retail building. This comparable was reportedly purchased by a nearby religious facility for use as additional parking. As the buyer did not have to grade and paved the site for its intended use, a downward adjustment was made to the sale for the existence of site improvements that had contributory value to the site at the time of sale. The other comparable sales did not have site improvements of contributory value at the time of their respective sales and no adjustments are required.

Analysis of Comparable Sales Data

The following grid summarizes and quantifies the previously discussed differences in the salient features of the subject and the comparables.

Comparable Sales Adjustment Grid						
Comparable Sale Number	Subject Data	1	2	3	4	5
Type of Transaction	Sale	Sale	Sale	Sale	Sale	Sale
Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Date of Sale		Jun-16	Nov-15	Nov-15	Jan-14	Sep-13
Location	W Avenue B	Superior	Inferior	Superior	Similar	Similar
Land Size SF	145,000	62,614	74,891	435,600	81,000	33,374
Topography/Shape		Similar	Similar	Similar	Similar	Similar
Zoning	DT	CR	GB	PD 16-06	DT	CA-2
Flood zone	X	X	X	X	X	X
Utilities	All Available	All Available	All Available	All Available	All Available	All Available
Sales Price		\$251,256	\$125,000	\$3,988,250	\$790,000	\$125,000
UnAdjusted Price Per Square Foot		\$4.01	\$1.67	\$9.16	\$9.75	\$3.75
Transactional Adjustments						
Price / SF		\$4.01	\$1.67	\$9.16	\$9.75	\$3.75
Property Rights Conveyed	Fee Simple	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>
Adjusted Price		\$4.01	\$1.67	\$9.16	\$9.75	\$3.75
Financing Terms	Conventional	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>
Adjusted Price		\$4.01	\$1.67	\$9.16	\$9.75	\$3.75
Conditions of Sale	None	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>-5.0%</u>	<u>0.0%</u>
Adjusted Price		\$4.01	\$1.67	\$9.16	\$9.27	\$3.75
Expenditures Imm. After Sale		<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>
Adjusted Price		\$4.01	\$1.67	\$9.16	\$9.27	\$3.75
Market Conditions	12/8/2016	<u>0.0%</u>	<u>5.0%</u>	<u>5.0%</u>	<u>10.0%</u>	<u>15.0%</u>
Adjusted \$/SF - With Transactional Adjustments		\$4.01	\$1.75	\$9.61	\$10.19	\$4.31
Physical Adjustments						
Location	W Avenue B	-5.0%	40.0%	-25.0%	0.0%	0.0%
Land Size (SF)	145,000	-5.0%	-5.0%	5.0%	-5.0%	-10.0%
Topography/Shape		0.0%	10.0%	0.0%	0.0%	5.0%
Zoning	DT	0.0%	0.0%	0.0%	0.0%	0.0%
Flood zone	X	0.0%	0.0%	0.0%	0.0%	0.0%
Site Improvements	All Available	0.0%	0.0%	0.0%	-20.0%	0.0%
Total Physical Adjustments		-10.0%	45.0%	-20.0%	-25.0%	-5.0%
Value Indication Per Square Foot		\$3.61	\$2.54	\$7.69	\$7.64	\$4.09
Value Ranges						
		<u>Before</u> <u>Adjustment</u>	<u>After</u> <u>Adjustment</u>			
Minimum Price		\$1.67	\$2.54			
Maximum Price		\$9.75	\$7.69			
Mean Price		\$5.67	\$5.12			
Median Price		\$4.01	\$4.09			
Standard Deviation		\$3.58	\$2.40			

The comparables, following adjustments for the noted dissimilarities, yield a range of \$2.54/SF to \$7.69/SF with a mean of \$5.12/SF and a median of \$4.09/SF. Sale 4 is located directly across the street from the subject location and is the most comparable. Sale 3 is the most recent multi-family land sale included in the analysis but is the most geographically distant from the subject. With most weight on these two indicators and the overall adjusted mean, a value of \$5.75/SF was concluded. Utilizing this per SF value indication, the value of the site, as vacant, is calculated within the following table.

Land Value	
18,900 SF @	\$5.75 /SF = \$108,675
Rounded: \$110,000	

The concluded value opinion is higher than assessed value/SF of the land portion of the adjacent tracts, but is reasonable.

Extraordinary Assumptions

The subject site consists of a 0.434 acre portion of 7th Street, located between Avenue A to the north, and Avenue B to the south in the downtown portion of the City of Garland. The City of Garland has agreed in principle to the abandonment of its fee simple rights to this portion of 7th Street to the adjacent property owner, TX Garland Apartments, L.P. It is assumed that this abandonment will occur and provide the adjacent land owner with additional land area that will connect two parcels, one of which is located west of the subject site, and the other east of the subject site. As the subject will remain encumbered with a utility easement which will prevent the subject tract to be built upon, the highest and best use of the subject tract is for assemblage with the adjacent parcels. It is assumed that abandonment will occur and therefore, the subject will be valued as a 0.434 acre portion of a larger 3.33 acre site that will be re-developed with a multi-family project known as City Square Lofts.

Exposure Time/Marketing Period

Based on exposure times of comparable sales and interviews with active participants in the local and regional multi-family market, the above Market Value conclusion could be achieved with an exposure time of less than twelve months. Furthermore, it is our opinion that a sale could be consummated at the Market Value conclusion stated herein within a twelve-month marketing period of the effective date.

EXHIBITS

GLOSSARY.....	A
CLIENT ENGAGEMENT LETTER.....	B
METES & BOUNDS LEGAL DESCRIPTION	C
ZONING – DOWNTOWN DISTRICT DEVELOPMENT CODE	D
SUBJECT PICTURES	E
COMPARABLE LAND SALES	F
PROFESSIONAL QUALIFICATIONS	G

GLOSSARY

Assessed Value: The value of a property according to the tax rolls in ad valorem taxation; may be higher or lower than market value, or based on an assessment ratio that is a percentage of market value.¹

Asset:

1. Generally, something that can be converted to cash or other economic equivalent
2. Any owned property that has economic value, including financial assets (cash or bonds), business interests, intangible assets (copyrights and trademarks), and physical assets (real and personal property).
3. In general business usage, something owned by a business and reflected in the owner's balance sheet.¹

Asset: A resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity.²

Capital Expenditure: Investments of cash (or the creation of liability) to acquire or improve an asset, e.g., land, buildings, building additions, site improvements, machinery, equipment; as distinguished from cash outflows for expense items that are normally considered part of the current period's operations.¹

Cash Equivalency: An analytical process in which the sale price of a transaction with nonmarket financing or financing with unusual conditions or incentives is converted into a price expressed in terms of cash.¹

Client: The party or parties who engage an appraiser (by employment or contract) in a specific assignment (USPAP).¹

Condominium Ownership: A form of fee ownership of separate units or portions of multiunit buildings that provides for formal filing and recording of a divided interest in real property.³

Cost Approach: A set of procedures through which a value indication is derived for the fee simple interest in a property by estimating the current cost to construct a reproduction of (or replacement for) the existing structure, including an entrepreneurial incentive, deducting depreciation from the total cost, and adding the estimated land value. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.¹

Credible: Worthy of belief. Credible assignment results require support, by relevant evidence and logic, to the degree necessary for the intended use. (USPAP, 2010-2011 ed).¹

Deferred Maintenance: Needed repairs or replacement of items that should have taken place during the course of normal maintenance.¹

Disposition Value: The most probable price that a specified interest in real property should bring under the following conditions: 1) Consummation of a sale within a future exposure time specified by the client. 2) The property is subjected to market conditions prevailing as of the date of valuation. 3) Both the buyer and seller are acting prudently and knowledgeably. 4) The seller is under compulsion to sell. 5) The buyer is typically motivated. 6) Both parties are acting in what they consider to be their best interests. 7) An adequate marketing effort will be made during the exposure time specified by the client. 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto. 9) The price represents the normal consideration of the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. This definition can also be modified to provide for valuation with specified financing terms.¹

Economic Life: The period over which improvements to real property contribute to property value.¹

Effective Date: 1) The date on which the analyses, opinions, and advice in an appraisal, review, or consulting service apply. 2) In a lease document, the date upon which the lease goes into effect.¹

Effective Gross Income Multiplier (EGIM): The ratio between the sale price (or value) of a property and its effective gross income.¹

Effective Rent: The rental rate net of financial concessions such as periods of

no rent during the lease term and above- or below -market tenant improvements (TIs).¹

Exposure Time: 1) The time a property remains on the market. 2) The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.¹

Extraordinary Assumptions: An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. (USPAP, 2010-2011 ed).¹

Fair Market Value: According to U.S. Treasury Department regulations, Fair Market Value is defined as "The price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts."

Fair Share: That portion of total market supply accounted for by a subject property. For example, a 100-key hotel in 1,000-key market has a fair share of 10%.¹

Fair Value: The price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. (FASB).¹

Fair Value: The price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.²

Fee Simple Estate: Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.¹

Floor Area Ratio (FAR): The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called land-to-building ratio.¹

Going-Concern Value: 1) The market value of all tangible and intangible assets of an established and operating business with an indefinite life, as if sold in aggregate; more accurately termed the market value of the going concern. 2) The value of an operating business enterprise. Goodwill may be separately measured but is an integral component of going-concern value when it exists and is recognizable.¹

Gross Building Area (GBA): The total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above-grade area. This includes mezzanines and basements if and when typically included in the region.¹

Highest and Best Use: The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property-specific with respect to the user and timing of the use – that is adequately supported and results in the highest present value.¹

Hypothetical Condition: That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property, such as market conditions or trends; or about the integrity of data used in an analysis. (USPAP, 2010-2011 ed).¹

Income Capitalization Approach: A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into property

value. This conversion can be accomplished in two ways. One year's income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment. Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.¹

Inspection: Personal observation of the exterior and/or interior of the real property that is the subject of an assignment. The purpose of an appraiser's inspection is to identify the property characteristics that are relevant to the assignment, such as amenities, general physical condition, and functional utility.¹

Insurable Value: A type value for insurance purposes.¹

Intangible Assets: Assets that manifest themselves by their economic properties; they do not have physical substance; they grant rights and privileges to their owner; and usually generate income for their owner. Intangible Assets can be categorized as arising from: Rights; Relationships; Grouped Intangibles; or Intellectual Property. In general, the accounting profession limits recognition of individual intangible assets to those that are: commonly recognizable; have a statutory or contractual remaining life; and/or must be individually transferrable and separable from the business. An identifiable non-monetary asset without physical substance.¹

Intangible property: Nonphysical assets, including but not limited to franchises, trademarks, patents, copy-rights, goodwill, equities, securities, and contracts as distinguished from physical assets such as facilities and equipment. (USPAP, 2010-2011 ed.).¹

Intended Use: The manner in which the intended user expect to employee the information contained in a report.¹

Intended User: 1) The client and any other party as identified, by name or type, as users of the appraisal, appraisal review, or appraisal consulting report by the appraiser on the basis of communication with the client at the time of the assignment. (USPAP, 2010-2011 ed.) 2) A party who the appraiser intends will employ the information contained in a report.¹

Internal Rate of Return ("IRR"): The annualized yield rate or rate of return on capital that is generated or capable of being generalized within an investment of portfolio over a period of ownership. Alternatively, the indicated return of capital associated with a projected or pro forma income stream. The discount rate that equates the present value of the net cash flows of a project with the present value of the capital investment. It is the rate at which the Net Present Value (NPV) equals zero. The IRR reflects both the return on invested capital and the return of the original investment, which are basic considerations of potential investors. Therefore, deriving the IRR from analysis of market transactions of similar properties having comparable income patterns is a proper method for developing market discount rates for use in valuations to arrive at Market Value. Used in discounted cash flow analysis to find the implied or expected rate of return of the project, the IRR is the rate of return which gives a zero net present value (NPV). See also equity yield rate (YE); financial management rate of return (FMRR); modified internal rate of return (MIRR); yield rate (Y).¹

Investment Value: The value of a property interest to a particular investor or class of investors based on the investor's specific requirements. Investment value may be different from market value because it depends on a set of investment criteria that are not necessarily typical of the market.¹

Leasehold Interest: The tenant's possessory interest created by a lease. See also negative leasehold; positive leasehold.¹

Leased Fee Interest: A freehold (ownership interest) where the possessory interest has been granted to another party by creation of a contractual landlord relationship (i.e., a lease).¹

Liquidation Value: The most probable price that a specified interest in real property should bring under the following conditions: 1) Consummation of a sale within a short time period; 2) The property is subjected to market conditions prevailing as of the date of valuation; 3) Both the buyer and seller are acting prudently and knowledgeably; 4) The seller is under extreme compulsion to sell; 5) The buyer is typically motivated. 6) Both parties are acting in what they consider to be their best interests. 7) A normal marketing effort is not possible due to the brief exposure time 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto. 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. This definition can also be modified to provide for valuation with specified financing terms.¹

Load Factor: A measure of the relationship of common area to useable area and therefore the quality and efficiency of building area layout, with higher load factors indicating a higher percentage of common area to overall rentable space than lower load factors; calculated by subtracting the amount of useable area from the rentable area and then dividing the difference by the usable area:¹

$$\frac{(\text{Rentable Area} - \text{Useable Area})}{\text{Usable Area}}$$

Market Value. The major focus of most real property appraisal assignments. Both economic and legal definitions of market value have been developed and refined.*

1. The most widely accepted components of market value are incorporated in the following definition: The most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming that neither is under duress.

2. Market value is described in the Uniform Standards of Professional Appraisal Practice (USPAP) as follows: A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal. (USPAP, 2010-2011 ed.) USPAP also requires that certain items be included in every appraisal report. Among these items, the following are directly related to the definition of market value:

- Identifications of the specific property rights to be appraised.
- Statement of the effective date of the value opinion.
- Specification as to whether cash, terms equivalent to cash, or other precisely described financing terms are assumed as the basis of the appraisal.
- If the appraisal is conditioned upon financing or other terms, specification as to whether the financing or terms are at, below, or above market interest rates and/or contain unusual conditions or incentives. The terms of above- or below-market interest rates and/or other special incentives must be clearly set forth; their contribution to, or negative influence on, value must be described and estimated; and the market data supporting the opinion of value must be described and explained.

3. The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

Buyer and seller are typically motivated;

Both parties are well informed or well advised, and each acting in what they consider their own best interests;

A reasonable time is allowed for exposure in the open market;

Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and

The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. (Department of the Treasury, Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of Thrift

Supervision and National Credit Union Administration under 12 CFR Part 34, Real Estate Appraisals and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"); and the Interagency Appraisal and Evaluation Guidelines, Federal Register, Volume 75, No. 237, December 10, 2010.)

4. The International Valuation Standards Council defines market value for the purpose of international standards as follows: The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion. (International Valuation Standards, 8th ed., 2007)

5. Market value is the amount in cash, or in terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. (Uniform Standards for Federal Land Acquisitions)¹

Market Value "As If Complete" On The Appraisal Date:

Market value as if complete on the effective date of the appraisal is an estimate of the market value of a property with all construction, conversion, or rehabilitation hypothetically completed, or under other specified hypothetical conditions as of the date of the appraisal. With regard to properties wherein anticipated market conditions indicate that stabilized occupancy is not likely as of the date of completion, this estimate of value should reflect the market value of the property as if complete and prepared for occupancy by tenants.

Market Value "As Is" On The Appraisal Date: Value As Is -The value of specific ownership rights to an identified parcel of real estate as of the effective date of the appraisal; relates to what physically exists and is legally permissible and excludes all assumptions concerning hypothetical market conditions or possible rezoning. See also effective date; prospective value opinion.

Market Value of the Total Assets of the Business: The market value of the total assets of the business is the market value of all of the tangible and intangible assets of a business as if sold in aggregate as a going concern. This assumes that the business is expected to continue operations well into the future.⁴

Marketing Time: An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal. (Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, "Reasonable Exposure Time in Real Property Market Value Opinions" address the determination of reasonable exposure and marketing time.).³

Net Lease: A lease in which the landlord passes on all expenses to the tenant. Also called modified gross lease, single net lease. See also lease.¹

Net Rentable Area (NRA): 1) The area on which rent is computed. 2) The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor.⁵

Penetration Ratio (Rate): The rate at which stores obtain sales from within a trade area or sector relative to the number of potential sales generated; usually applied to existing facilities. Also called: penetration factor.¹

Prospective opinion of value. A value opinion effective as of a specified future date. The term does not define a type of value. Instead it identifies a value opinion as being effective at some specific future date. An opinion of value as of a prospective date is frequently sought in connection with projects that are proposed, under construction, or under conversion to a new use, or those that have not yet achieved sellout or a stabilized level of long-term occupancy.¹

Reconciliation: The process of reducing a range of value indications into an appropriate conclusion for that analysis, e.g., the derivation of a value

indication from the adjusted prices of two or more comparable sales in the sales comparison.¹

Reliable Measurement: [The IAS/IFRS framework requires that] neither an asset nor a liability is recognized in the financial statements unless it has a cost or value that can be measured reliably.²

Remaining Economic Life: The estimated period during which improvements will continue to represent the highest and best use of the property; an estimate of the number of years remaining in the economic life of the structure or structural components as of the date of the appraisal; used in the economic age-life method of estimating depreciation.¹

Replacement Cost: The estimated cost to construct, at current prices as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout.¹

Retrospective Value Opinion: A value opinion effective as of a specified historical date. The term does not define a type of value. Instead, it identifies a value opinion as being effective at some specific prior date. Values as of a historical date is frequently sought in connection with property tax appeals, damage models, lease renegotiation, deficiency judgments, estate tax, and condemnation. Inclusion of the type of value with this term is appropriate, e.g., "retrospective market value opinion".¹

Sales Comparison Approach: The process of deriving a value indication for the subject property by comparing market information for similar properties with the property being appraised, identifying appropriate units of comparison, and making quantitative comparisons with or quantitative adjustments to the sales price (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison.¹

Scope of Work: The type and extent of research and analysis in an assignment. (USPAP, 2010-2011 ed.).¹

Stabilized value: A value opinion that excludes from consideration any abnormal relationship between supply and demand such as is experienced in boom periods when cost and sale price may exceed the long-term value, or during periods of depression, when cost and sale price may fall short of long-term value. It is also a value opinion that excludes from consideration any transitory condition that may cause excessive construction costs, e.g., a premium paid due to a temporary shortage of supply.

Substitution: The principle of substitution states that when several similar or commensurate commodities, goods, services are available, the one with the lowest price will attract the greatest demand and widest distribution. This is the primary principle upon which the cost and sales comparison approaches are based.³

Total Assets of a Business: Total assets of a business is defined by the Appraisal Institute as "the tangible property (real property and personal property, including inventory and furniture, fixtures and equipment) and intangible property (cash, workforce, contracts, name, patents, copyrights, and other residual intangible assets, to include capitalized economic profit)."

Use Value:

In real estate appraisal, the value a specific property has for a specific use; may be the highest and best use of the property or some other use specified as a condition of the appraisal.¹

¹Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 5th ed. (Chicago: Appraisal Institute 2010). ²Appraisal Institute, *International Financial Reporting Standards for Real Property Appraiser*, IFRS Website, www.ifrs-ebooks.com/index.html. ³Appraisal Institute, *The Appraisal of Real Estate*, 13th ed. (Chicago: Appraisal Institute 2008). ⁴This definition is taken from "Allocation of Business Assets Into Tangible and Intangible Components: A New Lexicon," *Journal of Real Estate Appraisal*, January 2002, Volume LXX, Number 1. This terminology is to replace former phrases such as: value of the going concern. ⁵Financial Publishing Company, *The Real Estate Dictionary*, 7 ed. ⁶U.S. Treasury Regulations

CLIENT ENGAGEMENT LETTER



July 1, 2016

Mr. Bill Fisher
Sonoma Advisors
5430 LBJ Freeway, Suite 1200
Dallas, TX 75240
972.663.9368
Bill.Fisher@sonomaadvisors.com

RE: Abandonment of Street
7th Street, between Avenue A and Avenue B
Garland, TX 75040

Dear Mr. Fisher:

We are pleased to submit this proposal and our Terms and Conditions for the appraisal of the referenced real estate.

PROPOSAL SPECIFICATIONS

Purpose/Valuation Premise:	Market Value "As Is"
Property Rights Appraised:	Fee Simple Interest (vacant land) to be abandoned but encumbered with utility easements
Intended Use:	Collateral Valuation
Intended User:	Sonoma Advisors and City of Garland
Scope of Work:	Sales Comparison Approach to value
Appraisal Standards:	Uniform Standards of Professional Appraisal Practice (USPAP), Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) and Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

DALLAS
+ CORPORATE OFFICE

P + 214.739.0700
F + 214.361.8168

8300 DOUGLAS AVE. + STE. 600
DALLAS, TX 75225

BBGRES.COM

Mr. Fisher
July 1, 2016
Page 2

Fee: \$5,000

Report Type: Narrative

Retainer: 50% required prior to beginning of work

Expenses: Fee quoted includes all expenses

Payment Terms: Final payment is due and payable upon delivery of the final report or within 30 days of your receipt of our draft report, whichever is sooner. If a draft report is requested, the fee is considered earned upon delivery of our draft report

Report Copies: 1 Draft PDF and 1 Final PDF

Delivery Date: 1 week from engagement signing date

Acceptance Date: Date of Execution

The attached General Assumptions and Limiting Conditions (Exhibit A) is deemed part of this agreement as set forth in full herein.

We appreciate this opportunity to be of service to you on this assignment. If you have additional questions, please contact me.

Sincerely,



BBG, Inc.
Mary Ann Barnett, MAI
Managing Director
214.269.0522
mbarnett@bbgres.com

AGREED AND ACCEPTED

Signature

Dated

Exhibit A
General Assumptions and Limiting Conditions

This appraisal report will be prepared with the following general assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, surveys, plats, photographs, drawings or other exhibits are included only to assist the intended user to better understand and visualize the subject property, the environs, and the competitive data. We have made no survey of the property and assume no responsibility in connection with such matters.
2. The appraiser has not conducted any engineering or architectural surveys in connection with this appraisal assignment. Information reported pertaining to dimensions, sizes, and areas is either based on measurements taken by the appraiser or the appraiser's staff or was obtained or taken from referenced sources and is considered reliable. No responsibility is assumed for the costs of preparation or for arranging geotechnical engineering, architectural, or other types of studies, surveys, or inspections that require the expertise of a qualified professional.
3. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in fee simple unless otherwise stated in the report. The property is considered to be free and clear of existing liens, easements, restrictions, and encumbrances, except as stated.
4. Unless otherwise stated herein, it is assumed there are no encroachments or violations of any zoning or other regulations affecting the subject property and the utilization of the land and improvements is within the boundaries or property lines of the property described and that there are no trespasses or encroachments.
5. BBG, Inc. assumes there are no private deed restrictions affecting the property which would limit the use of the subject property in any way.
6. It is assumed the subject property is not adversely affected by the potential of floods; unless otherwise stated herein.
7. It is assumed all water and sewer facilities (existing and proposed) are or will be in good working order and are or will be of sufficient size to adequately serve any proposed buildings.
8. Unless otherwise stated within the report, the depiction of the physical condition of the improvements described herein is based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were conducted. No liability is assumed for the condition of mechanical equipment, plumbing, or electrical components, as complete tests were not made. No responsibility is assumed for hidden, unapparent or masked property conditions or characteristics that were not clearly apparent during our inspection.
9. If building improvements are present on the site, no significant evidence of termite damage or infestation was observed during our physical inspection, unless so stated in the report. No termite inspection report was available, unless so stated in the report. No responsibility is assumed for hidden damages or infestation.
10. Any proposed or incomplete improvements included in this report are assumed to be satisfactorily completed in a workmanlike manner or will be thus completed within a reasonable length of time according to plans and specifications submitted.
11. No responsibility is assumed for hidden defects or for conformity to specific governmental requirements, such as fire, building, safety, earthquake, or occupancy codes, except where specific professional or governmental inspections have been completed and reported in the appraisal report.
12. Responsible ownership and competent property management are assumed.
13. The appraisers assume no responsibility for any changes in economic or physical conditions which occur following the effective date of value within this report that would influence or potentially affect the analyses, opinions, or conclusions in the report. Any subsequent changes are beyond the scope of the report.
14. The value estimates reported herein apply to the entire property. Any proration or division of the total into fractional interests will invalidate the value estimates, unless such proration or division of interests is set forth in the report.
15. Any division of the land and improvement values estimated herein is applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.
16. Unless otherwise stated in the report, only the real property is considered, so no consideration is given to the value of personal property or equipment located on the premises or the costs of moving or relocating such personal property or equipment.
17. Unless otherwise stated, it is assumed that there are no subsurface oil, gas or other mineral deposits or subsurface rights of value involved in this appraisal, whether they are gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered; unless otherwise stated.

Exhibit A
General Assumptions and Limiting Conditions

Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.

18. Any projections of income and expenses, including the reversion at time of resale, are not predictions of the future. Rather, they are our best estimate of current market thinking of what future trends will be. No warranty or representation is made that these projections will materialize. The real estate market is constantly fluctuating and changing. It is not the task of an appraiser to estimate the conditions of a future real estate market, but rather to reflect what the investment community envisions for the future in terms of expectations of growth in rental rates, expenses, and supply and demand. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
19. Unless subsoil opinions based upon engineering core borings were furnished, it is assumed there are no subsoil defects present, which would impair development of the land to its maximum permitted use or would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
20. BBG, Inc. representatives are not experts in determining the presence or absence of hazardous substances, defined as all hazardous or toxic materials, wastes, pollutants or contaminants (including, but not limited to, asbestos, PCB, UFFI, or other raw materials or chemicals) used in construction or otherwise present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such substances or for loss as a result of the presence of such substances. Appraisers are not qualified to detect such substances. The client is urged to retain an expert in this field.
21. We are not experts in determining the habitat for protected or endangered species, including, but not limited to, animal or plant life (such as bald eagles, gophers, tortoises, etc.) that may be present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such species or for loss as a result of the presence of such species. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent endangered species impact studies, research, and investigation that may be provided.
22. No environmental impact studies were either requested or made in conjunction with this analysis. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, and investigation that may be provided.
23. The appraisal is based on the premise that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in the report; further, that all applicable zoning, building, and use regulations and restrictions of all types have been complied with unless otherwise stated in the report; further, it is assumed that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
24. Neither all nor any part of the contents of this report or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media, without the prior written consent and approval of the appraisers. This limitation pertains to any valuation conclusions, the identity of the analyst or the firm and any reference to the professional organization of which the appraiser is affiliated or to the designations thereof.
25. Although the appraiser has made, insofar as is practical, every effort to verify as factual and true all information and data set forth in this report, no responsibility is assumed for the accuracy of any information furnished the appraiser either by the client or others. If for any reason, future investigations should prove any data to be in substantial variance with that presented in this report, the appraiser reserves the right to alter or change any or all analyses, opinions, or conclusions and/or estimates of value.
26. If this report has been prepared in a so-called "public non-disclosure" state, real estate sales prices and other data, such as rents, prices, and financing, are not a matter of public record. If this is such a "non-disclosure" state, although extensive effort has been expended to verify pertinent data with buyers, sellers, brokers, lenders, lessors, lessees, and other sources considered reliable, it has not always been possible to independently verify all significant facts. In these instances, the appraiser may have relied on verification obtained and reported by appraisers outside of our office. Also, as necessary, assumptions and adjustments have been made based on comparisons and analyses using data in the report and on interviews with market participants. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

METES & BOUNDS LEGAL DESCRIPTION

Being a tract or parcel of land situated in the Joel Crumpacker Survey, Abstract Number 328, City of Garland, Dallas County, Texas, being a portion of Seventh Street, also known as Third Street as shown on Plat of the Town of Embree, now the City of Garland, as recorded in Volume 77, Page 441, Plat Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a 5/8 inch iron rod found for the Northeast corner of Lot 1, Block 11, of the Town of Embree, now the City of Garland, as recorded in Volume 77, Page 441, Plat Records, Dallas County, Texas, being in the West line of Seventh Street having a 70 foot right-of-way and being in the South line of Avenue A having a 70 foot right-of-way;

THENCE N 89°41'35" E along the South line of said Avenue A 70.00 feet to a 5/8 inch iron rod found for the Northwest corner of Lot 8, Block 10 of said Town of Embree, being in the South line of said Avenue A, and being in the East line of said Seventh Street;

THENCE S 00°19'28" E along the East line of said Seventh Street a distance of 270.00 feet to a 5/8" iron rod set with cap saying "ADAMS SURVEYING", being the Southwest corner of Lot 9, Block 10 of said Town of Embree, being in the North line of Avenue B, and being in the East line of said Seventh Street;

THENCE S 89°41'35" W along the North line of said Avenue B a distance of 70.00 feet to a 5/8 inch iron rod found being the Southeast corner of Lot 10, Block 11 of said Town of Embree, being in the North line of said Avenue B, and being in the West line of said Seventh Street;

THENCE N 00°19'28" W along the West line of said Seventh Street a distance of 270.00 feet to the POINT OF BEGINNING and containing 0.43 acres or 18,900 square feet of land, more or less.

© COPYRIGHT 2016

BEARINGS ARE BASED ON NAD 1983 TEXAS COORDINATE SYSTEM,
GEOID MODEL 12A, TEXAS NORTH CENTRAL ZONE 4202

 Adams surveying company, LLC TBPLS Firm Registration No. 10177500		P.O. Box 260392 Plano, TX 75026 Phone: (469) 317-0250 Fax: (214) 295-9844		RIGHT-OF-WAY ABANDONMENT	
				SEVENTH STREET	
DRAWN BY		CHECKED BY	SCALE	DATE	JOB NO.
HH		PA	1" = 50'	1/12/2016	15096
CITY OF GARLAND DALLAS COUNTY, TEXAS					

ZONING – DOWNTOWN DISTRICT DEVELOPMENT CODE

BACKGROUND

The Downtown (DT) form-based code district focuses on creating a series of unique, but compatible, pedestrian-oriented areas within the context of the current Downtown. The district is designed to achieve a more positive outcome for development, to improve the quality of life both within and surrounding the district, to enhance property values, and to improve the overall perception of Downtown. The Downtown district combines minimum and maximum specifications with standards for site layout, building design, and streetscape. It provides for flexibility among compatible uses to allow developers and the City to respond to changing market demands. It also provides for parking ratios that increase land use efficiency and minimize disruption of the public realm.

The regulations build upon accessibility to the Downtown DART rail station as a means of enhancing the attractiveness of the area for young professionals, retirees, and others seeking to reduce their auto-dependence.

Another important element of the Downtown district is the procedure for approval of development proposals. It compensates for high standards by providing for administrative review of plans and requests for waivers to certain requirements that would achieve a better development.

{This page left intentionally blank for two-sided printing.}

ARTICLE 1 – PURPOSE, GOALS AND INTENT

Section 7.01 Purpose

The purpose of the Downtown (DT) district is to establish a pedestrian-oriented district with an infrastructure of streets and buildings that are flexible in terms of use, and that will attract ongoing reinvestment.

Section 7.02 Goals

The goals of this district are:

- (A) To make Downtown viable through:
 - (1) Providing for integrated mixed-use;
 - (2) Embodying LEED-ND (Leadership in Energy and Environmental Design – Neighborhood Development) and LEED building principles;
 - (3) Providing focal open space amenities;
 - (4) Assuring pedestrian and bicycle friendliness; and
 - (5) Minimizing the “heat island” effect of large expanses of paving.
- (B) To provide a mixture of residential, retail, entertainment, office and government uses.
- (C) To encourage high-quality development by providing a balance of development standards and expedited administrative approvals for projects which meet the intent of this district.
- (D) To create standards that ensure an appropriate transition between existing neighborhoods and new development.

Section 7.03 Intent

The intent of this district is:

- (A) To provide a comfortable and attractive environment for pedestrians that includes such elements as buildings that frame public space, windows on street walls, street trees, lighting and street furniture.
- (B) To construct a continuous building frontage along block faces, except where it is desirable to provide outdoor public plazas, courtyards or pocket parks.
- (C) To construct buildings close to the sidewalk and street so as to create a comfortable and attractive pedestrian environment, yet reinforce the street character of setbacks that is unique to Garland.

- (D) To provide parking at ratios that will adequately serve the variety of activities within the district, allow for fluctuations in market demand for a variety of uses, and reduce the overall amount of paving within the district.
- (E) To encourage the use of public parks and plazas as focal points for quality residential and mixed-use developments.
- (F) To design and build flexible buildings that can accommodate a range of uses over time.
- (G) To create a multi-modal, mixed-use environment.

Section 7.04 Conflict

The provisions of this Chapter 7 control within the Downtown district. The other chapters of this GDC are applicable to, and supplement this Chapter 7 where this chapter is silent. However, if the provisions of this Chapter 7 are in conflict with other chapters, then the provisions of this Chapter 7 control.

ARTICLE 2 – GENERAL STANDARDS

Section 7.05 General

- (A) **Application.** The standards in this Chapter 7 apply only to the Downtown district. Other standards in this GDC govern when not in direct conflict with the provisions of this Chapter 7.
- (B) **Sub-Districts Created.** The following sub-districts are created in the Downtown district:
 - (1) The **Downtown Historic (DH)** sub-district consists of mixed-use, office, retail and urban lifestyle housing. It may have a wide range of residential building types: townhouses, live/work, apartments, condominiums and lofts. It has a tight network of streets, with wide sidewalks, dense street tree plantings, and buildings set close to the sidewalks.
 - (2) The **Uptown (U)** sub-district consists of mixed-use office, retail and urban lifestyle housing. It may have a wide range of residential building types: townhouses, live/work, apartments, condominiums and lofts. Setbacks and landscaping are variable. Streets with dense street tree coverage and sidewalks define medium-sized blocks.
 - (3) The **InTown Residential (IR)** sub-district consists of lower density residential unit types – single-family and patio home, adjacent to higher density mixed-use zones. Home occupations and outbuildings are allowed. Setbacks are relatively deep. Roads blend with the surrounding grid pattern and are characterized as heavily streetscaped; the sidewalk may be set back from the curb with a minimum of five feet of landscaping which includes street trees.

- (4) The **Suburban Corridor (SC)** sub-district consists of low density commercial development, located between low density residential and higher density Downtown sub-districts, and may include some mixed-use. Buildings may be built up close to sidewalks with parking located beside or behind the principal building, or may be setback from the roadway by a single bay (up to sixty feet) of parking and an urban sidewalk with street trees.

(C) **Building Types Allowed.** The following building types are allowed in the Downtown district within the appropriate sub-district:

- (1) **Townhouses** are a dense form of single-family dwellings. They provide an excellent transition from lower-density single-family residential homes to denser, more urbanized forms of housing. Townhouse lots are typically narrow and platted for individual sale.

Townhouses may be two or three stories in height, with entries set above the sidewalk to provide some privacy and to mark the transition between public and private property. Each townhouse will typically have a small front yard and a modest rear yard or courtyard area. The ground floor will be elevated at least eighteen inches above the adjacent grade. Garages may be attached or separated by a courtyard, but shall be accessed from an alley along the rear of the lot.

- (2) **Mixed Residential** buildings are single-structure, residential-only buildings divided into multiple apartment or condominium units. They should include a variety of residential types and sizes of units, such as apartment, loft, and studio units. They may be up to five stories in height if located appropriately relative to surrounding uses and conditions. Ground floor units shall have direct access to the street, but will have a privacy separation from the sidewalk by elevating the ground floor at least twenty-four inches above the sidewalk or by enclosing a front yard of at least ten feet in depth with a low fence and gate.

Outdoor private space is generally provided in a courtyard, rear yard or roof-top configuration. Parking may be located below grade in a structured garage, or in a well-designed surface lot behind the building. Outdoor common space should be provided to serve multiple units.

- (3) **Loft** buildings are the most flexible of building types and can be configured for commercial, residential, and retail uses depending on market demand. They may be up to five stories in height if located appropriately relative to surrounding uses and conditions. Ground floor units shall have direct access to the sidewalk.

There is usually no private outdoor space provided unless it is a balcony or roof garden. Occupants would utilize public open space that is provided for the district. Parking should be provided behind the building in a surface lot or structured parking garage, or it may be provided underground.

- (4) **Live/Work** buildings are the smallest form of vertically-integrated, mixed-use buildings. The live/work combination shall be under single ownership, but live/work units may be part of a larger development. They provide an excellent transition from townhouses to mixed

residential, commercial or other mixed-use types of development. Many configurations of live/work buildings exist and they are adaptable to a wide variety of architectural styles.

Live/work buildings may be two to four stories in height with at-grade entries to allow the ground floor commercial access to function properly. A separate entrance, designed to appear more private, shall be provided to permit access to the residential quarters above or behind the commercial use.

Live/work buildings rarely have private yards, instead focusing on bringing the public up to or inside the ground floor space. Live/work buildings may include garages. Because parking for the commercial space is required at a higher rate than for residential space, parking is often provided in a shared lot configuration behind the building. Direct entrances from the rear parking area into a live/work building are allowed and encouraged.

The business owner or a full-time employee shall reside in the residential unit associated with the commercial use. In some instances, the business activity occupying the live/work unit may utilize employees in addition to the residents; however, at least one of the full-time workers of the live/work unit must reside in the unit, and the residential area shall not be rented separately from the working area.

- (5) **Liner Buildings** are specialized structures providing habitable space which masks a parking structure. They may include commercial or residential uses, but their limited depth (typically forty feet) makes them more conducive to residential use. Liner buildings are most appropriate in higher density areas which include structured parking. They often work well with loft or industrial architectural expression.

Liner buildings may be up to five stories in height, but because they are designed to hide the view of a parking structure, they should be as tall as required to serve this purpose. If the building is designed for commercial uses, it shall be constructed with an at-grade entrance. If designed for residential purposes, ground floor units shall have direct access to the street, but will have a privacy separation from the sidewalk by elevating the ground floor at least twenty-four inches above the sidewalk, or by enclosing a front yard of at least ten feet in depth with a low fence and gate. Entrances to upper floors may be in the form of a common lobby at-grade.

Liner buildings may have a small front yard, particularly if used for residential purposes. Parking is provided in the structure that the building masks. Direct access from the parking structure to the individual units is an important amenity for this building type.

- (6) **Mixed-Use** buildings provide space for multiple uses, and usually multiple tenants, in a single structure. The building may be under single- or multi-tenant ownership. Their bulk makes mixed-use buildings appropriate for more urbanized areas that are conducive to commercial activities, but they may also accommodate residential uses. Because they contain an assortment of uses, they lend themselves to a variety of architectural styles.

Most mixed-use buildings are two to five stories in height, but taller structures may be appropriate at key locations. The ground floor space is built with at-grade entryways to

allow the commercial space to function properly, but access to the upper floors may be provided via one or more lobbies at-grade. Attention shall be paid to accommodating service entrances, utility equipment, and refuse collection, particularly for larger buildings.

Mixed-use buildings have outside spaces that focus on the public realm at the ground level. These outdoor spaces may be outfitted with tables and chairs for outdoor dining, or with hardscape plazas or other features for passive recreation. Parking is located in a shared lot behind the building, or in a parking structure which is screened from view. Direct entrances from the rear parking area or the garage into a mixed-use building is not only allowed, but encouraged.

- (7) **Commercial** buildings are single structures that may be occupied by one tenant or divided for multiple tenants. They may be designed for office uses, retail uses or a combination of the two, but not for residential occupancy. Buildings that are designed primarily for office uses may also include limited space, usually at the ground level, for support services oriented to the needs of the building occupants, such as restaurants, health clubs, hair salons or a mailing service. This support space may also be open to patrons outside the building. Commercial buildings that are designed primarily for retail uses often attract office users as well, particularly in multi-tenant environments.

Commercial buildings may be low- to mid-rise (generally two to five stories), or may be taller on larger tracts at high-profile locations. Upper floor uses may be accessed through a common lobby, and at-grade spaces shall have individual entryways to attract patrons from outside the building.

Depending on the size of the building, parking may be provided below-grade in a structured garage, or in a well-designed surface lot located at the rear of the property and screened from the street. Outdoor common space may be provided in a courtyard configuration or in a plaza or green.

Section 7.06 Land and Building Use

- (A) **Intent.** It is intended that the uses allowed within the Downtown district will encourage pedestrian-oriented developments that integrate retail, residential, employment and recreation uses, and are accessible to transit.
- (B) **Uses.** Retail, residential, institutional, and office uses shall be allowed throughout the Downtown district in accordance with the schedule set forth for each sub-district in [Table 7-1, Downtown \(DT\) District Land Use Matrix](#). Uses that are not specifically authorized are prohibited.
- (C) **Required Flex Space At-Grade.** Where required “Flex Space” is designated on the Downtown Framework Plan, the ground floor adjacent to the street shall be constructed to retail building standards, including a minimum floor-to-ceiling height of sixteen feet. The minimum height may be reduced to twelve feet by Minor Waiver. These ground floor areas

- may be occupied by any allowed use, but shall be constructed to accommodate retail and restaurant uses in response to market demand.
- (D) **Drive-In/Drive-Through Facilities.** No drive-in or drive-through facilities shall be allowed without approval of a Major Waiver, except where allowed by Specific Use Provision (SUP) as indicated by the *Downtown (DT) District Land Use Matrix* ([Table 7-1](#)).
- (E) **Access Drives.** All access drives from a public street shall require a Minor Waiver in order to minimize the number of curb cuts along a block face. Where there is alley access, no additional access drives from a public street should be allowed.
- (F) **Required Recreation and Open Space for Apartments and Condominiums.** Each apartment or condominium development which includes five residential units or more shall provide indoor or outdoor recreational or playground area to meet the requirements of the residents in such complex, including facilities for children, adolescents, and adults as appropriate, such as fitness facilities, roof garden, children's play area or other facility.
- (G) **Publicly Accessible Open Space.**
- (1) Squares, plazas, and pocket parks are encouraged in association with retail and restaurant uses to provide for community gathering spaces that will support socialization in the neighborhood.
 - (2) Public open space shall be configured in such a manner as to ensure the safety and welfare of residents and other users.
- (H) **Downtown Automotive Overlay (DAO) District.** The DAO district shall overlay portions of the Downtown district as shown on the Downtown Framework Plan. All requirements of this Chapter 7 shall apply except that those automotive uses listed in the DAO district shall be permitted as reflected in the Light Commercial (LC) district within the *Land Use Matrix* in [Section 2.51, Article 5, Chapter 2](#) of this GDC, and governed by the DAO district regulations set forth within [Section 2.48 of Article 4, Chapter 2](#) of this GDC. All other uses (except automotive uses) shall be regulated as set forth in the underlying sub-district designated by the Downtown Framework Plan, and as set forth in the *Downtown (DT) District Land Use Matrix* ([Table 7-1](#)).

Legend:

P = Permitted by right
 S = May be permitted by SUP
 N/A = Not applicable (i.e., no parking requirement)
 * = See Chapter 2, Section 2.52 for special standards
 gla = Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
RESIDENTIAL USES						
Accessory Dwellings:	-	-	-	-	-	
Dwelling, Accessory – Guest House	P	P	P	P	1 / dwelling unit	
Dwelling, Accessory – Rental Unit	P	P	P	P	Efficiency and 1 bedroom: 1 space 2+ bedrooms: 2 spaces	
Dwelling, Accessory – Guard/Manager/Caretaker	P	P	P	P	2 / dwelling unit	
Elder Care Facilities:	-	-	-	-	-	
Elder Care – Independent Living	P	P			1 / dwelling unit	
Elder Care – Assisted Living		P			1 / 3 dwelling units	
Elder Care – Nursing/Convalescent Care		P			5 / bed	
Elder Care – Continuing Care (combination)		P			as determined by components, and best/current practices	
Household Living Units:	-	-	-	-	-	
Dwelling, Two-Family (duplex)		P		P	2 enclosed / dwelling unit	
Dwelling, Multi-Family	P	P			Efficiency: 1 space 1 bedrooms: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	
Dwelling, Live-Work unit (in a live-work building)	P	P	P	P	2 spaces, plus nonresidential requirement	
Dwelling, Single-Family Detached		P	P	P	2 enclosed / dwelling unit	
Dwelling, Single-Family Attached (Townhouse)	P	P		P	2.25 enclosed / dwelling unit	
Dwelling, Apartment	P	P	P	P	Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	
ACCESSORY & TEMPORARY USES						
Accessory Structure, Residential	P	P	P	P	N/A	
Convenience Facilities:	-	-	-	-	-	
Drive-In Service				S	1 / order station + 1 space per employee at maximum shift	
Drive-Through Service		S		S	N/A	

Legend:

P = Permitted by right

S = May be permitted by SUP

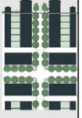
N/A = Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

gfa – Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR		
Walk-Up Service	P	P		P	1 / walk-up window or order station + 1 space per employee at maximum shift	
Fuel Pumps, Retail				S	N/A	
Kiosks, Self-Service:	-	-	-	-	-	
Automated Teller Machine (ATM) – Drive-Up		S		S	1 / ATM station (at the ATM)	
Automated Teller Machine (ATM) – Walk-Up	P	P		P	1 / walk-up ATM	
Outside Display, New Materials	P	P		P	N/A	
Outside Display, Used Materials	S	S		S	N/A	
Outside Storage, New Materials		P		P	N/A	
Outside Storage, Used Materials		S		S	N/A	
Seasonal Sales				S	N/A	
Temporary Building/Office (field office, construction office, subdivision sales office, etc.)	*	*	*	*	1 / 1,000sf site area	
INSTITUTIONAL AND EDUCATIONAL						
College or University,	P	P		P	.5 / student (site-specific study required)	
Convention Facility	P	P			1 / 100 gfa	
Day Care Facilities:					-	
Day Care Center, Adult	P	P	S	P	1 / 3 clients + 1 per employee at maximum shift	
Day Care, Youth – Licensed Child-Care Center	P	P	S	P	1 / 10 children + 1 per employee at maximum shift	
Day Care, Youth – Registered Child-Care Home	P	P	S	P	NA	
Church or Place of Worship	P	P	P	P	1 / 4 seats	
Learning Center, Specialized	P	P		P	1 / 10 students	
School, Business	P	P		P	1 / 3 students	
School, Retail/Personal Services Training	P	P		P	1 / 3 students	
School, Trade		S			1 / 3 students	
School, Public	P	P	P	P	Elementary: 1 / 17 students Middle: 1 / 17 students High: 1 / 3 students –	

Legend:

P = Permitted by right

S = May be permitted by SUP

N/A = Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

gfa = Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR		
School, Private, Religious or Charter	S	S	S	S	Elementary: 1 / 17 students Middle: 1 / 17 students High: 1 / 3 students	
GOVERNMENT & HUMAN SERVICES USES						
Charitable Boarding	S	S	S	S	.5 / bed	
Garden, Charitable	S	S	S	S	2 spaces	
Garden, Civic	P	P	P	P	2 spaces	
Post Office Note to ask City Attorney		P		P	1 / 300 gfa	
Social Service Facility/Agency	P	P		P	1 / 300 gfa	
MEDICAL & HEALTH SERVICES USES						
Hospital		P			1.5 / bed	
Medical and Dental Office/Clinic	P	P		P	1 / 250 gfa	
Mortuary/Funeral Home	P	P		P	1 / 200 gfa, or 1 / 4 seats in sanctuary and chapel(s) (whichever is greater)	
RECREATIONAL, SOCIAL AND ENTERTAINMENT USES						
Athletic Events Facility, Indoor		S			1 / 125 gfa or 1 / 3 bleacher and spectator seats (whichever is greater)	
Civic Club/Fraternal Lodge	P	P		P	1 / 200 gfa	
Commercial Amusement, Indoor	P	P		P	1 / 100 gfa	
Commercial Amusement, Outdoor		S		S	1 / 1,000 sf of amusement area and accessory uses	
Public Amusement, Temporary	S	S		S	N/A	
Cultural Facility	P	P		P	1 / 300 gfa	
Health & Fitness Gym (indoor)	P	P		P	1 / 150 gfa	
Reception Facility	S	S		S	1 / 100 gfa or 1 space for each 3 occupants (whichever is greater)	
Theater, Small Scale	P	P		P	1 / 3 seats	
Theater, Large Scale		P			1 / 3 seats	
OFFICE, RETAIL & SERVICE USES						
Antique Shop (indoors only)	P	P		P	1 / 250 gfa	
Bakery, Retail	P	P		P	1 / 250 gfa	
Bed and Breakfast	S	P	S		1 / guest room + residential use requirement (according to that use)	
Business & Media Service	P	P		P	1 / 300 gfa	

Legend:

P = Permitted by right

S = May be permitted by SUP

N/A – Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

gfa – Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR		
Call Center		S		P	1 / 150 gfa	
Convenience Store (1,000-5,000sf)	P	P		P	1 / 250 gfa	
Financial Institution	P	P		P	1 / 300 gfa	
Flea Market, Indoor	S	S		S	1 / 200 gfa	
Flea Market, Outdoor	S	S		S	1 / 500 sf site area	
Furniture, Household Furnishings and Appliance Sales/Rental	P	P		P	1 / 400 gfa	
Grocery/Supermarket (>5,000sf)	P	P		P	1 / 250 gfa	
Home Improvement Center (>50,000sf)		S		P	1 / 250 gfa	
Hotel/Motel, Extended Stay	P	P		P	1.25 / room + 1 / 200sf restaurant, retail, conference and office area	
Hotel/Motel, Full Service	P	P		P	1 / room + 1 / 200sf restaurant, retail, conference and office area	
Hotel/Motel, Limited Service	P	P		P	1 / room + 1 / 200sf restaurant, retail, conference and office area	
Indoor Shopping Mall	S	S		S	0-400,000 gfa: 1 / 250 gfa 401,000+ gfa: 1 / 300 gfa	
Kiosk, Trailer or Mini-Structure (attended):	-	-	-	-	-	
Retail/Service	S	P		P	1 / employee	
Landscape Nursery (retail)				P	1 / 250 gfa + 1 / 2,000sf outdoor area	
Laundry, Self-Serve (Laundromat)	P	P		P	1 / 250 gfa	
Laundry, Drop-Off (with drive-through or window)	S	S		P	1 / 250 gfa	
Laundry, Drop-Off (without drive-through or window)	P	P		P	1 / 250 gfa	
Office, General	P	P		P	1 / 300 gfa	
Personal Services	P	P		P	1 / 250 gfa	
Pet Store (indoors only)	S	P		P	1 / 250 gfa	
Pharmacy (with drive-through or window)	S	S		P	1 / 250 gfa	
Pharmacy (without drive-through or window)	P	P		P	1 / 250 gfa	

Legend:

P = Permitted by right

S = May be permitted by SUP

N/A = Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

gfa = Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR		
Produce Stand/Outdoor Farmers Market	S	S		S	4 + 1 / 600sf of site area	
Restaurant	P	P		P	1 / 100 gfa	
Restaurant, Drive-Through				S	1 / 100 gfa	
Retail Store	P	P		P	1-85,000sf: 1 / 250 gfa >85,000sf: 1 / 275 gfa	
Studio, Arts/Crafts	P	P		P	1 / 250 gfa	
Studio, Fitness or Performing Arts	P	P		P	1 / 150 gfa	
Used Goods, Retail Sales (Indoors)	P	P		P	1 / 250 gfa	
Tattooing/Body Piercing Establishment	S	S		S	1 / 250 gfa	
COMMERCIAL USES						
Bakery, Commercial		P		P	1 / 1,000 gfa	
Building/Garden Materials Sales & Storage (wholesale)		S			1 / 400 gfa + 1 / 1,000 gfa storage area	
Bulk Material Sales & Storage (retail or wholesale)		S			1 / 1,000 gfa or 1 / 1,000 outdoor area (whichever is greater)	
Contractor's Office/Warehouse (Indoors only)		S			1 / 500 gfa for office + 1 / 1,000sf for warehouse	
Equipment Leasing/Rental, Indoor		P			1 / 250 gfa	
Furniture and Appliance Cleaning/Repair		S			1 / 1,000 gfa	
Pet Care/Play Facility (Indoor)		S		S	1 / 300 gfa	
Printing/Publishing House		S		P	1 / 300 office gfa + 1 / 1,000 remainder gfa	
Recording Studio/Media Production		P		P	1 / 300 gfa	
Small Engine/Lawn Equipment Rental & Repair (Indoors)		P		P	1 / 300 gfa	
Veterinary Clinic, Small Animal (Indoors only)		P		P	1 / 300 gfa	
MOTOR VEHICLE & RELATED USES						
Parking Lot or Garage, Commercial	P	P		P	1 / 300 office gfa	
TRANSPORTATION USES						
Bus Stop	P	P	P	P	NA	
Helipad		S			5 / helipad	
Transit Station, Public (multi-modal, public agency only)	P	P		P	Determined by operating agency	
Transportation Depot, Passenger (commercial)		S		S	Determined by SUP	
INDUSTRIAL USES						

Legend:

P = Permitted by right

S = May be permitted by SUP

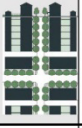
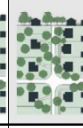
N/A – Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

gfa – Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Table 7-1: Downtown District Land Use Matrix

23					Parking Requirement	Cross-Reference(s) for Special Standards
	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR		
Batching Plant, Temporary	P	P	P	P	1 / 1,000 gfa + 1 / employee at maximum shift	
Laboratory, Analytical or Research (indoor)		S			1 / 1,000 gfa + 1 / employee at maximum shift	
Warehouse, Office/Showroom (indoors only)		S			1 / 300 office gfa + 1 / 1,000 remainder gfa	
Antenna, Commercial	*	*	*	*	N/A	
Antenna, Private	P	P	P	P	N/A	
Electric Substation		S		S	1 / employee at maximum shift	
Gas Regulating Station	S	S	S	S	1 / employee at maximum shift	
Telecommunication Switching Station	S	S	S	S	1 / employee at maximum shift	

Section 7.07 Block Face

- (A) **Intent.** In the Downtown Historic (DH) and Uptown (U) sub-districts, it is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to an attractive and active pedestrian environment, with allowance for some variation and opportunities for outside dining, plazas, pocket parks, and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

In the InTown Residential (IR) and Suburban Corridor (SC) sub-districts, block faces may be discontinuous by providing driveway access and side yards where appropriate. They may also be set back to provide for parking in the SC sub-district, and for front yard landscaping in the IR sub-district.

- (B) **Continuous building frontage**, where required, will be considered to be met if seventy-five percent or more of the primary building façade is located within the build-to zone identified in [Table 7-2](#) below; however, with administrative approval of a Minor Waiver, the requirement may be reduced to sixty percent, provided that the reduction is for the purpose of accommodating an attractive outdoor dining area, plaza, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a Major Waiver.

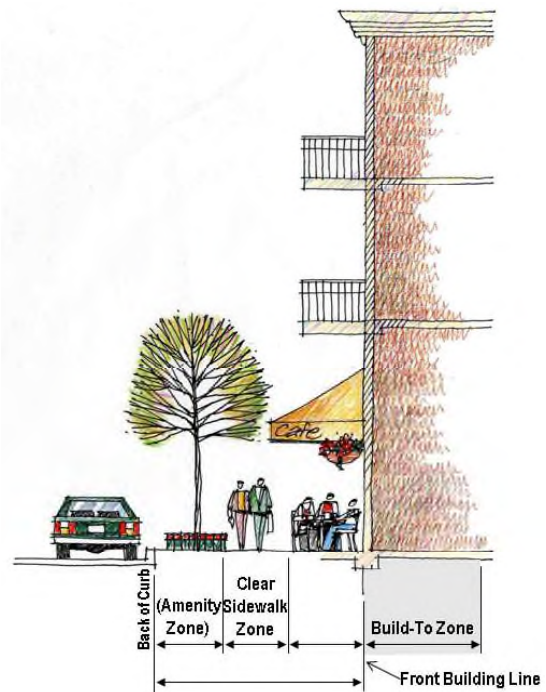


Where on-site surface parking is located adjacent to a street, it shall be landscaped with a double row of trees as set out in [Section 7.20, Parking Lot Landscaping](#), and may count as part of the continuous frontage so long as the length of the parking lot adjacency is minimized and approved by Minor Waiver.

- (C) **Facades** shall generally be built parallel to the street frontage, except at street intersections, where a façade containing a primary building entrance may be curved or angled toward an intersection.

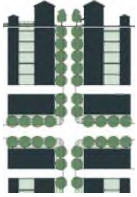
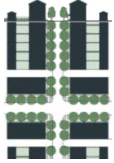
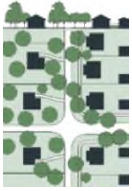
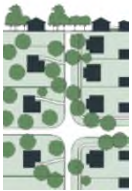
(D) Build-To Zone

- (1) Build-to zones are established in [Table 7-2](#).
- (2) Build-to zones shall be measured from the street back-of-curb as established on the planned street sections for the Downtown area. The entire area between the back-of-curb and the primary nonresidential building façade shall be dedicated as public right-of-way or shall have a public access easement placed upon it. Property owners or a property owners' organization shall maintain the area between the back-of-curb and the building face.
- (3) Exterior steps, stoops, chimneys and bay windows may encroach beyond the build-to zone by up to four feet except in the Downtown Historic (DH) sub-district, but shall not encroach upon the public right-of-way or easement.
- (4) Awnings may overhang the public sidewalk and right-of-way provided there is at least eight feet of vertical clearance, but may not extend into a vehicular roadway, interfere with the healthy growth of street trees or with above-grade public utilities. The design of awnings encroaching above a sidewalk or right-of-way shall be signed and sealed by a licensed structural engineer.
- (5) Balconies may overhang public sidewalk rights-of-way or easements provided they encroach no more than seven feet and have a minimum clearance above the sidewalk of eight feet.
- (6) Any approved encroachment into a public right-of-way or easement shall be shown on the Downtown Development Plan (see [Section 7.28](#) of this Chapter 7).

**Section 7.08 Streets**

It is the intent of these regulations that public and private streets will provide a framework grid that will facilitate the movement of pedestrians, bicycles, and autos in an attractive and comfortable environment, and provide for incremental long-term revitalization and redevelopment of parcels to meet changing market sector needs. All streets and blocks in the Downtown district shall conform to the provisions of this Chapter 7, and shall be designed and maintained to accommodate all intended uses and current and future utility facilities.

Table 7-2: Street and Build-To Zone Standards

	SUB-DISTRICT BUILDING TYPE	CLEAR SIDEWALK	BUILD-TO ZONE ^{1, 2, 4}	STREETS
	Downtown Historic (DH)			
	Townhouse, Mixed Residential	9 ft.	9-15 ft. ³	All
	Live/Work, Mixed-Use, Commercial	9	9-15 ³	All
	Uptown (U)			
	Townhouse, Mixed Residential	8	26-36	Ave B & D
		6	26-36	All Others
	Live/Work, Mixed-Use, Commercial	10	26-36	Ave B & D
		8	26-36	All Others
	InTown Residential (IR)			
	Single-Family	Per GDC		
	Suburban Corridor (SC)			
	All Building Types	6	26-36	Parking on Side
		6	80-88	Parking Bay in Front

Notes:

1. Build-to zone is measured from back-of-curb.
2. Build-to zone may be existing Historic building façade line.
3. If street trees are placed in a "triangle" outside of the curb line; otherwise, 15-20 feet (See [Section 7.17](#)).
4. Sidewalk zone may be increased if determined to be on a street with high pedestrian traffic.

ARTICLE 3 – BUILDINGS

Section 7.09 Intent

The intent of this Section is to create an attractive and active Downtown district. The size, configuration, function, and design of buildings all play an important role in achieving that goal.

It is also intended that commercial spaces will be designed and constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. More specifically,

- (1) Buildings should directly contribute to the attractiveness, safety, and function of the street and public areas;
- (2) Buildings that include retail at-grade should feature the retail activity prominently;
- (3) Buildings should be constructed in a manner and with materials that are highly durable and will continue to endure and be attractive over a long period of time, especially adjacent to public and pedestrian areas; and
- (4) Buildings should have articulated facades to provide visual interest.



Retail should be emphasized over the building architecture

Section 7.10 General Building Configuration

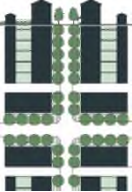
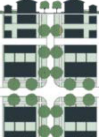
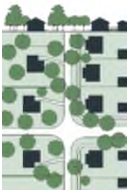
- (A) Facades shall be built generally parallel or tangent to the principal property frontage line. For lots having two or more frontages on public streets, all such frontages shall be considered as principal frontage.
- (B) Loading docks and service areas may be allowed on frontages only by Minor Waiver. Such loading and service areas are discouraged except in very special circumstances, such as grocery stores or other uses requiring delivery of large volumes of merchandise. Alley-oriented loading, on-street loading zones, and off-peak delivery times should serve the needs for almost all uses in the Downtown district.

Section 7.11 Building Standards

(A) **Building Height.** Building height shall be limited as described herein.

- (1) Building heights shall be as described in [Table 7-3, Sub-District Building Height Standards](#).
- (2) Notwithstanding Subsection (1) above, buildings shall be limited to a maximum of two stories within two hundred feet of any property outside the Downtown district which is zoned for single-family residential.

Table 7-3: Sub-District Building Height Standards

				
SUB-DISTRICT STANDARD	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR
Building Height ¹	Min. 1 story, constructed to accommodate a second story, Max. 4 stories ²	Min. 1 story, constructed to accommodate a second story, Max. 8 stories ²	Min. 1 story, constructed to accommodate a second story, Max. 4 stories ²	Min. 1 story Max. 2-5 stories ¹

Notes: ¹ Maximum of 2 stories when the building is within 200 feet of property zoned single-family residential outside the Downtown district; patio home and duplex buildings within the Suburban Corridor may be one story in height.

² Single Story by Major Waiver – Major waiver required to construct a single story building without the ability to accommodate a second story.

- (3) A Landmark Building which is located on axis with a terminating street or access drive or at the intersection of streets or access drives shall be designed with landmark features that take advantage of the location, such as an accentuated entry or a unique building articulation that is offset from the front wall planes and extends above the main building eave or parapet line.

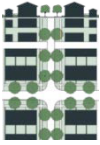


Landmark Building Diagram

(B) **Building Types.**

(1) **Table 7-4** shows the building types that are allowed in each sub-district.

Table 7-4: Sub-District Building Types

				
Building Types Sub-District	DOWNTOWN HISTORIC	UPTOWN	INTOWN RESIDENTIAL	SUBURBAN CORRIDOR
Single-Family			X	
Townhouse	X	X		X
Mixed Residential	X	X		
Loft	X	X		X
Live/Work	X	X		X
Liner Building	X	X		
Mixed-Use	X	X		X
Commercial	X	X		X

(2) **Nonresidential At-Grade.** Minimum floor-to-ceiling heights for all nonresidential spaces at-grade shall be sixteen feet, or twelve feet by Minor Waiver, excluding necessary furr downs.

- (C) **Architectural Articulation.** Where clearly visible from a public street or open space, buildings shall demonstrate both horizontal and vertical articulation. Building articulation shall be approved as part of the review of building façade plans accompanying a Downtown Development Plan application (examples below).



- (1) All buildings shall be designed and constructed in tri-partite architecture, with a distinct base, middle and top. An expression line, setback or other architectural element shall delineate the base and top.
- (2) Buildings shall generally maintain a façade rhythm of twenty to thirty feet. This rhythm may be expressed by a change in building plane, stepping portions of facades in and out, utilizing columns or pilasters that are distinctly set out from the façade or changing types or colors of materials in combination with other techniques.

(D) **Residential At-Grade.**

- (1) All buildings that have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which is accessed from the sidewalk.
- (2) Entries for grade-level units should be located a minimum of two feet above the sidewalk elevation and include a minimum twenty-four square-foot stoop; however, units for handicapped accessibility (or handicapped adaptable) may be located at-grade provided that a fence a minimum of thirty inches and a maximum of four feet in height, and with no more than fifty percent opacity, encloses a small setback and the front door porch area. This standard does not apply for single-family detached homes in the IR sub-district. Any change to this standard shall be considered a Major Waiver.
- (3) Buildings with residential at grade shall have a minimum landscaped build-to line of fourteen feet from the back of the sidewalk to the building face. Stoops, stairs, bay windows, chimneys, and patios may encroach up to eight feet beyond the build-to line, but not beyond the right-of-way line.

- (4) All units shall also include windows that provide residents a view of the street or public access easement and sidewalk area.
- (5) Lobbies to upper stories (residential or nonresidential) may be located at the sidewalk level.
- (6) Balcony and patio railings and fences shall be largely transparent and constructed of glass, wrought iron or metal or a combination thereof. Masonry columns may be used on patios and fences provided that the columns are used as accents. Wood fences and railings, chain-link fencing, and vinyl fencing materials are prohibited.



RESIDENTIAL AT GRADE



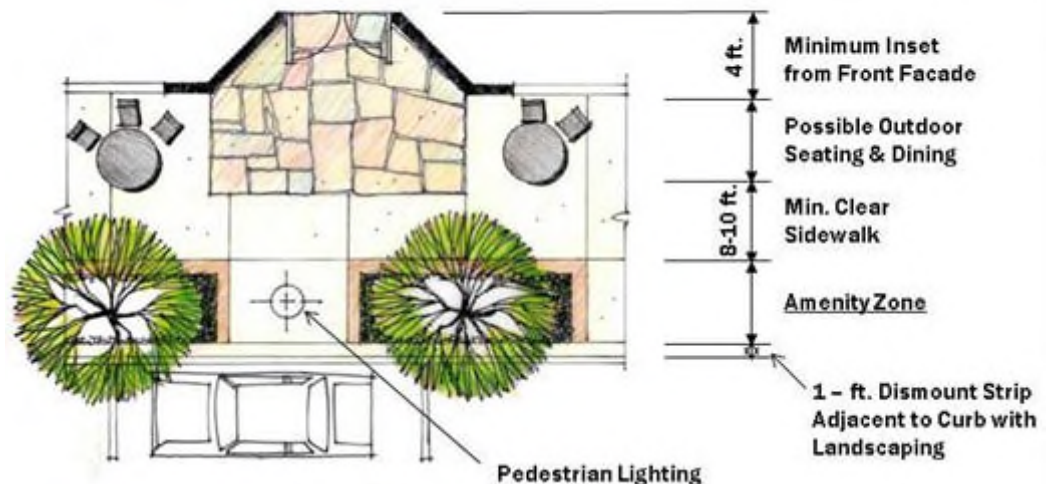
(E) **Residential Above-Grade.** At least fifty percent of residential units above-grade shall have balconies that are at least four feet in depth.

(F) **Flex Space At-Grade.**

- (1) The ground floor entry for Flex Space at-grade spaces shall be located at the approximate elevation of the adjacent sidewalk.
- (2) Flex Space spaces adjacent to the sidewalk at-grade shall:
 - (a) Be constructed to meet fire code separation requirements from any other uses constructed on the floors above;
 - (b) Have a minimum floor-to-ceiling height of sixteen feet, or twelve feet by Minor Waiver, except for furr down areas for ducting or other approved purposes;
 - (c) Have an awning or canopy along the south, east, and west facing facades, that extends at least six feet from the building over the sidewalk for at least seventy-five percent of the frontage of the building. Such awning or canopy shall maintain a minimum eight-foot clearance over the sidewalk; and
 - (d) Separate business patrons from the general public on the sidewalk, and when desired, shall be accomplished using planters or wrought iron fencing unless otherwise approved by Minor Waiver.



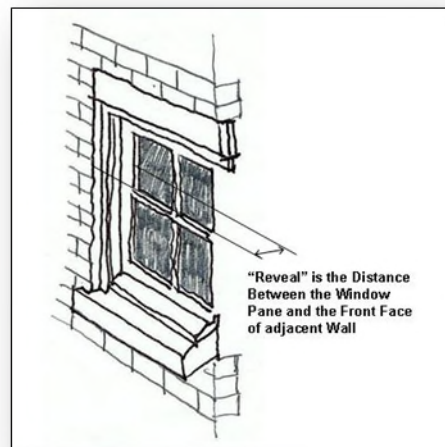
NON-RESIDENTIAL AT GRADE



(G) **Nonresidential Windows and Glazing.**

- (1) **At-grade.** Windows shall be highly transparent, and shall comprise a minimum of sixty percent and a maximum of eighty percent of the ground floor façade.
- (2) **Above-grade.**
 - (a) Windows shall represent a minimum of thirty percent and a maximum of sixty percent of each building elevation above the ground floor; however, because loft units generally contain large amounts of window area, an increase of up to fifteen percent may be approved by Minor Waiver for building elevations containing lofts. Increases greater than fifteen percent shall require a Major Waiver.
 - (b) Windows shall be generally vertical in proportion and generally have at least a three-inch reveal. A series of vertically proportioned windows joined together by a mullion shall be considered as meeting this standard.

*Loft units are characterized
by large window areas*



- (H) **Building Entries.** Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries shall be inset from the front building plane by at least four feet. Functioning entries shall be located no more than sixty feet apart unless other spacing is approved as a Minor Waiver. Corner entries may count as a primary entry for both intersecting street frontages. Entries to lease spaces from a courtyard, plaza or parking area may be flush with the building façade provided there is an awning or other weather protective cover.

Where parking lots are located behind a building, a secondary rear entry is encouraged to provide convenient access from the parking lot into the building.

(I) **Roofs.**

- (1) Flat roofs and green roofs are allowed.
- (2) For buildings with hip, gable or mansard roofs, the allowed materials include slate, concrete or clay roofing tile, copper, factory-finished standing seam metal or laminated asphalt shingles of at least three hundred pounds per square. Wood shingles are expressly prohibited.

(J) **Exterior walls.**

- (1) Exterior walls of buildings and parking structures that are visible from a street, plaza or other public open space (excluding windows, doors, breezeways and other openings) shall be constructed of at least eighty percent masonry construction, as defined in this GDC.
- (2) Concrete tilt wall, pre-cast concrete panels, and other similar materials are prohibited.
- (3) No more than twenty percent of each façade along a street shall use accent materials such as wood, architectural metal panel or tile.
- (4) EIFS shall be allowed only as a material for trim and moldings more than eight feet above the ground floor.
- (5) Glass curtain wall may be allowed for lofts and nonresidential uses provided it does not constitute more than seventy-five percent of the façade.
- (6) Other exterior walls which are not visible from a street, plaza or other public open space shall be constructed of at least twenty percent masonry material, with the remaining being noncombustible materials, including exterior 3-stage stucco, cementitious fiberboard, or other material approved by Minor Waiver and allowed under the International Building Code.

ARTICLE 4 – PARKING AND ACCESSIBILITY

Section 7.12 Automobile Parking

(A) **Intent.** The intent of this Section is to:

- (1) Provide flexibility for changes in land uses that have different parking requirements, and facilitate the leasing of vacant space;
- (2) Manage parking so that it is convenient, efficient and supports an active and vibrant mixed-use retail, office, and residential environment;
- (3) Ensure ease of access to parking;
- (4) Avoid adverse parking impacts on residential neighborhoods; and
- (5) Ensure that parking structures do not dominate the public environment by encouraging the lining of the edges of such structures with residential or commercial uses adjacent to public roads and public open space.

(B) **Parking Requirements.**

- (1) **Applicability.** The construction of any new building or the expansion of the gross leasable square footage of an existing building requires parking for that additional square footage in accordance with other provisions in this GDC.
- (2) **Achieving Automobile Parking.** Parking requirements may be met on-site, on-street, or by lease from the City or its designated authority. On-street parking and loading may not be reserved for private use.
- (3) **On-Site At-Grade Parking.** All off-street surface parking should be located behind the building; however, when it is necessary to locate parking beside a building and adjacent to the sidewalk, then it shall be located at least eight feet behind the front of the build-to zone on a street or public open space, except in the SC sub-district where it may be at least one foot behind the front building line.

Parking shall be accessed by an alley or a driveway between buildings. Every effort shall be made to minimize the number of driveways along block faces, including the use of shared drives between developments. The setback and surface parking lot shall be landscaped as set out in [Subsection 7.20](#) of this Chapter 7.

(C) **Parking Garages.**

- (1) Parking garages that are adjacent to a street shall be set back a minimum of thirty feet from the front build-to line, and shall be lined with buildings containing allowed uses other than parking. The entry to the parking garage shall be architecturally integrated into the design of the building it serves.

(2) Where a parking garage must be located adjacent to a street:

- (a) Parking garages shall be landscaped as set out in [Article 6](#) of this Chapter 7.
- (b) The parking structure facades shall be designed to be compatible with the Downtown district's character, including the use of masonry materials. Architectural screens may be used to articulate the façade, hide parked vehicles, and shield lighting.
- (c) Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.
- (d) Off-street below-grade parking may be built to the lot lines, but shall be designed to allow landscape planting at-grade as defined in [Article 6](#) of this Chapter 7. No below-grade parking beneath a building shall be visible from the sidewalk.

(D) Reduction of Total Parking Requirement.

- (1) On-street parking that is immediately adjacent and directly in front of the development site may be counted toward meeting the parking requirement for the development.
- (2) Properties that provide at least eighty percent of on-site parking as publicly shared parking may use the reduced requirement for nonresidential uses by twenty-five percent on-site.
- (3) In mixed-use buildings, the total required parking may be reduced using the shared parking provisions in [Section 4.20](#) of this GDC.



Section 7.13 Bicycle Parking

- (A) **Intent.** The intent of this Subsection is to encourage the use of bicycles by requiring safe and convenient bicycle parking.
- (B) **Required Bicycle Parking.** Bicycle parking shall be provided at a rate of at least one space for every ten automobile parking spaces required (or portion thereof) as part of the base parking requirement, unless otherwise approved by Minor Waiver.
- (C) **Bicycle Parking Standards.**
- (1) **Location.**
 - (a) Required bicycle parking shall be located within fifty feet of an entrance to the building. With approval of a Minor Waiver, some bicycle parking may be located in the public right-of-way.
 - (b) Any bicycle parking in the public right-of-way should be located within the amenity zone; however, it shall be placed in a manner that avoids conflicts with pedestrian and vehicular paths.
 - (c) Bicycle parking may also be provided within a building, but the location shall be easily accessible to bicycles.
 - (2) **Signs.** If bicycle parking is not visible from the building entry area, then a sign shall be posted indicating the location of the bicycle parking facilities.
- (D) **Standards for Bicycle Rack Types and Dimensions.**
- (1) **Rack Type.** Bicycle rack types and dimensions are subject to the approval of the City.
 - (2) **Parking Space Dimensions.**
 - (a) Bicycle parking spaces shall be at least six feet long and two feet wide. Bicycle racks shall be spaced thirty inches apart. In covered situations, the overhead clearance shall be at least seven feet.
 - (b) An aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. This aisle shall be at least four feet wide.
 - (c) Each bicycle parking space shall be accessible without requiring another bicycle to be moved.

ARTICLE 5 – LIGHTING, MECHANICAL AND UTILITIES

Section 7.14 Intent

It is the intent of this Subsection to provide lighting that supports pedestrian activity and promotes safety, but does not impinge on adjacent properties, and to reduce the visual impact of mechanical equipment on the public realm.

Section 7.15 Standards

- (A) **Lighting levels** shall comply with City of Garland standards for glare ([Article 7 in Chapter 4](#) of this GDC).
- (B) **Lighting Elements.** Lighting elements shall be LED, incandescent, metal halide or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. Neon and other gaseous fixtures may be allowed as a lighting source only with a Minor Waiver.
- (C) **Shielded Lighting Source.** All lighting shall be focused downward, or narrowly focused on its intended target, such as signs, parking and pedestrian walkways. No permanently affixed lighting source greater than sixty watts shall be visible from public view or from a residential unit.
- (D) **Screening of Service Areas.** Site features such as loading and outdoor storage areas, mechanical and rooftop equipment, refuse storage containers and utility accessories are necessary components of a development; however, additional effort shall be made to reduce the visual impact of these elements by screening these site features from adjoining properties and public rights-of-way, and in a manner that provides adequate access to such equipment and facilities.
 - (1) Loading and outdoor storage areas shall not be located on the street side of a building, and shall be screened from view of streets and adjacent properties in accordance with [Division 5, Article 3 in Chapter 4](#) of this GDC.
 - (2) All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, shall be screened in accordance with [Division 5, Article 3 in Chapter 4](#) of this GDC.
 - (3) Refuse storage containers shall be screened from public streets and adjacent properties in accordance with [Division 5, Article 3 in Chapter 4](#) of this GDC.
 - (4) Utility meters and other ground-mounted utility apparatus, including transformers, shall be located to the rear of the structure and screened from the view of public streets and adjoining properties in accordance with [Division 5, Article 3 in Chapter 4](#) of this GDC.

- (5) Wall-mounted equipment, including meters (such as banks of electric meters) shall be screened from public streets and adjacent properties in accordance with [Division 5, Article 3 in Chapter 4](#) of this GDC.

(E) Overhead Utility Lines.

- (1) All electrical, telecommunication, and street lighting (lateral /or service distribution) lines and wires shall be placed underground.
- (2) All electrical and telecommunication support equipment (such as transformers, amplifiers, or switching devices) necessary for underground installations shall be pad-mounted or placed underground and screened as required herein, but shall not obstruct the vision of motorists at alley, street or drive intersections.

ARTICLE 6 – LANDSCAPE

Section 7.16 Intent

Landscaping within the Downtown district shall comply with the provisions in this Section, and with [Table 7-6](#). It is the intent of this Section to:

- (A) Support Downtown goals for a pedestrian-oriented, urban-style environment;
- (B) Contribute to pedestrian safety and comfort;
- (C) Buffer on-site surface parking from public areas; and
- (D) Reduce the heat island effect caused by solar heat gain in paved and hard surface areas.

Section 7.17 Streetscaping

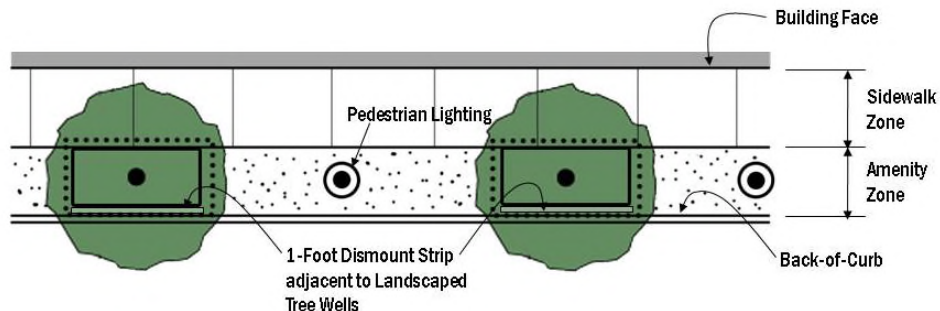
(A) **Street Trees.** Street trees shall constitute the primary landscaping for the Downtown district, and shall be planted in accordance with City details and meet the following requirements:

- (1) Trees shall be selected from the approved Street Tree List contained in [Table 7-6](#); where appropriate, trees other than those in the approved Street Tree List may be used, subject to approval of the Downtown Development Plan, if part of a proposed development.
- (2) Trees shall be:
 - (a) Planted at twenty-five feet on center along each block face;
 - (b) At least three-inch caliper at the time of planting;
 - (c) Single trunk;

- (d) Limbed up to at least seven feet above-grade, and pruned to leave a minimum eight feet of clearance over pedestrian walkways and on-street parking spaces, and fourteen feet of clearance over vehicular travel lanes; and
- (e) Planted such that current and future utilities, and their maintenance, are accommodated.

(B) Street Tree Wells in the Public Sidewalk.

- (1) Trees shall generally be planted within six-foot by eight-foot tree wells, constructed in accordance with City specifications. The tree well opening shall be covered with grasses, ground cover or low plant material, or with a tree grate. However:
 - (a) In the DH sub-district trees may be planted in minimum six-foot by ten-foot tree wells with tree grates; however where a structural sidewalk system is used, the tree well area may be reduced; and
 - (b) Along Avenues B and D where there is no on-street parking allowed, trees may be planted in a continuous six-foot landscape strip along the back-of-curb.
- (2) Nonresidential at-grade – tree wells shall be covered with a tree grate in accordance with City specifications, or if landscaped, shall have a one-foot dismount strip along the curb adjacent to the planter.
- (3) Underground bubbler irrigation is required, and shall be installed on a zone separate from other landscape areas. Irrigation shall be designed to deliver the appropriate amount of water to each tree with minimum waste.
- (4) Drainage for the tree well shall be provided in accordance with City details.
- (5) Tree wells may also include electrical outlets for up-lighting and special events.



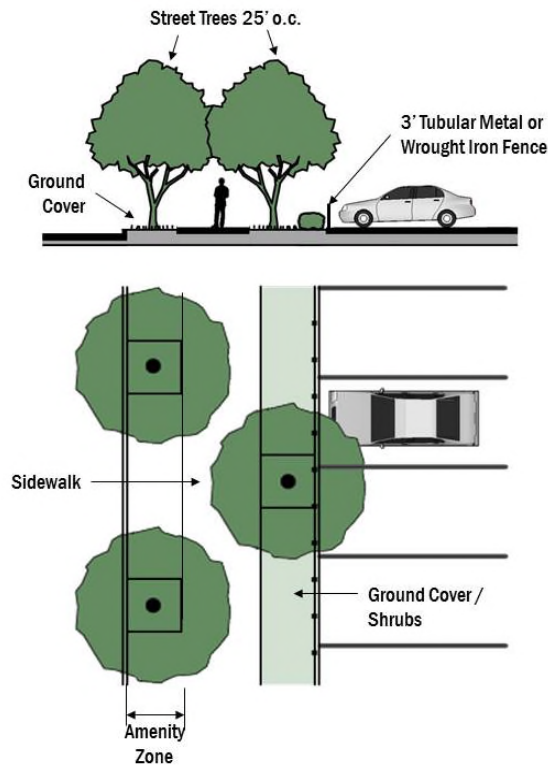
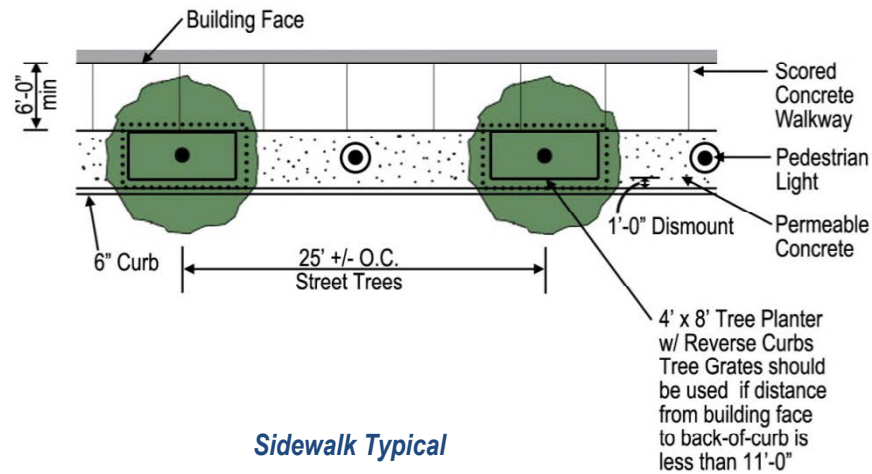
- (C) **District-Wide Furnishings.** The entire district shall utilize basic fixtures and furnishings, such as street and pedestrian lighting, benches, trash cans, newspaper dispensers and bicycle parking equipment, that are approved by the City for public areas within the Downtown district.

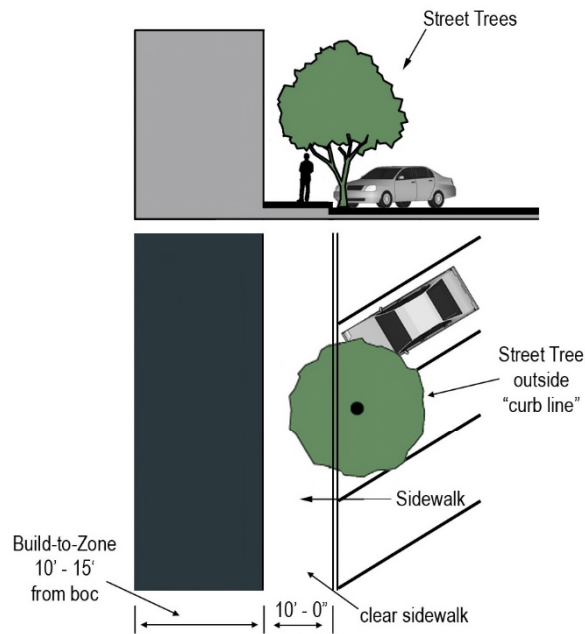
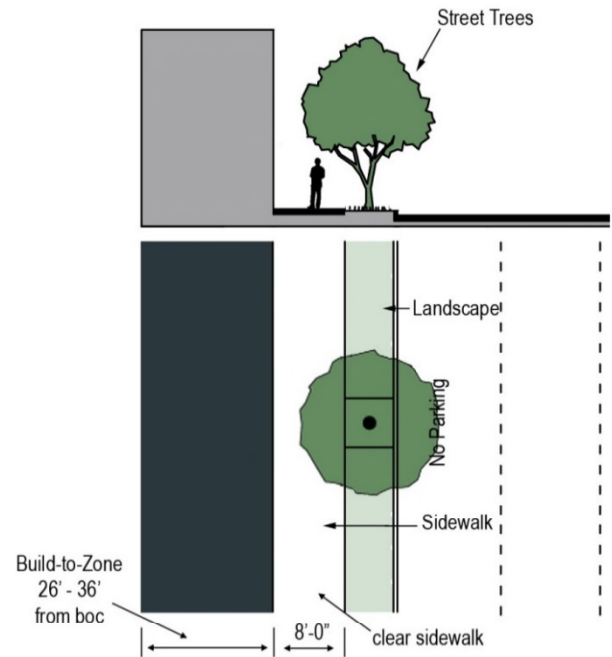
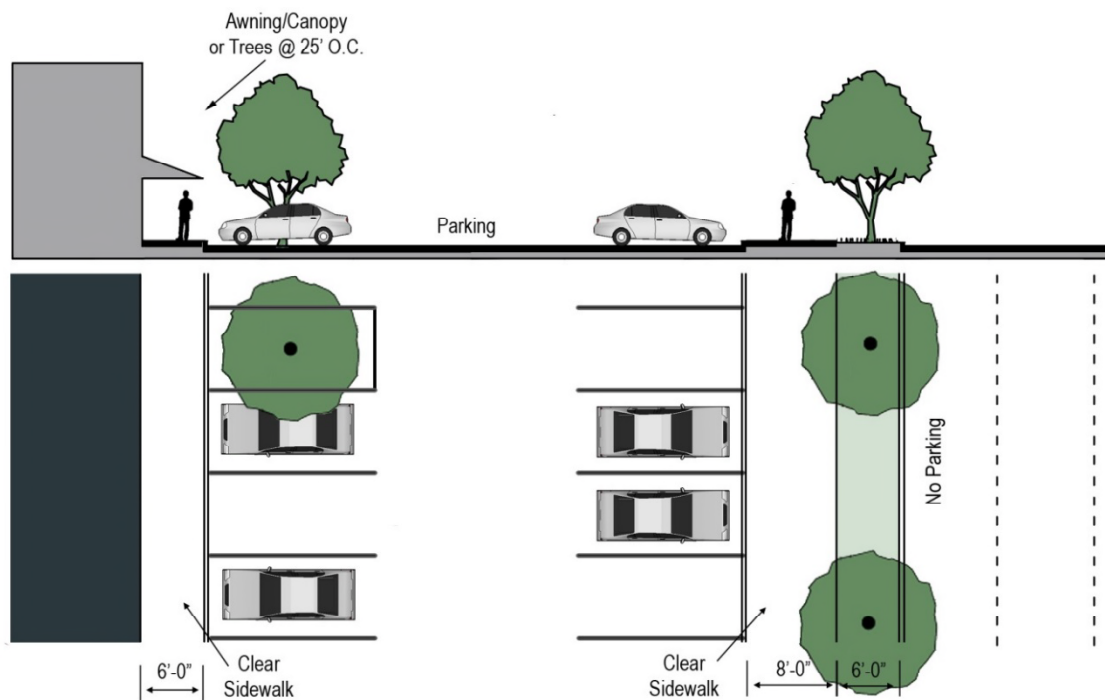
Section 7.18 Plant Material

Plant materials shall consist of street trees, ornamental trees, evergreen shrubs, ground covers and vines and seasonal-color plants which are native or drought hardy (see [Table 7-6](#)).

Section 7.19 Paving Material

- (A) Paving material in front setbacks and on sidewalks shall be earth toned materials such as brick, natural or manufactured stone, and concrete.
- (B) A stamped version of brick, stone or cobbles may be approved in certain locations by Minor Waiver.



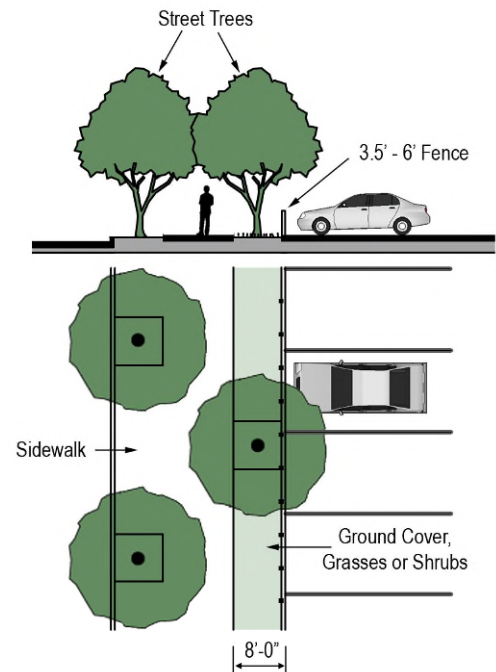
*Downtown Historic Sub-District**Suburban Corridor Sub-District**Suburban Corridor Sub-District*

Section 7.20 Parking Lot Landscaping

- (A) **Parking Lots Adjacent to Sidewalks.** Where a parking lot is adjacent to the sidewalk, a second row of trees and a fence up to three and one-half feet in height shall be provided in place of a building wall. The fence treatment shall be wrought iron, or a combination of wrought iron and masonry, with shrubs. The appropriateness of the tree planting and fence shall be determined by Minor Waiver.

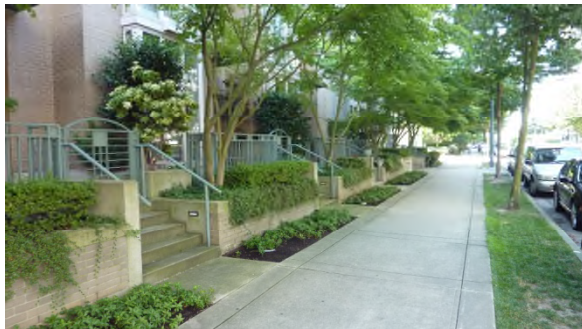
Openings in the fence and landscaping shall be provided, and a hard surface shall be installed to accommodate pedestrian access to the public sidewalk.

- (B) **Interior parking lot landscaping** shall include the planting of trees from the Street Tree List to reduce heat buildup. Each row of parking shall be configured so that there is a minimum nine-foot wide landscape island with each run of eight parking spaces. Parking lot landscaping shall contain a quantity of trees calculated at a minimum of one large street tree for every six parking spaces.



Section 7.21 General Site Landscaping

- (A) Buildings with residential at-grade units shall be required to have a minimum five-foot landscaped setback between the edge of the sidewalk and the entry gate or elevated patio (see [Section 7.11\(D\)](#) in this Chapter 7).
- (B) Landscaping may include ground cover, grasses, low shrubs, ornamental trees and street trees (see [Table 7-6](#)).



Section 7.22 Open Space Configuration

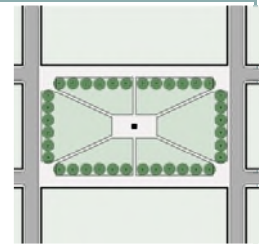
- A. Public and private open space which is adjacent to a street should be configured as indicated in [Table 7-5](#) Open Space (below).

Table 7-5: Open Space

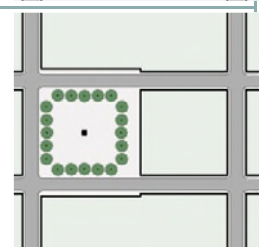
Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by streets, landscaping or building frontages. Its landscape shall primarily consist of lawn and trees. The minimum size is 10,000 s.f., approximately 1/4 acre. *



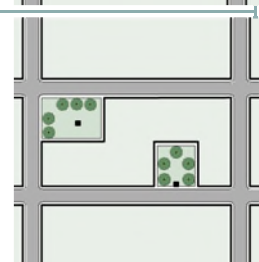
Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building frontages or streets. Its landscape consists of paths, lawns and trees, formally organized, and may include a water feature. Squares should be located at the intersection of important Thoroughfares. The minimum size is 10,000 s.f., approximately 1/4 acre or larger. *



Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building frontages or streets. Its landscape shall consist primarily of paving but include shade in the form of trees or structure. Plazas should be located at the intersection of important streets. The minimum size is 3,000 square feet. *



Pocket Parks: An Open Space available for Civic purposes and Commercial activities. They shall be spatially defined by building frontages and streets. Its landscape consists primarily of pavement but include shade in the form of trees or structure. The minimum size should be at least 400 square feet. *



* A Green, Square, Plaza or Pocket Park should be located at the center of the Pedestrian Shed of any neighborhood. It will provide for a central identity and provide opportunity for social interaction and community-building.

Table 7-6: Street Trees and Landscape Material

MATERIAL
<u>STREET TREES</u>
(Minimum 8' in height/3" caliper at installation)
Allee Elm, <i>Ulmus parvifolia</i> 'Emer II'
Autumn Blaze Maple, <i>Acer x freemanii</i> ¹
Cedar Elm, <i>Ulmus crassifolia</i>
Chinese Pistache (male), <i>Pistacia chinensis</i>
Green Ash, <i>Fraxinus pennsylvanica</i>
Homestead Elm, <i>Ulmus</i> 'Homestead'
Locust / Shademaster Locust, <i>Gleditsia triacanthos</i> ^{1, 3}
October Glory Maple, <i>Acer rubrum</i> 'October Glory' ¹
Red Maple, <i>Acer rubrum</i> ¹
Shumard Red Oak, <i>Quercus shumardii</i> ²
Urbanite Ash, <i>Fraxinus pennsylvanica</i> 'Urbanite'
<u>ORNAMENTAL TREES</u>
(Minimum 5' in height/1.5" caliper at installation)
Rough leaf Dogwood, <i>Cornus drummondii</i>
Yaupon Holly, <i>ilex vomitoria</i> (female only such as 'Pride of Houston' or 'Will Fleming')
Deciduous Holly, Warren's Red, <i>ilex decidua</i>
Crape Myrtle, <i>Lagerstromia indica</i> (see attached)
Mexican Plum, <i>Prunus mexicana</i>
Mexican Redbud, <i>Cersis canadensis</i> var. <i>mexicana</i>
Oklahoma Redbud, <i>Cersis reniformis</i> 'Oklahoma'
Texas Redbud, <i>Cersis canadensis</i> var. <i>texensis</i>
American Smoke Tree, <i>Cotinus obovatus</i>
Vitex, <i>Vitex agnus-castus</i>
Desert Willow, <i>Chilopsis linearis</i>
<u>EVERGREEN SHRUBS</u>
(Minimum 2' in height at installation)
Dwarf Nandina, <i>Nandina domestica</i> nana

Table 7-6, cont'd.: Street Trees and Landscape Material

Dwarf Burford Holly, *Ilex cornuta burfordi nana*

Abelia Grandiflora, *Abelia grandiflora*

Barberry, Barberry spp.

Red Yucca, *Hesperaloe parviflora*

Texas Sage, *Leucophyllum frutescens*

Indian Hawthorn, *Raphiolepis indica*

Native Sumac, *Rhus lanceolata*

Dwarf Crape Myrtle, *Lagerstromia indica 'nana'*

Dwarf Yaupon Holly, *Ilex vomitoria 'nana'*

Pampas Grass, *Cortaderia selloana*

GROUND COVERS/VINES

(Minimum 1 gal. container at installation except Wisteria minimum 5 gal.)

Asian Jasmine, *Trachelosperum Asiaticum coloratus*

Purple Winter Creeper, *Euonymus*

Santolina, *Santolina virens*

Trumpet Vine, *Campsis radicans*

Coral Honeysuckle, *Lonicera sempervirens*

Virginia Creeper, *Parthenocissus quinquefolia*

Lady Banks Rose, *Rosa banksiaw lutea*

Wisteria, *Wisteria sinensis*

Vinca (major), *Vinca major*

TURF/GRASS

(Seed or hydromulch)

Common Bermuda, *Cynodon dactylon*

Fescues, *Festuca rubra*

Buffalo Grass, *Buchloe dactyloides*

Notes:

1. Trees suitable for location beneath normal height power lines.
2. Should provide a limited root barrier to direct spreading roots downward.
3. Locust trees have a problem with reflected heat when young; trunk should be wrapped during early stages.

ARTICLE 7 – SIGN STANDARDS FOR DOWNTOWN DISTRICT

Section 7.23 Intent

While the City understands the integral role signs play in identification of a business to both the driver and pedestrian, the intent of this Subsection is to provide a higher aesthetic through the limitation of clutter and regulation of commercial and locational signage. It is also intended to help enliven retail, restaurant and mixed-use areas.

These standards should not be interpreted to prevent district-oriented signs such as seasonal banners and directional signs. Commercial and locational signage within the district shall be limited, regulated and controlled as provided in this Chapter 7. All other signage shall be subject to the requirements of City ordinances, rules and regulations in effect at the time.

More specifically:

- (A) The location, size, color, materials, and design of signs should be in keeping with the character of the Downtown district;
- (B) Signage should be oriented primarily towards the pedestrian in terms of scale and legibility in order to reinforce the pedestrian character of the district;
- (C) The number of signs should be limited to avoid clutter;
- (D) Signs should be integrated into the overall building design in terms of placement, materials, colors, scale, proportions, etc.;
- (E) Signs attached flush to the building should not obscure any significant architectural details;
- (F) Sign materials should be durable and easy to maintain;
- (G) Sign lettering should be simple, legible and appropriately proportioned for clear communication;
- (H) Signs may be lit by external light sources as long as exposed direct lighting sources are not visually intrusive to the pedestrian environment or visible to residential units; and
- (I) Identification signs within a single development should be similar in design to enhance consistency and project identity.

Section 7.24 General Requirements

- (A) Signs in the Downtown district shall conform with this Subsection and the regulations in [Chapter Four, Article 5](#) of this GDC. Where there is a conflict between the two, this Subsection prevails.
- (B) In addition to the Sign Chart, the following standards apply:
- (1) Address signs are required for all buildings.
 - (2) Mixed-Use, Commercial, and Live/Work Building Types:
 - (a) The allowed sign area is limited to the amount established in [Section 4.75, Article 5, Chapter 4](#) of this GDC, or as otherwise defined in this Subsection.
 - (b) Monument signs are generally not appropriate for pedestrian oriented districts like the Downtown. Approval of any monument sign requires a Major Waiver in all sub-districts except the SC sub-district. In any case, such signs shall be limited to one per lot frontage, subject to the limits and restrictions herein.
 - (c) Directory signs are allowed, subject to the limits and restrictions herein.
 - (d) Temporary signs are allowed, subject to the limits and restrictions herein.
 - (3) Mixed Residential Building Types:
 - (a) The maximum combined effective area of all signs requiring a permit may not exceed five percent of the total area of each façade, in the form of wall, blade, awning and window signs.

The total sign area may be divided into any combination of individual signs, including awning, blade, window or wall signs.

Signs may be placed on each exterior façade, subject to the five percent limit per façade.
 - (b) Monument signs are generally not appropriate for pedestrian oriented districts like the Downtown. Approval of any monument sign requires a Major Waiver in all sub-districts except the SC sub-district. In any case, such signs shall be limited to one per lot frontage, subject to the limits and restrictions herein.
 - (c) Directory signs are allowed, subject to the limits and restrictions herein.
 - (d) Temporary signs are allowed, subject to the limits and restrictions herein.

(C) **Standards.**

- (1) A sign may be externally lit only with a full-spectrum source, unless otherwise approved by Minor Waiver. This includes direct lighting, back lighting, halo lighting, internally lit letters and neon.
- (2) Restaurant and retail areas may have gaseous tubing (such as neon) or specially designed exterior signs, if such are approved through the Downtown Development Plan approval process.

Section 7.25 Prohibited Signs

(A) The following signs are not allowed:

- (1) Internally-lit sign boxes
- (2) Pole signs

(B) Signs shall not be roof-mounted or project above the roof line.

Section 7.26 Allowed Signs

Signage is allowed for each building type as set out in [Table 7-7](#) below.



Building on the left has individually internally lit letters and are permitted. Building on the right has internally lit sign boxes which are prohibited.

Table 7-7: Allowed Signs

Bldg. Type Sign Type	Single- family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Address Sign	P	P	P	P	P	P	a. Address signs meeting the requirements outlined below do not require a sign permit prior to erection. b. Address sign text shall be no larger than 12 inches in height. c. Address signs, including suite numbers, shall be limited to one per entrance.	No
Sandwich Board / A-Frame Signs				P	P	P	a. Signs shall be limited to one per business, , and may not be used to advertise real estate sales or leasing opportunities. Off-premise advertising is prohibited. b. Signs shall not interfere with the required unobstructed sidewalk path. c. Signs shall be within 20 feet of the primary entrance to the business. d. Signs shall not exceed six square feet in area per face and three feet in height. The entire sign structure shall be included in the calculation of the sign area. e. Signs shall be professionally manufactured with the frame of the sign made from wood or finished metal. PVC and corrugated plastic sheets are not allowed as sign materials. f. Signs may include a chalkboard or bulletin board. g. A-frame signs may be used during business hours only and shall not be left outside the building overnight.	No
Awning Signs			P	P	P	P	a. Awning signs are allowed for ground floor uses only. b. Signs on awnings shall be printed, painted or applied directly on the surface of the awning and include only the name, logo, and type of service of the business. Letters shall be a maximum of eight inches high. c. Backlighting of awning signs is prohibited. d. Awnings shall be made of metal or heavyweight canvas or laminated material (minimum 14 oz. woven acrylic, 16 oz. opaque or translucent vinyl, or 20 oz. eradicable vinyl). e. A minimum of eight feet of vertical clearance shall be maintained between the lowest element of the sign and the sidewalk level.	Yes
Blade Signs				P	P	P	a. Blade signs may not encroach into any public right-of-way or public easement, and shall have a minimum clearance of eight feet above any sidewalk/pedestrian travel surface, and fourteen feet above any vehicular parking or circulation surface. b. Blade signs shall be suspended beneath a canopy or awning, or attached to a building's entrance façade. c. Maximum size/area: Four square feet when suspended beneath a ground-level canopy or awning or attached to the façade of the building on the ground-level; eight square feet when attached to the building's second or higher story. d. One blade sign per business customer entrance allowed.	Yes

Bldg. Type Sign Type	Single-family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Building Directory Signs				P	P	P	a. Exterior directory signs are allowed on multi-tenant buildings where there are two or more tenants without direct outside access to a public street. One exterior directory sign per entrance shall be allowed. b. The exterior directory sign may include only building information (name, address or logo) and building tenant information (name and suite). The sign shall not contain other advertising. c. Text size is limited to three inches for building name and logo, and one inch for all other information. All tenant information should utilize a single text font. d. The sign shall project a maximum of four inches from the wall to which it is attached. e. Maximum size shall be 10 square feet.	No
Building Identification Signs			P		P	P	a. Building identification signs shall be limited to one per building face. b. Each sign shall be 12 feet or more above sidewalk level. c. Applied letters shall be constructed of painted cast metal, bronze, brass, or anodized aluminum. Applied plastic letters are prohibited.	Yes
Bulletin Board Sign (note; "Menu Boards" as defined in GDC not applicable with no drive-ins)				P	P	P	a. Bulletin board signs are signs which may include restaurant menus, community notices, real estate offerings and or other notices. b. They shall have a glass cover and be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, except as noted herein. c. Combustible materials may be used, providing the sign is attached to a wall with a minimum two-hour fire resistive rating. d. Bulletin board signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated. e. A bulletin board sign shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot. f. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet and may be lighted. g. The total area of the sign shall not exceed ten square feet.	Yes

Bldg. Type Sign Type	Single- family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Marquee Signs					P	P	a. A maximum of one marquee shall be allowed for theaters, auditoriums and other public gathering venues accommodating 100 persons or more subject to the approval of a Minor Waiver. b. The area of the sign shall be limited to 100 sf. and may include changeable copy (electronic and non-electronic). c. A marquee sign shall be attached to the building, and may extend over the sidewalk but shall not intrude on the street tree planting zone and shall maintain a minimum 8 foot clearance between the lowest element of the sign and the sidewalk level.	Yes
Memorial Signs or Tablets	P	P	P	P	P	P	a. Memorial signs may be constructed of bronze or other noncombustible materials attached to the building or may be cut into any masonry surface. b. Memorial signs shall not exceed four square feet in area, with one sign allowed for each building wall facing a street.	No
Menu Signs					P	P	a. A temporary sign used to inform the public of the menu and entertainment available in a restaurant. b. May be located within a display case attached to the building wall, or affixed to a window. c. A menu sign may not exceed a total area of six square feet, and may be lighted.	No
Monument Signs							a. Minor Waiver for properties with large setbacks and existing monument signs to allow for upgraded and improved signs where appropriate.	Yes
Name Plate	P	P	P	P	P	P	a. Nameplate signs shall not exceed one square foot in area, with one sign allowed for each residential unit.	No
Projecting Signs				P	P	P	a. Projecting signs will be a maximum of one per building face. b. Projecting signs will be a maximum area of 60 square feet per building face; and will not exceed 5 feet in width. c. Projecting signs will be a minimum of 12 feet in distance from the ground to the lower edge of the sign. d. Projecting signs will have a maximum height so as not to exceed 2/3 the building face height in linear feet.	Yes
Temporary Signs			P	P	P	P	a. In the Downtown district, temporary signs shall include signs, banners, flags, balloons or pennants promoting a merchandise program, opening of a retail or commercial establishment or center, special program of a public institution or the opening of a single-family subdivision or multifamily development. b. Such sign shall meet the standards established in <u>Chapter Four Article 5 Signs</u> in the GDC.	Yes
Real Estate Signs	P	P	P	P	P	P	a. Such sign shall meet the standards established in <u>Chapter Four Article 5 Signs</u> in the GDC.	No

Bldg. Type Sign Type	Single- family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Temporary Construction Signs	P	P	P	P	P	P	a. Temporary construction signs denoting the architect, engineer, contractor, subcontractor, or financier and temporary signs denoting the future location of a particular business, retail center or institution shall be limited to one construction sign and one future location sign per street adjacent to the construction site or future location site. Each sign shall be limited to 32 square feet in area and shall not extend above 15 feet in height measured from ground level. b. Such signs shall be located on the premises where the construction or the location being advertised is or will be occurring and shall be removed upon issuance of the certificate of occupancy.	No
Wall Signs				P	P	P	a. Maximum size is 30 square feet if located 12 feet or higher above-grade; 10 square feet if less than 12 feet above-grade. b. In addition, one wall-mounted sign, not exceeding 6 square feet in area, is permitted on any side or rear entrance that is open to the public. Such wall signs may only be lighted during the operating hours of business. c. A wall sign shall not extend above the façade of the structure or building to which it is attached. Such sign shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot. d. Wall signs shall be limited to one per occupancy, per street frontage. A Minor Waiver may be approved for a single-occupancy building to allow additional signage. e. A minimum separation of 10 feet shall be provided between Wall Signs (excluding Building Identification Signs or Directory Signs).	Yes
Directional/ Movement Control Signs (On Site)			P	P	P	P	a. Directional and Movement control signs shall meet city-wide standards.	No*

Bldg. Type Sign Type	Single- family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Window Signs				P	P	P	a. In no event shall signs located on the internal or external window surface in any manner obscure more than 25 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25 percent visibility shall be maintained for each window on such street or sidewalk. Window signs shall include: i. Signs painted on the internal surface of the window of a retail/commercial or office establishment. ii. Signs (except posters, below), banners or displays located on the internal surface of the window of a commercial or retail establishment. iii. Posters, providing such posters are not located on the external surface of the window. iv. Decorations intended to direct attention to public events, providing such signs are painted on the internal surface of the window and no more than 25 percent of the window is obscured by the decorations. v. Signs attached to the internal surface of a window that defines the name, proprietor, telephone number or address of such retail or commercial establishment. vi. Signs that are visible from the outside and located within 5 feet of a window.	Yes

ARTICLE 8 – ADMINISTRATION

Section 7.27 Intent

It is the intent of this Subsection to offset the high level of detailed standards in this Chapter 7 with an expeditious approval of projects that meet the general goals and intent of this district and to ensure consistency and quality of design.

Section 7.28 Downtown Development Plan

- (A) Prior to obtaining a Site or Building Permit, an approved Downtown Development Plan must be obtained from the Director (or from the City Council, if appealed or if a Major Waiver is requested) demonstrating that the proposal meets the goals, intent and general standards contained in these district regulations.
- (B) A Downtown Development Plan application shall include the following information and documents that demonstrate compliance with the Downtown district:
- (1) Site layout plan (such as a Preliminary Development Plan)
 - (2) Proposed uses
 - (3) Unit mix for residential
 - (4) Parking required and provided
 - (5) Landscape, screening, fencing and streetscape plans
 - (6) Building elevations indicating materials and colors
 - (7) Building sections as appropriate, or as may be requested by the Planning Director
 - (8) Calculations for each exterior building material, window area
 - (9) Signage
 - (10) Minor or Major Waivers being requested
 - (11) Traffic Impact Analysis, if required
 - (12) Schematic Engineering Drawings and, as applicable, utility layout and capacity analysis
- (C) An application for a Downtown Development Plan shall be processed in accordance with the City's procedures for determining whether an application is complete, including a mandatory Pre-Submittal Meeting with staff under established procedures and schedules (see [Chapter 1](#) of this GDC). Following a determination of completeness, and unless the application is accompanied by a request for a Major Waiver, the Director shall approve, approve with conditions or deny the application for a Downtown Development Plan and shall notify the applicant of the decision.

- (D) The Director, in making an initial decision on a Downtown Development Plan application, shall determine whether the Plan meets the goals, intent, and standards of the Downtown district.
- (E) Denial or conditional approval of a Downtown Development Plan by the Director may be appealed to the City Council using the same process as required for a Major Waiver. The appeal shall be filed in writing with the Director within thirty calendar days following the date of the Director's action on the Downtown Development Plan application.
- (F) If the application includes a request for a Major Waiver, the Director shall schedule the application for hearing before the Plan Commission along with a recommendation on the application. The Plan Commission, following a public hearing, shall forward its recommendation to the City Council for hearing on the application and Major Waiver request. The City Council, following a public hearing, shall approve, approve with conditions or deny the application for a Downtown Development Plan and the Major Waiver request.
- (G) The notice and hearing procedures for approval of a zoning change under the GDC shall be used to process the request for a Major Waiver.

Section 7.29 Regulating Plan

- (A) A Regulating Plan may be required for any multi-phased development in order to ensure continuity of development.
- (B) Regulating Plans will be consistent with the approved Framework Plan.
- (C) Regulating Plans may be prepared by an applicant or by the City.
- (D) Regulating Plans will correlate to adjacent plans and development, and will be incorporated as part of the regulations governing the Downtown district.
- (E) **Content.** Regulating Plans will include:
 - (1) Street network depicting all major, secondary, collector, local and alley thoroughfares and trail network;
 - (2) Street types;
 - (3) Public open space;
 - (4) Location and capacity of utilities;
 - (5) Mandatory or recommended flex space construction at-grade;
 - (6) Terminated vista and landmark feature locations;
 - (7) Building height, building type or land use overlay(s) (if applicable);
 - (8) A Phasing Plan of open space amenities (if applicable);
 - (9) Any waivers being requested (any variation to this Chapter's standards must be specifically requested); and
 - (10) Any requirements specific to the site, as may be determined by the Planning Director.

- (F) An application for a Regulating Plan shall be processed in accordance with the City's procedures for determining whether an application is complete, including a mandatory Pre-Submittal Meeting with staff under established procedures and schedules (see [Chapter 1](#) of this GDC). Following a determination of completeness, and unless the application is accompanied by a request for a Major Waiver, the Director shall approve, approve with conditions or deny the application for a Regulating Plan and shall notify the applicant of the decision.
- (G) The Director, in making an initial decision on a Regulating Plan application, shall determine whether the Plan meets the goals, intent, and standards of the Downtown district.
- (H) Denial or conditional approval of a Regulating Plan by the Director may be appealed to the City Council using the same process as required for a Major Waiver. The appeal shall be filed in writing with the Director within thirty calendar days following the date of the Director's action on the Downtown Development Plan application.
- (I) If the application includes a request for a Major Waiver, the Director shall schedule the application for hearing before the Plan Commission along with a recommendation on the application. The Plan Commission, following a public hearing, shall forward its recommendation to the City Council for hearing on the application and Major Waiver request. The City Council, following a public hearing, shall approve, approve with conditions or deny the application for a Regulating Plan and the Major Waiver request.
- (J) The notice and hearing procedures for approval of a zoning change under the GDC shall be used to process the request for a Major Waiver.

Section 7.30 Waivers of Design Standards

- (A) **Types of Waivers.** For the purposes of this district, there shall be two types of Waivers of design standards — Minor and Major. A Waiver request may only be made in conjunction with an application for a Downtown Development Plan. Any Waiver must be specifically requested by the Applicant. No Waivers to standards will be considered approved if not specifically identified in the request for approval of a Development Plan.
- (B) **Minor Waivers** are those changes to design standards in the Downtown district that are determined to meet the goals and intent of this district as stated in [Article 1](#) of this Chapter 7 and throughout this Chapter. Minor Waivers may be approved administratively by the Director. A Minor Waiver may only be approved if it:
 - (1) Meets the goals and intent of this district;
 - (2) Does not materially change the circulation and building location in the area;
 - (3) Does not change the relationship between buildings and the street; and
 - (4) Does not allow a use not otherwise authorized in this district.

- (C) **Major Waivers** are material and substantial changes to the design standards in the Downtown district, or changes which may initially appear to be in conflict with the goals and intent of this district. Major Waivers may only be approved by the City Council, following a recommendation by the Planning Director and the Plan Commission in conjunction with a decision on an application for approval of a Downtown Development Plan. In order to approve a Major Waiver, the City Council shall find that the Waiver:
- (1) Meets the general intent of this district; and
 - (2) Will result in an improved project which will be an attractive contribution to the Downtown district.
- (D) The City may impose conditions in the granting of any Waiver in order to implement the Downtown Plan, and to mitigate negative impacts to neighboring properties, public streets or open space.
- (E) The following Waivers are authorized within the Downtown district, subject to the procedures in this Section:
- (1) **Minor Waivers** include changes to the following standards, or as otherwise identified in these district regulations:
 - (a) Reduction in minimum floor-to-ceiling height for Flex Space at-grade space of up to ten percent;
 - (b) Vehicular access drive locations;
 - (c) Vehicular access from a street where alley access is available;
 - (d) Continuous building frontage less than seventy-five percent, but not less than sixty percent;
 - (e) Counting parking lot frontage which is planted with a double row of trees and landscaping, as part of the requirement for continuous frontage;
 - (f) Separation of business patrons from the general public on a sidewalk, using another method than planters or fencing;
 - (g) Use of building materials other than masonry and 3-stage stucco on walls not visible from a street, plaza or other public open space;
 - (h) Increase the amount of window area by up to fifteen percent for building facades that contain loft residential units;
 - (i) Bicycle parking requirements;
 - (j) Use of neon as a lighting source;
 - (k) Use of a stamped concrete version of brick, stone or cobbles as a paving surface;
 - (l) Approval of a marquee sign; and

- (m) Approval of more than one wall sign for a single-occupancy building.
- (2) **Major Waivers** include changes to the following standards, and as otherwise identified in these district regulations:
 - (a) Various land uses in sub-districts as indicated in **Table 7-1**;
 - (b) Exceeding limitations established for a Minor Waiver; and
 - (c) Any variation in rules not covered by a Minor Waiver.

Section 7.31 Amendment

An amendment to an approved Downtown Development Plan must be submitted prior to the time for lapse of approval provided in [Section 7.32](#) below. In the event an amended Downtown Development Plan is approved, the approving authority amending the Plan shall specify the time for lapse of such approval, not to exceed two years (that is, 730 calendar days), consistent with [Section 7.32](#).

Section 7.32 Lapse of Approval

The approval of any component of a Downtown Development Plan shall lapse in accordance with the provisions of [Chapters 2, 3 or 4](#) of this GDC (as applicable), including requests for extensions.

ARTICLE 9 – DEFINITIONS

The following definitions apply only within the Downtown District. Other definitions within this GDC shall govern when not in direct conflict with the terms below. If, however, there is a conflict the following definitions shall control within the Downtown District.

Access Drive. Any on-site drive or lane intended to accommodate motor vehicles or pedestrians.

Apartment. A multi-family structure containing three or more dwelling units located on a single lot and designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

Awning. A roof-like cover supported from the exterior wall of a building, often of fabric, metal or glass, designed and intended to provide protection from the elements.

Block Face. One side of a street between two consecutive street intersections.

Building Façade, Primary. Any façade that faces a public street or open space.

Build-To Zone. The Build-To Zone establishes the minimum and maximum setback for a building façade from the curb line on private property.

Commercial Building. A building that contains nonresidential space/use, but no residential use.

Condominium, Residential. A building in which the space in each dwelling unit is owned individually, and all of the dwelling owners share in the ownership of the common areas, such as grounds and the building structures.

Director. The Planning Director, or designee.

Dismount Strip. A narrow width of paving between the back-of-curb of an on-street parking space and a planter or tree well. It enables passengers to more easily exit a parked vehicle and gain access to the sidewalk

Downtown Development Plan. A plan that must be approved by the City prior to any improvements to a property with the Downtown (DT) district. An approved Downtown Development Plan is required prior to the issuance of site or building permits. (See [Section 7.28](#) of this Chapter 7)

Duplex. A free-standing building on one lot, having separate accommodations for and occupied by not more than two families, one family in each living unit.

Entry, Primary. The main entry to a building or lease space on a block face. Such entries may also be located on a plaza or courtyard with direct access to the street.

Flex Space. Leasable space which has the necessary ceiling height and fire separation to accommodate retail and restaurant uses, though any allowed nonresidential use may occupy the space until the retail market matures to a level that will cause the space to change to a retail or restaurant use.

Framework Plan. The Framework Plan (see [Appendix 3](#)) adopted as part of this Chapter 7, and used as a guide for the application of these district regulations.

Frontage. Any portion of a lot that is immediately adjacent to a street. This does not include alleys.

Landmark Building. A building located on axis with a terminating street or public access drive or at the intersection of two or more streets. Such building shall incorporate architectural features that address height and articulation that emphasize the importance of such a location and shall be approved as part of the Downtown Development Plan.

Liner Building. A narrow building that lines the exterior of a parking garage structure adjacent to a street and sidewalk. It is generally thirty to sixty feet deep and occupied by any allowed use except parking.

Live/Work. Units containing both living quarters and a commercial space, such as retail, artist space or gallery, business or other professional office activities where the living and working areas shall each have a separate entry from a public walkway, and the residential component is located above the commercial use.

Loft. A flexible residential or commercial space characterized by higher than normal ceilings, open floor plans and, often, exposed duct work. Lofts may be found in Mixed Residential, Commercial and Mixed-Use buildings.

Masonry Material. See Chapter 6 of this GDC (Definitions).

Mixed Residential. A building containing a variety of residential unit sizes or types, such as studio, 1-, 2- or 3-bedroom apartments, condominiums or lofts.

Mixed-Use Building. A structure that combines residential and nonresidential uses in a single building.

Mullion. The vertical or horizontal divisions or joints between single windows in a multiple window unit.

Pedestrian Shed. A Pedestrian Shed is an area where the center is an average one-quarter mile radius, about the distance of a five-minute walk at a leisurely pace.

Setback, Downtown. The area between the edge of the sidewalk and the building face under private ownership. In nonresidential adjacency, this area may include landscaping or outdoor seating and may be paved. In residential adjacency, the area will be landscaped and may include stoops, stairs and patios.

Stoop. A porch with steps that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Streetscape. The urban design element that establishes the character for the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, sidewalks for pedestrians) as well as the visible private frontages (building facades and elevations, porches, setbacks, fences, awnings, etc.) and the amenities

within the public frontages (street trees and plantings, benches, street lights, bike facilities, other furnishings).

Studio Apartment. A small apartment usually consisting of one main area that combines the living and bedroom space, as well as a small kitchen/kitchenette and a bathroom.

Townhome. An attached dwelling unit, typically with a height of two or more stories, located on a separately platted lot, which shares at least one common wall with another such unit, typically grouped together in a cluster of 3 or more units.

Waiver to Design Standards, Major (Major Waiver). A change to or deviation from the standards of this District, as identified in the District regulations and requiring City Plan Commission recommendation and City Council approval.

Waiver to Design Standards, Minor (Minor Waiver). A change to the standards of this district that is not contrary to the stated goals and intent of the District as interpreted and authorized by the Director.

DOWNTOWN FRAMEWORK PLAN

- Transit Station
- Required Retail Construction @ Grade
- Downtown Core Pedestrian Shed
- Downtown Neighborhood Pedestrian Shed
- Automotive Overlay
- 3/4 Mile

SUBJECT PICTURES



Viewing north at subject, 7th Street, from W Avenue B



Viewing south at subject, 7th Street, from W Avenue A



Viewing east along W Avenue B from 7th Street



Viewing west along W Avenue B from 7th Street



Viewing east along W Avenue A from 7th Street



Viewing west along W Avenue A from 7th Street



On-site utilities at northwest corner of W Avenue B and 7th Street



Viewing adjacent parcel to west, 705 W Avenue B



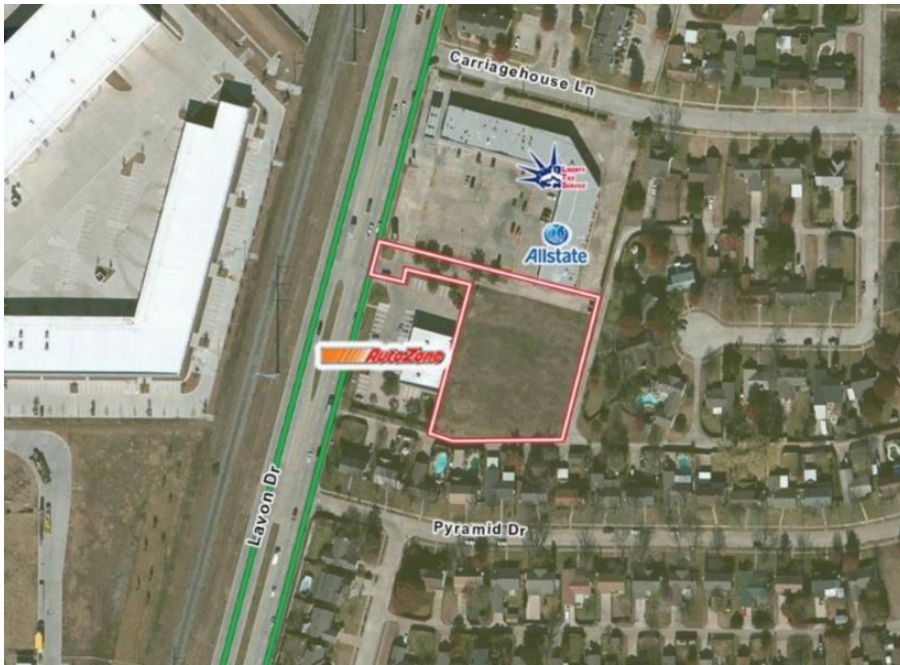
Viewing adjacent parcel to west, 705 W Avenue B



Viewing adjacent parcel to east, 616 W Avenue A

COMPARABLE LAND SALES

PROPERTY INFORMATION



PROPERTY TYPE

Property #: **456544**
 Property Type: **Land**
 Property Use: **(Unknown)**

PROPERTY LOCATION

Address: **2301 Lavon Drive**
 City, St., Zip: **Garland, TX 75040**
 County: **Dallas**
 Tax Accounts: **26080850020010100**
 Legal Description: **CARRIAGEHOUSE VILLAGE;
 BLK 2 LT 1.1**

E/S of Lavon Drive, S of Carriagehouse Lane

PROPERTY SIZE

	Gross	Net
Land Area:	1.44 Acres (62,614 SF)	1.44 Acres (62,614 SF)

PROPERTY ATTRIBUTES

Site

Easements: **Mutual access with AutoZone and adjacent parcel to north; none detrimental known**
 Floodplain: **X 48113C0240K 07/07/2014**
 Road Frontage: **Lavon Drive**
 Terrain: **Level**
 Utilities: **All to site**
 Zoning: **CR, Community Retail**
 Improvements: **None of contributory value**

SALE INFORMATION

Consideration:	\$251,256	Grantor: Lyon Equities, Inc. Trustee
Adjustments:	\$0	Grantee: Shiva Darshan Properties LLC
Cash Equivalent Price:	\$251,256	Date of Sale: 06-03-16
1st Mortgage:	\$0	Sale Status: Closed
2nd Mortgage:	\$0	Record info: 201600156412
Equity:	\$0	
Sales Price (\$/SF):	\$4.01	
Sales Price/Acre:	\$174,797	

SALE ATTRIBUTES

SALE TRANSACTION INFORMATION

Verified On: 12/13/2016

Verified By: Chris Lyons/214.720.7200/KTD

Comments: This 1.437 acre tract of land is situated behind an AutoZone location and has access to Lavon Drive as well as shared access with the adjacent retail property to the north to Carriagehouse Road. The seller contact was unaware of the buyer's plans for this tract of land.

PROPERTY INFORMATION



PROPERTY TYPE

Property #: **117979**
 Property Type: **Land**
 Property Use: **Hold for Development**

PROPERTY LOCATION

Address: **1620 Forest Lane**
 City, St., Zip: **Garland, TX 75042**
 County: **Dallas**
 Tax Accounts: **26285500000110000, 65026907810030000**
 Legal Description: **Being a 1.719 acre tract of land situated in the A. Chandler Survey, Abstract No. 269, in the City of Garland, Dallas County, Texas**

S/S of Forest Lane, east of Garland Avenue

PROPERTY SIZE

	Gross	Net
Land Area:	1.72 Acres (74,891 SF)	1.72 Acres (74,891 SF)

BUILDING ATTRIBUTES

Quality: **Average**
 Condition: **Average**

PROPERTY ATTRIBUTES

Site

Easements: **None detrimental**
 Floodplain: **AE 48113C0220L 07/07/2014**
 Road Frontage: **Forest Lane**
 Terrain: **Generally level**
 Utilities: **All to site**
 Improvements: **None known**
 Zoning: **GB, General Business**

SALE INFORMATION

Consideration:	\$125,000	Grantor: Forest Lane Professional Building
Adjustments:	\$0	Partnership
Cash Equivalent Price:	\$125,000	Grantee: Kingsley Dumbiri
1st Mortgage:	\$0	Date of Sale: 11-23-15
2nd Mortgage:	\$0	Sale Status: Closed
Equity:	\$0	Record info: 201500312582
Sales Price (\$/SF):	\$1.67	
Sales Price/Acre:	\$72,706	

SALE ATTRIBUTES

Terms of Sale: **Cash to seller**

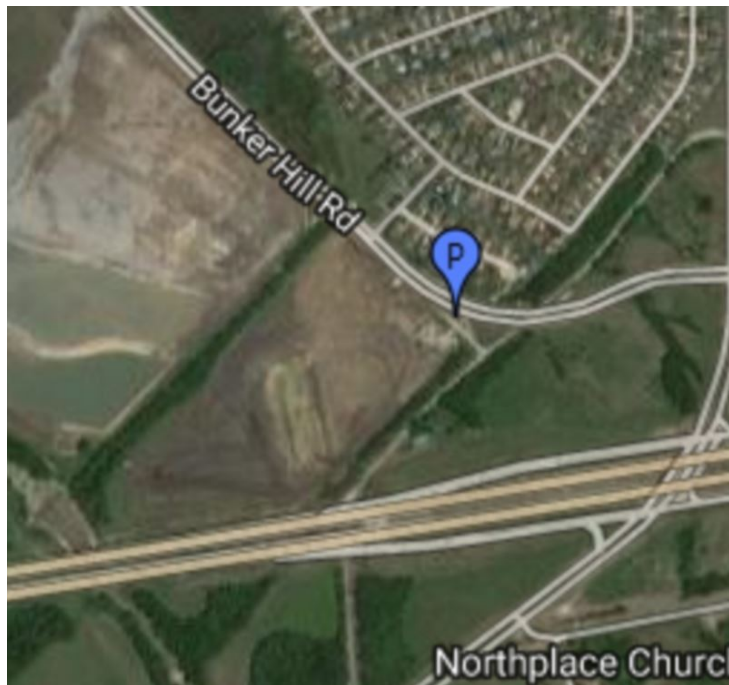
SALE TRANSACTION INFORMATION

Verified On: **6/6/2016**

Verified By: **Bill Knopick/(214) 405-0018/KTD**

Comments: **The broker indicated that the property would have sold for much closer to the list price of \$325,000 if the tract would have included the corner at Forest/W Avenue D and Marion, but legally the corner was not included in the property.**

PROPERTY INFORMATION



N/S George Bush Tollway, S/S Bunker Hill

PROPERTY TYPE

Property #: 390592

Property Type: Land

Property Use: Multi Family - Units

PROPERTY LOCATION

Address: 4909 Bunker Hill Road

City, St., Zip: Garland, TX 75048

County: Dallas

Tax Accounts: 65022661010250000

Legal Description: DANIEL CRIST ABST 226 PG 610 TR 25

PROPERTY SIZE

Gross

Net

Land Area: 10.00 Acres (435,600 SF)

10.00 Acres (435,600 SF)

PROPERTY ATTRIBUTES

Site

Easements: None detrimental

Floodplain: None noted

Road Frontage: Bunker Hill Road

Terrain: Level

Utilities: All available

Zoning: PD 16-06, Planned Development

Improvements: None

SALE INFORMATION

<i>Consideration:</i>	\$3,988,250	Grantor: RCM Firewheel, LLC
<i>Adjustments:</i>	\$0	Grantee: Bluerock Residential Growth REIT
<i>Cash Equivalent Price:</i>	\$3,988,250	Date of Sale: 11-20-15
<i>1st Mortgage:</i>	\$0	Sale Status: Closed
<i>2nd Mortgage:</i>	\$0	Record info: 201500312479
<i>Equity:</i>	\$0	
<i>Sales Price (\$/SF):</i>	\$9.16	
<i>Sales Price/Acre:</i>	\$398,825	

SALE ATTRIBUTES

Terms of Sale: **Cash to Seller**

SALE TRANSACTION INFORMATION

Verified On: **10/7/2016**
Verified By: **Published information/JTG**
Comments: **Phase I purchase of a total of 36 acres to be purchased in two more phases. Purchaser plans to build 301 units with construction to begin April 2016. The consideration equates to \$13,250/unit.**

PROPERTY INFORMATION



SEC of West Avenue B & S Glenbrook Drive

PROPERTY TYPE

Property #: 456545
Property Type: Land
Property Use: Parking Lot

PROPERTY LOCATION

Address: 702 West Avenue B
City, St., Zip: Garland, TX 75040
County: Dallas
Tax Accounts: 26165500140010000
Legal Description: Being Lots 1-17, Block 14, together with the 20 foot abandoned alley through Block 14 of the Town of Embree, now the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 77, Page 441, Deed Records, Dallas County, Texas

PROPERTY SIZE

	Gross	Net
Land Area:	1.86 Acres (81,000 SF)	1.86 Acres (81,000 SF)

PROPERTY ATTRIBUTES

Site

Easements: None detrimental known
Floodplain: X 48113C0220L 07/07/2014
Road Frontage: W Avenue B, S Glenbrook Drive, W Avenue C
Terrain: Level
Utilities: All to site
Zoning: DT, Downtown District
Improvements: Paved parking lot and 675 SF vacant building is on site, building has no contributory value as site was purchased for parking

SALE INFORMATION

Consideration:	\$790,000	Grantor: LAMCIM Garland, L.C.
Adjustments:	\$0	Grantee: First Baptist Church Garland
Cash Equivalent Price:	\$790,000	Date of Sale: 01-02-14
1st Mortgage:	\$0	Sale Status: Closed
2nd Mortgage:	\$0	Record info: 201400003105
Equity:	\$0	
Sales Price (\$/SF):	\$9.75	
Sales Price/Acre:	\$424,845	

SALE ATTRIBUTES

SALE TRANSACTION INFORMATION

Verified On: **12/12/2016**

Verified By: **Public records/KTD**

Comments: **From sources deemed reliable close to the transaction, the property sales price was \$790,000. The property was purchased by the neighboring church. A 675 SF building was located on the 1.8595 acre parcel. The buyer has no plans for the use of the vacant building as the primary use of the property is for additional parking for First Baptist Church of Garland.**

PROPERTY INFORMATION



SWC of W. Avenue B and Santa Fe Street

PROPERTY TYPE

Property #: **221537**
 Property Type: **Land**
 Property Use: **(Unknown)**

PROPERTY LOCATION

Address: **600 West Avenue B**
 City, St., Zip: **Garland, TX 75040**
 County: **Dallas**
 Tax Accounts: **26165500150010000, 26165500150030000 & 26165500150110000**
 Legal Description: **EMBREE, BLK 15 LOTS 1 & 2**

PROPERTY SIZE

Gross	Net
Land Area: 0.77 Acres (33,374 SF)	0.77 Acres (33,374 SF)

PROPERTY ATTRIBUTES

Site

Easements: **None detrimental known**
 Floodplain: **Zone X 48113C0220L 07/07/2014**
 Road Frontage: **~155' along the south line of W. Avenue B, ~291' along the west line of Santa Fe Street and ~28' along the north line of W. Avenue C**
 Terrain: **Level**
 Utilities: **All available**
 Zoning: **CA-2, City of Garland**
 Improvements: **None**

SALE INFORMATION

Consideration:	\$125,000	Grantor: Pedro Yen
Adjustments:	\$0	Grantee: First Baptist Church of Garland
Cash Equivalent Price:	\$125,000	Date of Sale: 09-10-13
1st Mortgage:	\$0	Sale Status: Closed
2nd Mortgage:	\$0	Record info:
Equity:	\$0	201300287804
Sales Price (\$/SF):	\$3.75	
Sales Price/Acre:	\$163,151	

SALE ATTRIBUTES

Terms of Sale: **Cash to seller**

SALE TRANSACTION INFORMATION

Verified On: **3/13/2014**
Verified By: **Belinda Epps/972-289-7788/CJC**
Comments: **This property was purchased by the buyer for additional parking. the property was listed on the market for 44 days with an original asking price of \$150,000. According to the broker, this sale was not affected by assemblage.**

PROFESSIONAL QUALIFICATIONS



Mary Ann Barnett, MAI
Managing Director
Work: 214-269-0522
MBarnett@bbgres.com

PROFILE

Mary Ann is the Managing Director of the Dallas office for multi-family and commercial product lines. She is a Partner at BBG and has extensive experience in commercial real estate valuation. She has significant expertise with multi-family valuation, feasibility, and market studies of conventional and affordable properties. She also has extensive experience in the valuation of condominiums, single-family subdivisions, and hotels. Mary Ann manages BBG's multi-family, HUD oriented, and affordable housing work. She has particular expertise in LIHTC and HUD MAP financed multi-family housing.

Mary Ann was a Managing Director at Butler Burgher, Inc. from 1995 to 2007 and then was a part of the management team at LandAmerica Valuation Group. Before Butler Burgher, Inc., she was an Associate at Alliance Appraisal Group, Inc. working on all commercial property types. Her experience includes the valuation of commercial properties, including office buildings; office/warehouses; retail properties; multi-family properties; and vacant land. She successfully completed many neighborhood, city, and market studies.

PROFESSIONAL AFFILIATIONS

APPRAISAL INSTITUTE

MAI Designation, March 2016

General Certified Appraiser:

State of Texas (License # TX-1326580-G)
State of California (License #AG044587)
State of Louisiana (APR.0000003633-CGA)
State of Oklahoma (License # 12980CGA)
State of Mississippi (License # 1192)
State of Arizona (License #31985)

State of Georgia (License # 339168)
State of Kansas (License # G2800)
State of Tennessee (License #5101)
State of Alabama (License # G01128)
State of Colorado (License #100047299)

HUD MAP Tuneup, September 2010

HUD MAP Certified, April 2006 ADFA Certified

General Associate Member, #M940803 (Appraisal Institute)

Texas State Licensed Real Estate Salesman, Inactive

Southwest Advisory Council (HUD lenders), Associate Member, Conference Speaker

Southeast Advisory Council (HUD lenders), Associate Member

Aggie Real Estate Network, Member, Speaker

EDUCATION

Master of Business Administration, Concentration in Real Estate, 1992

University of Texas at Arlington

Bachelor of Business Administration, Major in Finance, 1988

Texas A&M University

COURSEWORK

Appraisal Institute Courses

Real Estate Appraisal Principles
Capitalization Theory & Techniques
Standards of Professional Practice, Part A
Standards of Professional Practice, Part C
Highest & Best Use and Market Analysis
Sales Comparison & Cost Approach
Appraising from Blueprints and Specifications
Appraising Nursing Facilities

Basic Valuation Procedures
Advanced Income Capitalization
Standards of Professional Practice, Part B
Report Writing & Valuation Analysis
Analyzing Operating Expenses Seminar
Advanced Applications
7 Hour National USPAP Update, bi-annually

You may wish to laminate the pocket identification card to preserve it.

MARY ANN BARNETT
8300 DOUGLAS AVE STE 600
DALLAS, TX 75225

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 936-3001
Fax: (512) 936-3899

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

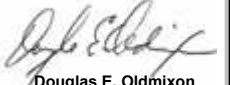
Number#: **TX 1326580 G**

Issued: **02/04/2015**

Expires: **01/31/2017**

Appraiser: **MARY ANN BARNETT**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

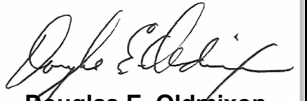
Number: **TX 1326580 G**

Issued: **02/04/2015**

Expires: **01/31/2017**

Appraiser: **MARY ANN BARNETT**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


Douglas E. Oldmixon
Commissioner



Kyle T. Dieterich
Appraiser
Work: 214.269.0571
Fax: 214.269.0573
Kdieterich@bbgres.com

PROFILE

Kyle is a certified general real estate appraiser at BBG. Employment with BBG began in July 2013 as a research analyst. Work experience with in the company has been gained with work in primarily the States of Texas and Oklahoma with single and multi-tenant industrial, retail, office, multi-family, and land being some of the common property types worked on.

PROFESSIONAL AFFILIATIONS

General Certified Appraiser

State of Texas (License # TX 1380633 G)

EDUCATION

University of Texas at Austin – 2004
BA in American Studies

COURSEWORK

The Columbia Institute Courses

Basic Appraisal Principles
Basic Appraisal Procedures
15-hour USPAP

Appraisal Institute Courses

Business Practices and Ethics
General Appraiser Sales Comparison Approach
General Appraiser Site Valuation & Cost Approach
General Appraiser Income Approach Part 1
General Appraiser Income Approach Part 2
General Appraiser Market Analysis and Highest & Best Use
Using Your HP12C Financial Calculator

McKissock Courses

General Appraiser Report Writing and Case Studies
Expert Witness for Commercial Appraisers
Commercial Appraisal Review
Statistics, Modeling and Finance
Supervisor-Trainee Course for Texas
2016-2017 7-hour USPAP Update Course

You may wish to laminate the pocket identification card to preserve it.

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 936-3001
Fax: (512) 936-3899

KYLE THOMAS DIETERICH
8300 DOUGLAS AVE STE 600
DALLAS, TX 75225





ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

December 19, 2016

Mr. Bill Fisher
Sonoma Housing Advisors, LLC
16812 Dallas Pkwy
Dallas, TX 75248

Re: 7th Street Traffic Volume Analysis

Dear Mr. Fisher:

Lee Engineering has completed the collection and review of traffic volume data collected on 7th Street between Avenue A and Avenue B in Garland, Texas. Traffic volumes were collected over a 7-day period from Friday, December 9, 2016 to Thursday, December 15, 2016. The results of the traffic volumes are summarized in **Table 1** and the traffic volume data collected are provided as an attachment to this letter.

Table 1: Summary of 7-Day Traffic Volume Counts

Traffic Volumes	Sunday 12/11/16	Monday 12/12/16	Tuesday 12/13/16	Wednesday 12/14/16	Thursday 12/15/16	Friday 12/9/16	Saturday 12/10/16
Daily	162	300	331	324	348	324	234
Peak Hour	26	32	33	47	44	46	26

Based on the results of the traffic volume data collected, the average daily traffic volume on this section of 7th Street was approximately 325 vehicles/weekday (M-F), with 234 vehicles (Saturday) and 162 vehicles (Sunday) on the weekend. During the peak hour, approximately 40 vehicles during the weekday, on average, and 26 vehicles on the weekend were counted travelling on this section of 7th Street.

These results indicate that this section of 7th Street currently has low traffic volumes throughout the weekday and weekend periods. During the peak hour, less than one vehicle per minute, on average, travels on this section of 7th Street. Therefore, traffic volumes of the magnitude currently using this section of 7th Street are predicted to have minimal impact to adjacent roadways if 7th Street were to be closed and this traffic were diverted to adjacent roadways.

We appreciated the opportunity to provide these traffic engineering services for you. If you have any questions regarding this study, please feel free to contact me at (972) 248-3006.

Sincerely,

Kelly D. Parma, P.E., PTOE
Senior Project Manager
Lee Engineering, LLC
Texas Firm F-450

Attachment

GRAM Traffic North Texas, Inc.

1120 W. Lovers Lane
Arlington, TX 76013

7TH ST BTWN AVENUE A & AVENUE B - 7 DAY COUNT
Site Code: 816
Date Start: 09-Dec-16

Start Time	09-Dec-16		10-Dec-16		11-Dec-16		12-Dec-16		13-Dec-16		14-Dec-16		15-Dec-16		Week Average	
	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0
01:00	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	2	2	0	0	0	0	0	0	0	0	1	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
05:00	1	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0
06:00	3	0	1	1	0	0	1	4	3	1	3	4	0	1	2	4
07:00	13	4	4	2	1	1	15	2	20	8	14	6	9	3	11	4
08:00	10	7	15	11	3	3	10	4	17	10	15	2	15	8	12	6
09:00	5	7	10	4	3	8	15	10	20	8	8	11	13	10	11	8
10:00	20	7	13	4	4	5	16	14	12	6	13	7	22	14	14	8
11:00	17	9	11	9	8	8	21	10	14	7	20	20	14	13	15	11
12:00 PM	25	21	9	11	12	9	12	18	13	15	25	20	21	15	17	16
01:00	14	26	6	12	11	8	10	16	10	10	9	17	27	17	12	15
02:00	12	10	9	3	8	5	8	8	14	14	11	7	10	13	10	9
03:00	9	12	6	10	5	7	11	9	17	16	10	9	10	18	10	12
04:00	12	17	9	9	1	4	13	11	6	15	7	14	6	12	8	12
05:00	7	6	5	4	9	10	7	17	8	16	12	12	10	12	8	11
06:00	5	9	5	9	7	7	4	10	10	10	7	11	4	6	6	9
07:00	8	3	7	6	0	4	5	4	2	8	3	4	10	11	5	6
08:00	3	3	1	7	1	5	0	6	3	5	2	4	3	5	2	5
09:00	2	5	0	5	0	1	1	3	2	4	1	5	2	8	1	4
10:00	1	4	1	4	2	0	2	1	1	4	3	1	2	1	2	2
11:00	4	3	2	1	1	1	0	1	0	0	4	1	1	0	2	1
Total	171	153	118	116	76	86	152	148	174	157	168	156	181	167	149	141
Day	324		234		162		300		331		324		348		290	
AM Peak	10:00	11:00	08:00	08:00	11:00	09:00	11:00	10:00	07:00	08:00	11:00	11:00	10:00	10:00	11:00	11:00
Vol.	20	9	15	11	8	8	21	14	20	10	20	20	22	14	15	11
PM Peak	12:00	13:00	12:00	13:00	12:00	17:00	16:00	12:00	15:00	15:00	12:00	12:00	13:00	15:00	12:00	12:00
Vol.	25	26	9	12	12	10	13	18	17	16	25	20	27	18	17	16

Comb. Total	324	234	162	300	331	324	348	290
ADT	ADT 289		ADT 289		ADT 289		ADT 289	

EXHIBIT 'A'
RIGHT-OF-WAY ABANDONMENT

Being a tract or parcel of land situated in the Joel Crumpacker Survey, Abstract Number 328, City of Garland, Dallas County, Texas, being a portion of Seventh Street, also known as Third Street as shown on Plat of the Town of Embree, now the City of Garland, as recorded in Volume 77, Page 441, Plat Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a 5/8 inch iron rod found for the Northeast corner of Lot 1, Block 11, of the Town of Embree, now the City of Garland, as recorded in Volume 77, Page 441, Plat Records, Dallas County, Texas, being in the West line of Seventh Street having a 70 foot right-of-way and being in the South line of Avenue A having a 70 foot right-of-way;

THENCE N 89°41'35" E with the South line of said Avenue A 70.00 feet to a 5/8 inch iron rod found for the Northwest corner of Lot 8, Block 10 of said Town of Embree, being in the South line of said Avenue A, and being in the East line of said Seventh Street;

THENCE S 00°19'28" E with the East line of said Seventh Street a distance of 270.00 feet to a 5/8" iron rod set with a pink plastic cap stamped "ADAMS SURVEYING", being the Southwest corner of Lot 9, Block 10 of said Town of Embree, being in the North line of Avenue B, and being in the East line of said Seventh Street;

THENCE S 89°41'35" W with the North line of said Avenue B a distance of 70.00 feet to a 5/8 inch iron rod found being the Southeast corner of Lot 10, Block 11 of said Town of Embree, being in the North line of said Avenue B, and being in the West line of said Seventh Street;

THENCE N 00°19'28" W with the West line of said Seventh Street a distance of 270.00 feet to the POINT OF BEGINNING and containing 0.43 acres or 18,900 square feet of land, more or less.

© COPYRIGHT 2016

BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983
GEOID MODEL 12A, TEXAS NORTH CENTRAL ZONE 4202

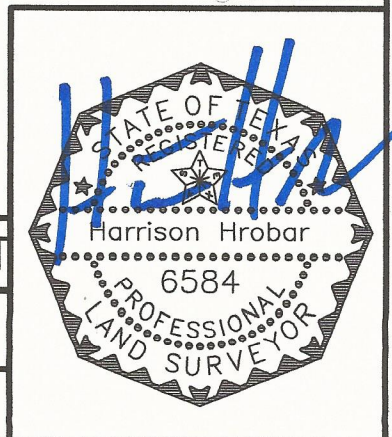
Adams
surveying company, LLC
TBPLS Firm Registration No. 10177500

P.O. Box 260392
Plano, TX 75026
Phone: (469) 317-0250
Fax: (214) 295-9844

RIGHT-OF-WAY ABANDONMENT

SEVENTH STREET

CITY OF GARLAND
DALLAS COUNTY, TEXAS

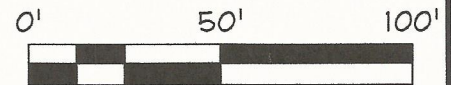
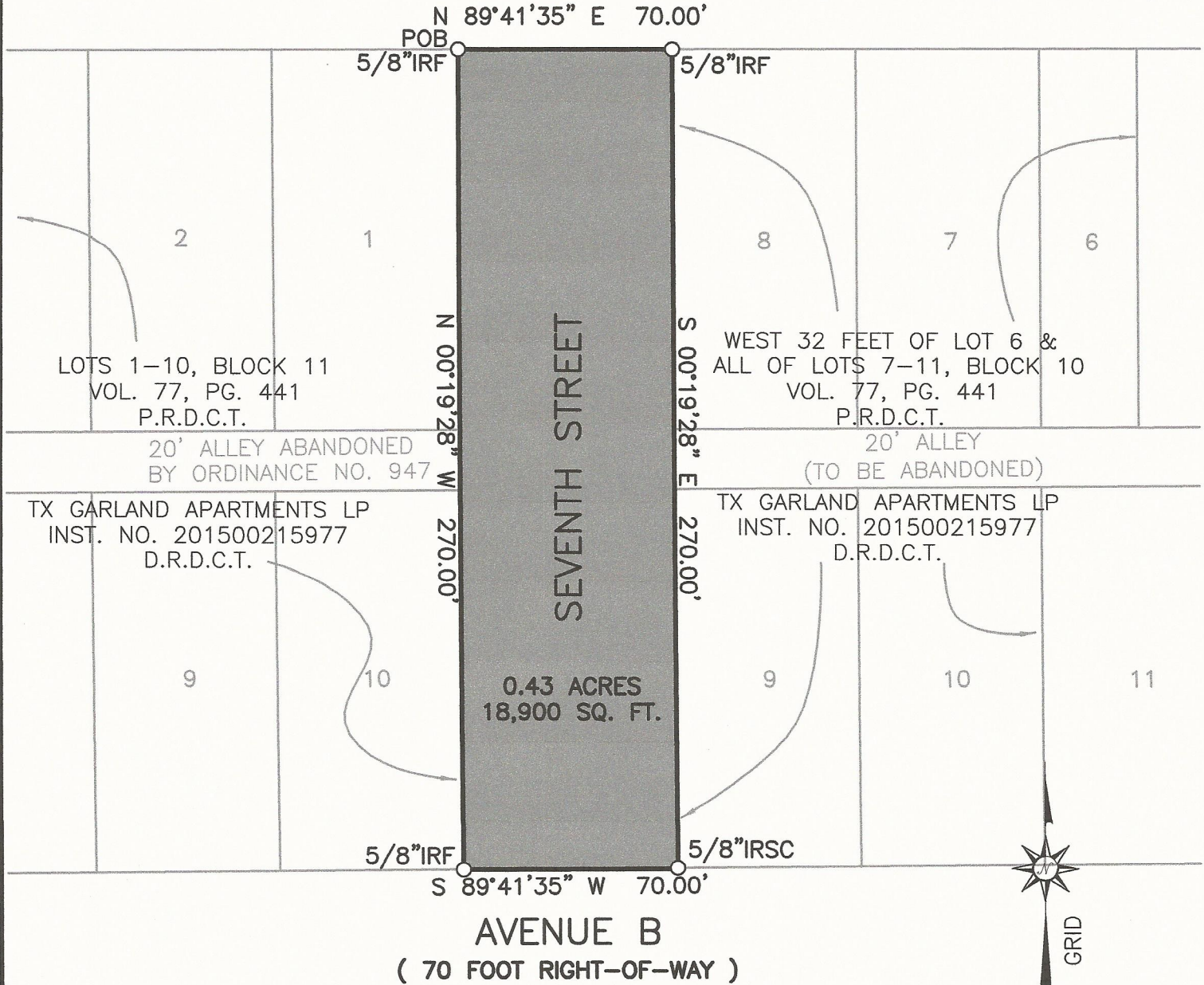


DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
HH	PA	1" = 50'	8/12/2016	15096

EXHIBIT 'A'

RIGHT-OF-WAY ABANDONMENT

AVENUE A
(70 FOOT RIGHT-OF-WAY)



LEGEND:

P.R.D.C.T.= PLAT RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.= DEED RECORDS, DALLAS COUNTY, TEXAS
IRF= IRON ROD FOUND
IRSC= IRON ROD SET WITH PINK PLASTIC CAP STAMPED "ADAMS SURVEYING"
POB= POINT OF BEGINNING
BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983
GEOID MODEL 12A, TEXAS NORTH CENTRAL ZONE 4202

Adams surveying company, LLC TBPLS Firm Registration No. 10177500		P.O. Box 260392 Plano, TX 75026 Phone: (469) 317-0250 Fax: (214) 295-9844		RIGHT-OF-WAY ABANDONMENT	
		SEVENTH STREET		CITY OF GARLAND	
DRAWN BY HH	CHECKED BY PA	SCALE 1" = 50'	DATE 8/12/2016	JOB NO. 15096	DALLAS COUNTY, TEXAS

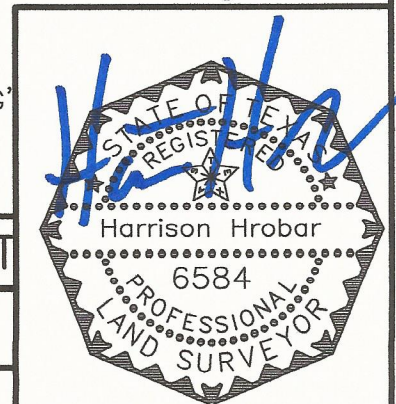


EXHIBIT 'A'

20' ALLEY RIGHT-OF-WAY ABANDONMENT

Being a tract or parcel of land situated in the Joel Crumpacker Survey, Abstract Number 328, City of Garland, Dallas County, Texas, being a portion of an alley (Called 20 foot Right-Of-Way), in Block 10 of the Town of Embree, now the City of Garland, according to the plat thereof recorded in Volume 77, Page 441, Deed Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a point for corner at the Southwest corner of Lot 8, Block 10 of said Town of Embree from which a 5/8" iron rod found for corner at the Northwest corner of said Lot 8, Block 10, at the intersection of the South line of Avenue A (70 foot right-of-way) and the West line of Seventh Street (70 foot right-of-way), bears N 00°19'28" W a distance of 125.00 feet;

THENCE N 89°41'35" E leaving the Southwest corner of said Lot 8, Block 10 and the West line of said Seventh Street, along the South line of Lots 6-8, Block 10 and the North line of said 20 foot alley, a distance of 151.96 feet to a point for corner in the South line of Lot 6, Block 10 and the North line of said 20 foot alley;

THENCE S 00°19'28" E leaving the common line of said Lot 6, Block 10 and the North line of said 20 foot alley, a distance of 10.00 feet to a point for corner;

THENCE N 89°37'00" E a distance of 28.04 feet to a point for corner;

THENCE S 00°19'28" E a distance of 10.00 feet to a point for corner being the Northwest corner of Lot 12, Block 10 and the Northeast corner of Lot 11, Block 10 of said Town of Embree and being in the South line of said 20 foot alley;

THENCE S 89°41'35" W along the North line of Lots 9-11, Block 10 of said Town of Embree and the South line of said 20 foot alley, a distance of 180.00 to a point for corner being the Northwest corner of said Lot 9, Block 10 and being in the West line of said Seventh Street;

THENCE N 00°19'28" W along the West line of said Seventh Street a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.076 acres or 3,319 square feet of land, more or less.

© COPYRIGHT 2016

NOTE: A SKETCH OF EVEN DATE ACCOMPANIES THIS DESCRIPTION.
BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983
GEOID MODEL 12A, TEXAS NORTH CENTRAL ZONE 4202

SHEET 1 OF 2

A dams
surveying company, LLC

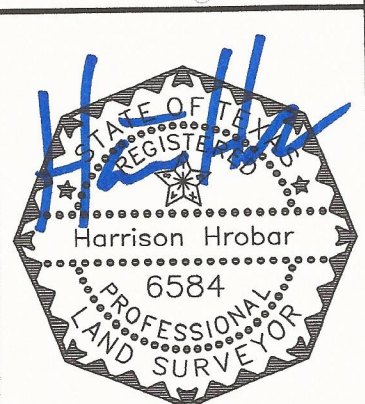
TBPLS Firm Registration No. 10177500

P.O. Box 260392
Plano, TX 75026
Phone: (469) 317-0250
Fax: (214) 295-9844

ALLEY ABANDONMENT

SEVENTH STREET

CITY OF GARLAND
DALLAS COUNTY, TEXAS

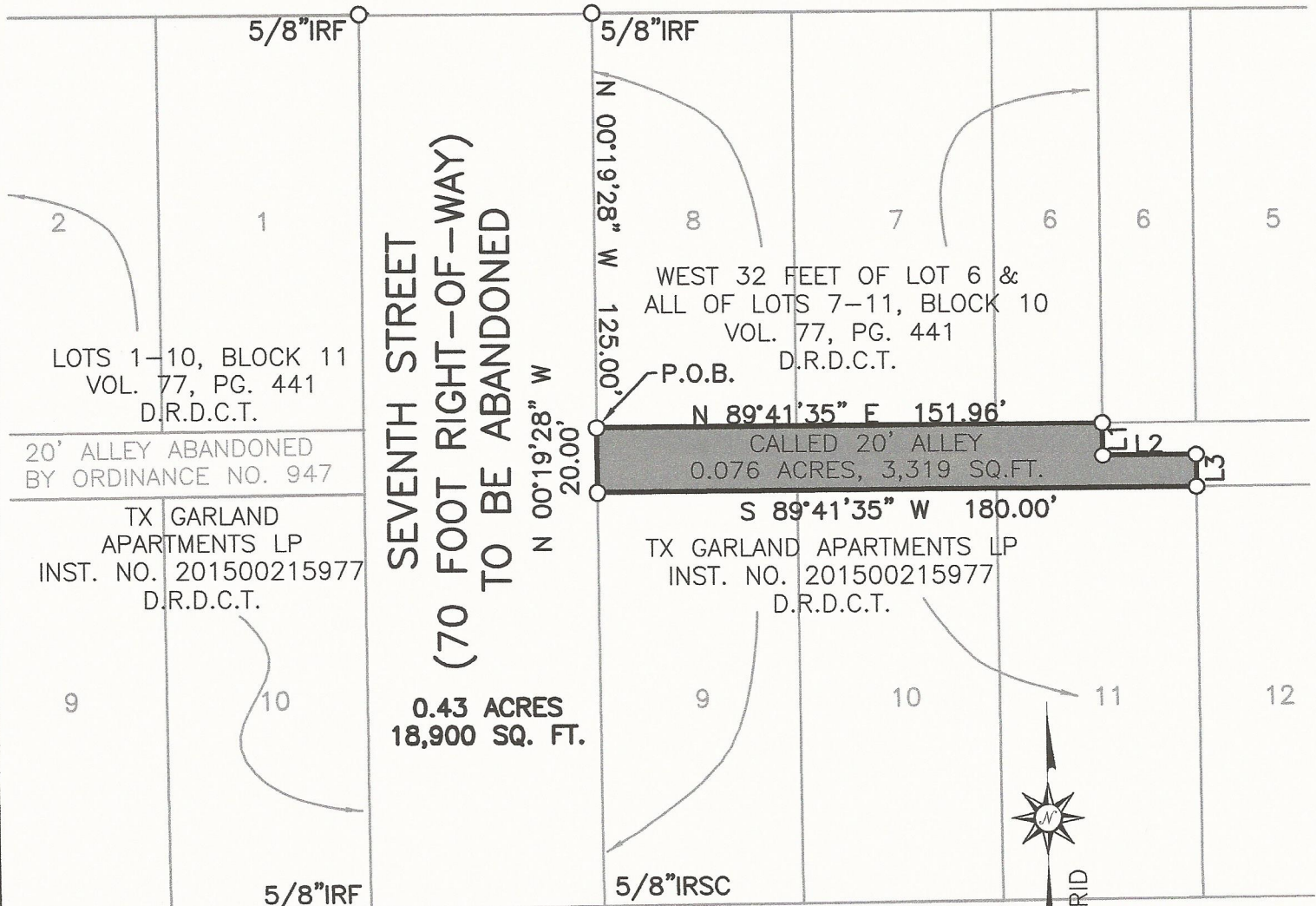


DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
DAM	HH	1" = 50'	8/16/2016	15096

EXHIBIT 'A'

20' ALLEY RIGHT-OF-WAY ABANDONMENT

AVENUE A (70 FOOT RIGHT-OF-WAY)



LEGEND:

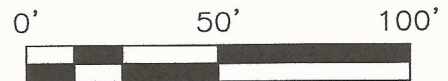
(70 FOOT RIGHT-OF-WAY)

D.R.D.C.T.= DEED RECORDS, DALLAS COUNTY, TEXAS

IRF= IRON ROD FOUND

IRSC= IRON ROD SET WITH PINK PLASTIC CAP STAMPED "ADAMS SURVEYING"

POB= POINT OF BEGINNING



LINE	BEARING	DISTANCE
L1	S 00°19'28" E	10.00'
L2	N 89°37'00" E	28.04'
L3	S 00°19'28" E	10.00'

BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM OF 1983
GEOID MODEL 12A, TEXAS NORTH CENTRAL ZONE 4202

SHEET 2 OF 2

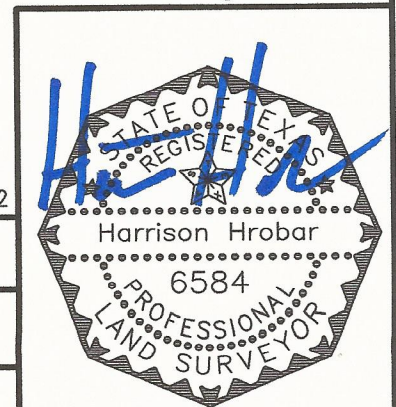
Adams
surveying company, LLC
TBPLS Firm Registration No. 10177500

P.O. Box 260392
Plano, TX 75026
Phone: (469) 317-0250
Fax: (214) 295-9844

20' ALLEY ABANDONMENT

SEVENTH STREET

CITY OF GARLAND
DALLAS COUNTY, TEXAS



DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
DAM	HH	1" = 50'	8/16/2016	15096



GARLAND POLICY REPORT

City Council Work Session Agenda

Work Session Item 1. b.

Meeting Date: February 6, 2017

Item Title: Public Health Agreement with GISD

Submitted By: Richard Briley, Managing Director

Council Goal: Defends Rightful Powers of Municipalities
Consistent Delivery of Reliable City Services

ISSUE

Two agreements regarding assistance in a public health emergency between the Garland Independent School District (GISD) and the City of Garland. These agreements expired in 2016 and staff seeks Council authorization to renew these agreements.

OPTIONS

- 1) Authorize the City Manager to sign the agreements.
- 2) Reject the agreements and direct staff to procure resources elsewhere to fulfill the needs outlined in the agreements.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to sign the agreements between GISD and the City of Garland. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the February 21, 2017 Regular Meeting.

BACKGROUND

Chapter 418 of the Texas Government Code requires local emergency management agencies to prepare and maintain emergency management plans. These agreements support planning for public health emergencies such as the widespread outbreak of communicable disease by procuring assistance from GISD in two specific areas. First, in the event of a public health emergency that requires widespread use of vaccines or medicines, the agreement provides for the City of Garland to utilize the Curtis Culwell Center as a mass dispensing site capable of assisting large numbers of individuals. Second, the agreement provides for the use of GISD school busses and drivers in the event that door-to-door delivery of medication over a widespread area becomes necessary.

CONSIDERATION

Through inter-local agreement with the City of Garland, Dr. Lambert, City of Garland Health Officer, also serves as the City Health Officer for the City of Rowlett and the City of Sachse. GISD also serves all three communities. By extension, citizens of Rowlett and Sachse will also be served by these agreements.

Attachments

GISD Culwell Center Agreement 2017

GISD Bus Agreement 2017

Agreement Between
The City of Garland
And
The Garland Independent School District

This Agreement ("Agreement") is entered into between the City of Garland and the Garland Independent School District (GISD). The GISD is an Independent School District organized under Education Code Chapter 11. The City of Garland is a Home Rule City. The Interlocal Cooperation Act, Government Code Chapter 791, governs this agreement. This contract is governed by Government Code §421.062. The GISD and City are not responsible for any civil liability that may arise from the furnishing of a service under this contract. The City is granted the authority to enter into this contract by the Texas Health and Safety Code §§12.011 and 1001.071.

I. Purpose

The City is required to plan and prepare for a public health emergency, which may result from natural or man-made causes. During such an emergency, it may be necessary to immunize or medicate all or large numbers of people in the area served by the GISD and the City. Prior public health experience with mass immunizations has shown that the GISD Curtis Culwell Center is well suited to this activity because: 1) its location is known to large numbers of individuals within the community; 2) it has large assembly areas; and 3) it has other necessary facilities such as refrigeration and restrooms.

The City has concluded that the GISD Curtis Culwell Center is qualified to serve if mass immunization or medication is necessary. The GISD desires to be as helpful as possible in the event of a public health emergency, and agrees to make its facility known as the Curtis Culwell Center (hereafter "Facility") at 4999 Naaman Forest Boulevard, Garland, TX 75040 available for purposes of mass immunization or medication, under the terms set below.

II. Public Health Emergency

This agreement will go into effect only if:

- 1) The local health authority for the City of Garland declares that large scale immunization or medication is necessary as a control measure for an outbreak or potential outbreak of a communicable disease.
- 2) Normal activities at or use of the Facility are either not scheduled or are canceled or the GISD agrees that the City may use the facility for mass immunization or medication.

III. Obligations of the City

- 1) The City will supply or arrange for all equipment, vaccine, medicine and personnel necessary to administer the vaccine or medication.
- 2) The City will supply or arrange for all equipment and medical personnel necessary for staffing, security, crowd control and other tasks, except as described in section IV below.

- 3) The City will be responsible for disposal of medical waste and disinfections at the Facility following its use for the emergency. The City will request that the health authority or other appropriate local official will provide written assurance of the Facility's return to its normal use by the GISD.
- 4) The City may authorize use of the Facility by the local health authority or other governmental units involved in responding to the emergency.

IV. Obligations of GISD

- 1) The GISD is responsible for allowing the use of the Facility and all utilities (gas, electric, water, and telecommunications) normally associated with its use.
- 2) The Facility Owner is responsible for providing use of all rooms, fixtures and equipment existing at the Facility that the City regards as necessary for on-site use during the period of the emergency.
- 3) The GISD will provide at least one person on-site during the period of emergency use with access to the rooms, fixtures and equipment.
- 4) Unpaid volunteers from the employees of the GISD who agree to work under the direction of the City or other governmental body has the liability protection described in Title 42 USC §§14501-14505, and the Texas Government Code §421.061. A private individual performing duties in compliance with orders or instructions of the City or a health authority issued under Health and Safety Code Chapter 81 ("Communicable Disease Prevention and Control Act") is exempt from liability as described in Health and Safety Code§81.007.

VI. Term

This agreement becomes effective when executed by both parties. Either party may cancel it by giving thirty days notice to the other party; otherwise, it remains in effect for five years and may be renewed for a period of five years by written amendment signed by both parties. Any notice or communication required or permitted shall be given in writing.

Bryan Bradford
City Manager
City of Garland, Texas

Date:_____

Superintendent of Schools
Garland Independent School District

Date:_____

Agreement Between
The City of Garland
And
The Garland Independent School District

This Agreement ("Agreement") is entered into between the City of Garland and the Garland Independent School District (GISD). The GISD is an Independent School District organized under Education Code Chapter 11. The City of Garland is a Home Rule City. The Interlocal Cooperation Act, Government Code Chapter 791, governs this AGREEMENT. This agreement is governed by Government Code §421.062. The GISD and City are not responsible for any civil liability that may arise from the furnishing of a service under this contract. The City is granted the authority to enter into this contract by the Texas Health and Safety Code §§12.011 and 1001.071.

I. Purpose

The City is required to plan and prepare for a public health emergency, which may result from natural or man-made causes. During such an emergency, it may be necessary to immunize or medicate all or large numbers of people in the area served by the GISD and the City. The City plans to deliver medication door-to-door to single family households residing in the area served by the GISD and the City.

The City has concluded that GISD school busses are the best resource to make the door-to-door delivery method possible. The GISD desires to be as helpful as possible in the event of a public health emergency, and agrees to make its school busses available for the purpose of door-to-door medication delivery, under the terms set out below.

II. Public Health Emergency

This agreement will go into effect only if:

- 1) The local health authority for the City of Garland declares that large scale immunization or medication is necessary as a control measure for an outbreak or potential outbreak of a communicable disease.
- 2) Normal activities at or use of the busses are either not scheduled or are canceled or the GISD agrees that the City may use the busses for mass immunization or medication.

III. Obligations of the City

- 1) The City will supply or arrange for all equipment, medicine and personnel necessary to deliver the medication.
- 2) The City will supply or arrange for all equipment and medical personnel necessary for staffing, security, security and other tasks, except as described in section IV below.
- 3) The City may authorize use of the busses by the local health authority or other governmental units involved in responding to the emergency.

IV. Obligations of GISD

- 1) The GISD is responsible for allowing the use of the busses and fuel normally associated with their use.
- 2) The GISD will provide drivers for the busses.
- 3) Unpaid volunteers from the employees of the GISD who agree to work under the direction of the City or other governmental body has the liability protection described in Title 42 USC §§14501-14505, and the Texas Government Code §421.061. A private individual performing duties in compliance with orders or instructions of the City or a health authority issued under Health and Safety Code Chapter 81 ("Communicable Disease Prevention and Control Act") is exempt from liability as described in Health and Safety Code§81.007.

VI. Term

This agreement becomes effective when executed by both parties. Either party may cancel it by giving thirty days notice to the other party; otherwise, it remains in effect for five years and may be renewed for a period of five years by written amendment signed by both parties. Any notice or communication required or permitted shall be given in writing.

Bryan Bradford
City Manager
City of Garland, Texas

Date:_____

Superintendent of Schools
Garland Independent School District

Date:_____



GARLAND POLICY REPORT

City Council Work Session Agenda

Work Session Item 2. a.

Meeting Date: February 6, 2017

Item Title: Downtown Square Design (District 2)

Submitted By: Angela Self, Comprehensive Planning Administrator

Council Goal: Sustainable Quality Development and Redevelopment

ISSUE

The purpose of this item is to provide an update to the Council on the proposed process for moving forward on the design of the Downtown Square.

OPTIONS

Information only.

BACKGROUND

The scope of the Downtown Square project addresses potential architectural opportunities to the eastern half of the square which includes the Civic Theater Building and the design of the western Plaza area. An outline of activity is included below:

1. The Downtown Square project was approved by Garland voters as a part of the 2004 Bond Fund. The project scope included the redesign of the Downtown Square to create a more functional and inviting public space for large gatherings, as well as individual activity. In 2012, preliminary design services were completed with a consultant team led by David C. Baldwin, Inc. providing a comprehensive assessment of the project area. An extensive public engagement process concluded with the identification of three (3) design concepts for consideration.
2. In September 2016, three (3) design concepts were presented during a series of public engagement meetings. Each concept presented a unique layout for the Square featuring amenities identified by area stakeholders. Project stakeholders included Downtown user groups; and Downtown merchants, organizations, and property owners.
3. In October 2016, an additional design concept was initiated. It was based on public input and with an emphasis on limited amenities to allow for more open space. Each of these options included the development of open space along State Street in the area formerly occupied by the GP&L Building and retaining the Civic Theater building at 108 Sixth Street, also known as the Crossman Block, with planning for the building identified as "to be determined".

4. A comprehensive asbestos and lead survey and a structural condition assessment were completed for the Civic Theater in September 2016. The assessment concluded that the structure was generally sound with no unknown deficiencies.

CONSIDERATION

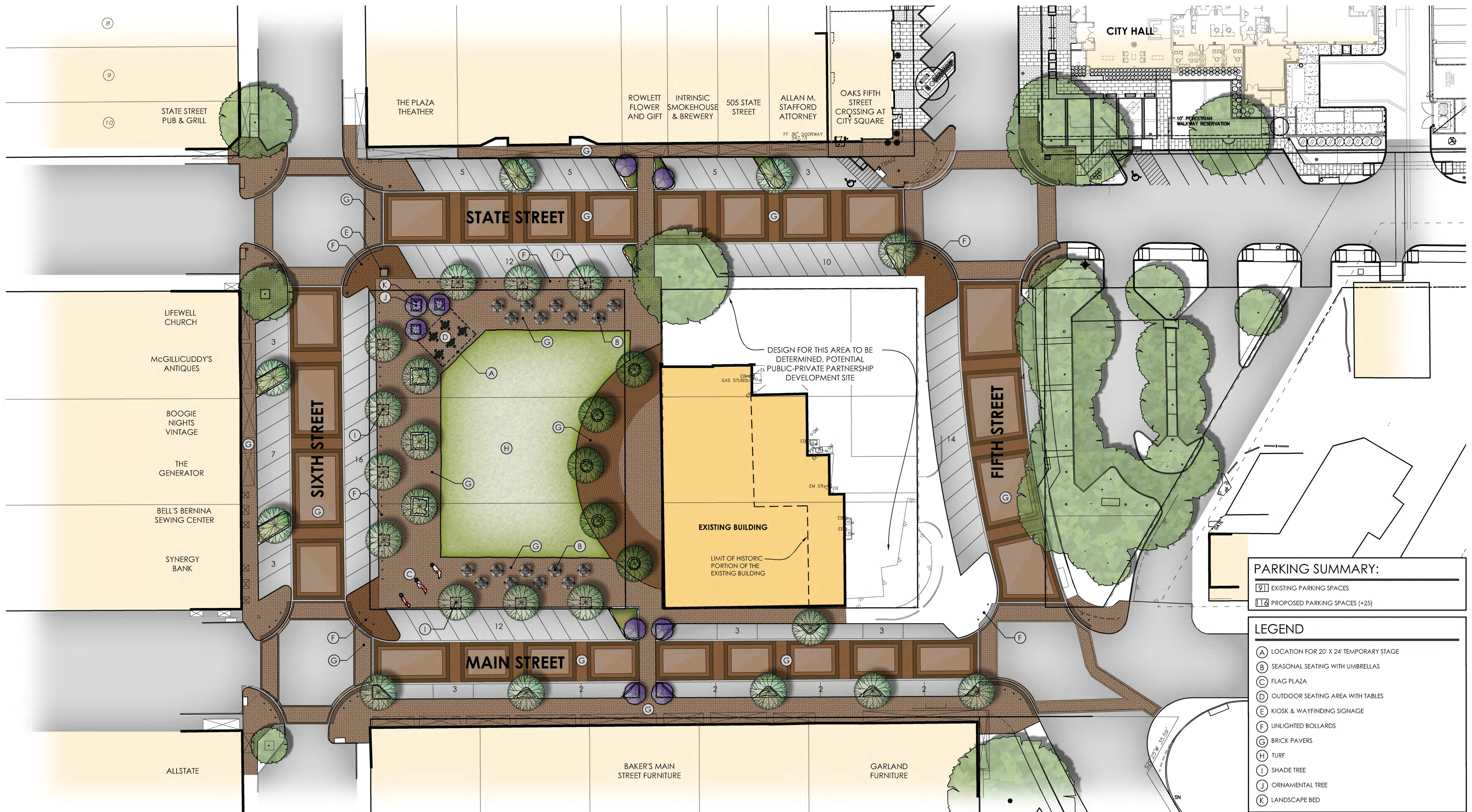
1. In February 2017, a public meeting is proposed to garner input regarding the two revised concepts for the Square which include a) Concept C, an option based on public input provided in September 2016 with reduced amenities and b) Concept D, an option with further reduced amenities than those identified by the public. Project stakeholders will include Downtown user groups; and Downtown merchants, organizations, and property owners. An update would be given to the City Council in March 2017.
2. It is proposed that a Request for Qualifications (RFQ) and Request for Proposals (RFP) be issued to identify a private partner to develop a final proposal for the eastern end of the Downtown Square and Civic Theater building.
3. A streetscape engineering analysis has been initiated to review opportunities to improve accessibility, identity, and safety along properties adjacent to the Downtown Square. This analysis will address fundamental quality of needs, along with the development of a framework for improvements that encourage vital spaces within Downtown.
4. Once Council has made a final decision on design, construction cost estimates will be completed as part of the 2019 Capital Improvement Projects program.

Attachments

Downtown Square Design Projects Attachments
Downtown Square Design Project RFQ Final Draft



CONCEPTUAL DESIGN C / THE ELLIPSE GARLAND DOWNTOWN SQUARE REDEVELOPMENT



CONCEPTUAL DESIGN D / THE GREEN GARLAND DOWNTOWN SQUARE REDEVELOPMENT



GARLAND

Request for Qualifications and Request for Proposal

RFQ/RFP ____ - ____

108 Sixth Street

City of Garland

Garland, Texas

REQUEST FOR QUALIFICATIONS & REQUEST FOR PROPOSALS

RFQ/RFP ____ - ____

POSTED JANUARY __, 2017

CLOSING FEBRUARY __, 2017

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

(This page intentionally left blank.)

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

BACKGROUND

With more than 236,000 residents, the City of Garland is the 12th most populous city in Texas, and the 91st largest in the United States. Located in northeast Dallas County, Garland is a part of the fourth largest metropolitan area in the United States. For more than a decade, the City has prioritized our historic downtown as one of several catalyst areas for reinvestment and revitalization. These concentrated efforts have resulted in successful partnerships with private developers and businesses that have created a new, vibrant urban environment within the area.

A. PURPOSE/ OBJECTIVE

The City of Garland (City) is issuing a Request for Statement of Qualification (“SOQ”) and a Request for Proposals (“RFP”) to seek qualified parties (“Proposing Parties”) with the requisite experience and financial capability to redevelop a city owned property (“Site”) located at 108 Sixth Street in Downtown Garland.

B. THE SITE

The Site consists of approximately .3861 gross acres of property bounded by the Downtown Square on the west, North Fifth Street on the east, West State Street on the north and Main Street on the South (See Attachment “A” Site Diagram). The Site is located within the area covered by the Downtown Catalyst Area and Downtown Garland Target Investment Area, and as such, any project developed on the Site will be considered the keystone to Downtown Catalyst Area’s development objectives and goals.

All buildings currently on the easterly portion of the Downtown Square Plaza are within the Site. The property is in the vicinity of significant public and private investment, including an award-winning redevelopment project comprised of the addition of mixed-use development adding 153 apartment units, a new parking structure providing approximately 330 spaces, and the renovation of City Hall.

The site is located within the Downtown historic district, the site is an assemblage of three parcels adjacent to the Downtown Square Plaza. In addition, the site is located within a proposed National Register District and the site contains a historic structure that is within a proposed National Register District recognizing the community’s earliest commercial center. The property shares a city block with the historic Downtown Square, currently in the design phase for extensive redevelopment, which includes reconstruction of the site,

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

streetscape improvements, and the addition of enhanced amenities and programming for public use.

C. Redevelopment Objectives

The City anticipates entering into a Development Agreement (“Agreement”) with the selected party to develop a Project to accomplish the following goals:

1. Maximize the site’s development potential by building upon the success of adjacent redevelopment in Downtown Garland, while considering the historic context of the Downtown Square, with a well-designed product that will bring employees, residents, and visitors to the area.
2. Maximize redevelopment opportunities related to historic context of Downtown Square, historic building inventory and the historic urban form.
3. Maximize housing opportunities, if appropriate, providing market-driven options and amenities.
4. Maximize retail or restaurant space on the ground floor with proposals, at a minimum, providing flexible, market-driven opportunities fronting along State Street and the Downtown Square.
5. Introduce a creative mix of housing, retail and amenities to serve residents and visitors of Garland.
6. Significant coordination with adjacent projects, including redevelopment of the Downtown Square and streetscape improvements within the area.

The stated objectives are for guidance purposes, and are not to be considered an exhaustive list of other objectives the City may ultimately consider.

Qualifying Proposing Parties must present proposals that convey an understanding of the historic context of the site and provide a detailed approach to the development of the Site related to the following:

- Adherence to Development Guidelines, GDC and Downtown Design Guidelines
- Detailed market analysis providing support for proposed redevelopment

Request for Qualifications/Request for Proposals

RFQ/RFP ____-__

108 Sixth Street

- Technical and regulatory requirements related to preservation of historic properties
- Project phasing, with detailed project delivery timelines.
- Public/private partnership structure, including use/creation of public investment or any public amenities on or near the site
- Description of program mix, density, types of uses, building(s) size, height, footprint(s), public access to adjacent public space, vehicular access, etc.
- Include a description of strategies to capture historic context of the Site into the proposed redevelopment project concept.
- Conceptual level site plan, elevations, and three-dimensional renderings to enable the City to effectively envision visual project components
- Description of what the public sector (City) would provide related to the proposed development

SUBMIT TO:

VIA MAIL: City of Garland, Purchasing Department, and P.O. BOX 469002, GARLAND, TEXAS 75046-9002

VIA DELIVERY: City of Garland, Purchasing Department, Second Floor, 200 North Fifth Street, Garland, Texas 75040

DEADLINE

Submissions must be clearly marked on envelope as RFQ/RFP ____-__ 108 Sixth Street Project. The package must be received at the above address no later than 12:00 p.m. local time on March ____, 2017.

WRITTEN QUESTIONS AND OFFICIAL ANSWERS

All questions must be submitted in writing and answered electronically on www.bidsync.com. Questions regarding this RFQ/RFP shall be accepted until 5:00 p.m. Central Daylight Time (CDT) February ____, 2017. Official responses shall be posted

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

electronically only at www.bidsync.com within 24 hours of receipt for the benefit of all respondents.

TERMS AND CONDITIONS

The City of Garland is requesting information from firms with the intent of entering into a contract for the requirements contained in this RFQ/RFP. However, the City is not obligated to award a contract on this solicitation and reserves the right to reject any and all submissions and enter into a contract to best serve the interests of the City.

Respondents electing to respond to this RFQ/RFP are responsible for all costs of submission preparation. The City is not liable for any costs incurred by a respondent in response to this RFQ/RFP. Submitted materials will not be returned to respondent.

One (1) original and one (1) electronic copy of the submittals are required.

Place in an envelope identified with the RFQ/RFP number, due date and time, Proposing Party's full firm name, and the name of the project on the outside of the envelope. It is the Proposing Party's responsibility to have the information correctly marked and submitted to the City of Garland Purchasing Department by the specified date and time for receipt.

Late submissions will not be accepted under any circumstances.

Submissions should give the full firm name, delivery address, and contact information of respondent. The person signing the submission should show title and authority to bind his/her firm in future contracts.

By signature thereon, the Proposing Party certifies that he/she is not currently delinquent in the payment of any taxes or utilities owed the City of Garland, Texas or delinquent in payment of any franchise taxes owed the State of Texas under Chapter 171, Tax Code.

The Proposing Party affirms that he/she has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future development, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted offer. Failure to sign the submission shall void the submission or any resulting contracts.

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

By signature thereon affixed, the Proposing Party certifies that neither the Proposing Party or the firm, corporation, partnership, or institution represented by the Proposing Party or anyone acting for such firm, corporation, or institution has violated the antitrust laws of the State of Texas codified in Section 15.01, et. Seq., Texas Business and Commerce Code, or the Federal Antitrust laws, nor communicated directly or indirectly the offer made to any competitor or any other person engaged in such a line of business.

Proposing Parties who provide false or misleading information, whether intentional or not, in any documents presented to the City for consideration in the selection process, shall be excluded. Any false or misleading information in these documents would, in effect, render the entire document suspect and therefore render the submission useless for consideration.

After the screening of the Statement of Qualifications, Proposing Parties will be notified, in writing, of their status in the selection process. If interviews are needed, short-listed Proposing Parties may be given additional information for interviews. These interviews will relate less to the past experience and qualifications already detailed in the submittal than to identification of the Proposing Party's program approach and to an appraisal of the people who would be directly involved in the project.

The RFQ/RFP is not to be considered as a contract or as a commitment of any kind. If this RFQ/RFP results in a contract offer by the City, a specific scope of work, fees, insurance coverage, and other contractual matters will be determined during contract negotiations.

The City shall hold all responses confidential from other parties, to the extent allowable by law, until after the selection process is completed. At completion of the selection process, the contents of the Statement of Qualifications and Request for Proposals are subject to the provisions of the Texas Public Information Act and may be made public. Confidential or Sensitive information should not be included in the Statement of Qualifications.

SUBMITTALS

Proposing Parties must provide the following information in their submission in order to be considered responsive.

Each copy of the Statement of Qualifications and Request for Proposal shall be bound using GBC or other semi-permanent binding method to ensure that pages are not lost.

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

Pages shall be no larger than letter-size (8-1/2" x 11") or, if folded to that dimension, twice letter size (11" x 17").

Elaborate covers, binding, dividers and other are not required, nor desired. The paper document should contain original documents where specified below.

Each Proposing Party should submit a letter of transmittal, limited to two pages, that includes:

- A brief statement of the Proposing Party's understanding of the Project;
- The names titles, addresses, and telephone numbers of the individuals who are authorized to make representations on behalf of the respondent;
- A statement that the person signing the transmittal letter is authorized to legally bind the respondent;
- Identification of a single point of contact to respond to any questions regarding the submission.

Each Proposing Party shall submit a brief overview of the firm and identify the project team to be assigned along with each team member's credentials. The summary should include an overview of the firm, corporation, partnership, and provide a brief overview of each of the firms, corporations, partnerships or other who the Proposing Party intends to subcontract any portions of the work and are the project team members. On one page, list the Team member firms, including the lead firm, and a simple organization chart of the Team, showing the reporting structure of the people proposed to do the work.

Proposing Parties shall present information to demonstrate financial stability and performance, and firm history. Extensive marketing materials are not desired.

Proposing Parties shall submit:

- Name and address of business entity submitting the proposal.
- Name and location of major offices and other facilities that relate to the respondent's performance under the terms of the submission.
- Name, business addresses, business and fax telephone numbers and email addresses of the proposed principal contact person regarding all contractual matters relating to the RFQ/RFP.
- Pertinent information relating to the Parties organization and experience, competence, reputation and capability in providing design, preparation of construction documents, and construction observation.

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

- Statement relating to existing facilities owned or business operations that presents a potential conflict of interest with this project and the City of Garland.
- The Proposing Party shall provide, on three pages or less, a narrative that describes:
 - Team's track record of meeting deadlines and working within a budget;
 - Team's systems and processes for ensuring quality and timely performance on similar projects, specifically major reconstruction;
 - Team's understanding of the City's needs and team's approach to this project;
 - Team's working relationship;
- Each Proposing Party shall provide a schedule for development to comply with the following deadlines:
 - TBD
- Each Proposing Party must provide no less than five (5) client references for similar redevelopment projects. In at least three of those projects, the Proposing Party should have served as lead in the development team, for similar scope and size within the last eight years. The list of clients must include the following information:
 - Project name and location
 - Name and address of client
 - Name and current phone number of client
 - Contract start date and duration
 - Type and size of contract
 - Firm's role in project
 - Number of staff by position participating in the design, preparation of construction documents and participating in construction observation
 - Name of General Contractor
 - These references will be contacted and used in conjunction with the evaluation of the submissions.
- Each Proposing Party must provide a minimum of five (5) examples of similar projects including either photos or plans showing examples of related design concepts.

REJECTION OF SUBMISSION

Submissions that are incomplete or do not comply with mandatory submission requirements shall be rejected. In addition, the City of Garland reserves the right to reject in whole or in part any responses submitted, and to waive minor technicalities when in

Request for Qualifications/Request for Proposals

RFQ/RFP ____-____

108 Sixth Street

the best interest of the City. Responses may be disqualified for any of, but not limited to, the following reasons:

- Collusion among Proposing Parties;
- Failure to comply with or inclusion of terms and conditions in conflict with, the terms of this RFQ/RFP, or City of Garland procurement rules and procedures;
- Failure to meet minimum response requirements established in the RFQ/RFP.

SELECTION PROCESS

The City of Garland will set up a review group of those individuals determined to be agency stakeholders who are qualified professionals with the knowledge or capabilities needed to review and evaluate all responsive submissions. The City of Garland reserves the right to waive any irregularities; select candidates for submission of more detailed qualifications or interviews (which if held, shall be scored); accept any submittal; and/or reject any or all respondents submitting qualifications, should it be deemed in the City's best interest. The City of Garland in its discretion shall make the determination of whether interviews are necessary.

EVALUATION CRITERIA

The Proposing Parties shall provide the following information with the RFQ/RFP response in the format specified in order for the city to evaluate each qualification submittal during the selection process.

The City of Garland intends to select Proposing Parties from those scoring the highest using the following best value criteria:

30 points – the overall qualifications, experience and reputation of the firm to provide the services sought in this RFQ/RFP. This category includes but is not limited to the Proposing Party's:

- Experience, reputation, and demonstrated competence on projects of similar scope and complexity;
- Experience with government-entity clients and public-private partnership;
- Availability to respond to the needs of the City of Garland in a timely manner; ability to relate to project requirements;
- Levels of conflict of interest between the respondent and the City of Garland.

Request for Qualifications/Request for Proposals

RFQ/RFP ____-__

108 Sixth Street

15 points – Experience and qualifications of the Proposing Party, evaluation of assigned personnel and subconsultants proposed to design, provide construction documents and construction observation of this facility.

20 points – Satisfactory client references: budget, cost controls experience, and results.

15 points – Schedule: provides enough detail to confirm that City deadlines can reasonably be met.

ADDITIONAL INSTRUCTIONS, NOTIFICATIONS, AND INFORMATION:

Prior or pending litigation or law suits

Where applicable, each Proposing Party must include in the submission a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the respondent or any of the team members where the respondent has been judged guilty or liable.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

Work Session Item 2. b.

Meeting Date: February 6, 2017

Item Title: Review and/or Adoption of Policies Regarding City Boards and Commissions

Summary of Request/Problem

At the request of Council Member David Gibbons and Council Member Rich Aubin, Council is requested to discuss the review and/or adopt a policy regarding actions, activities and expenditures by City Boards and Commissions including annual budget amounts and purchases related to meals, travel, clothing, business cards, promotional items, outside organization participation and other miscellaneous expenditures.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

Work Session Item 2. c.

Meeting Date: February 6, 2017

Item Title: Recap of January 25 Legislative Trip to Austin

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Council will be briefed on the January 25, 2017 trip to Austin.

Recommendation/Action Requested and Justification

Council discussion.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

Work Session Item 3. a.

Meeting Date: February 6, 2017

Item Title: Rules of Order and Council Policies

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Consider for adoption Rules of Order and Council Policies to be operative for calendar year 2017.

Recommendation/Action Requested and Justification

A final form of the Council's rules of order and its policies has not yet been adopted for 2017. The attached draft will be revised as may be directed by the City Council and placed on a Regular agenda for final approval.

Attachments

council rules and policies 2017

2017
CITY COUNCIL
of the
CITY OF GARLAND, TEXAS

**RULES OF ORDER AND
PROCEDURE
AND
CITY COUNCIL POLICIES**

ARTICLE I.

CITY COUNCIL RULES OF ORDER AND PROCEDURE

Section 1 Authority under the City Charter

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

Section 2 General rules for conducting Council meetings

(A) Regular meetings

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are generally held in the City Council chamber or at another public building within the city limits as designated by the City Council in the meeting notice.

(1) *Other locations.* The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in

accordance with provisions of State law and the City Charter.

(2) *Location during a local emergency.* If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

(B) Pre-council meeting work session

Prior to each regular City Council meeting, the City Council may conduct a work session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the work session, unless specified in the posted agenda.

(C) Special meetings and emergency meetings

Pursuant to Article III, Section 7 of the City Charter, special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity (which shall be expressed in the notice of the meeting), an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

(D) Adjourned meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(E) Executive sessions

The City Council may meet in executive session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in executive session. The City Council may exclude from any such executive session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers are prohibited from disclosing the nature of discussion from a closed session unless required by law.

(F) Notice of meetings

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(G) Quorum

Article III, Section 6 of the City Charter provides that five members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

(H) Chair

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council, and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

(1) *Absence of Mayor.* Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

(2) *Absence of Mayor and Mayor Pro Tem.* When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

(I) Attendance by the public

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act, except executive sessions or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

(J) Minutes

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

(1) *City Council approval of minutes.* Minutes of meetings are generally submitted to the City Council within two weeks for approval.

(2) *Recording of meetings.* Tape recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Tape recordings of executive session proceedings shall be maintained by the City Attorney.

Section 3 Order of business at meetings of the City Council

(A) General order of proceedings

City Council meetings will be generally conducted in the following order, unless otherwise specified. An executive session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

- Executive session (if any)
- Written briefings
- Verbal briefings
- Questions regarding regular agenda items
- Discuss committee reports/assignments
- Discuss consent agenda
- Identify future agenda items
- Adjourn

REGULAR MEETING AGENDA

- [Pledge of allegiance/invocation]*
- [Mayoral proclamations, recognitions, and announcements]*
- Consent agenda/approval of minutes
- Regular agenda
- Consider appointments to boards and committees
- Citizen comments (“open mike”)
- Executive session (as needed)
- Adjournment

* These items may be taken up by the City Council prior to the commencement of official business

(B) Numbering and indexing of agenda items

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

(C) Consent agenda

The consent agenda shall contain routine, non-controversial items that require City Council action but need little or no City Council deliberation. Any item on the consent agenda may be removed from the consent agenda and thereby be made subject to discussion and deliberation by any member of the City Council, staff or a person in attendance at the meeting. Agenda item(s) removed from the consent agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining consent agenda.

Section 4 Rules of procedure for conducting Council business

(A) General procedure

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, published by Persus Publishing, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

(B) Authority of the chair

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council meetings, and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City Council as to the advice given by the parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

(C) Council deliberation and order of speakers

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

(D) Limit deliberations to item at hand

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

(E) Obtaining the floor

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

(F) Motions

Motions may be made by any member of the City Council, other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

(G) Procedures for motions

The following is the general procedure for making motions:

- (1) Before a motion can be considered or debated, it shall be seconded.
- (2) A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- (3) A Councilmember who wishes to second a motion shall do so through a verbal request to the Chair.
- (4) Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to continue the public hearing shall move to continue the public hearing, and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.
- (5) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

(H) Motions to amend

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(I) Abstention or recusal

- (1) If a Councilmember abstains because of a legal conflict that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present,” unless otherwise required by law.
- (2) When a Councilmember has a legal conflict and is required to abstain or be recused from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

(3) Pursuant to Article III, Section 6 of the Charter, a Councilmember who is present and not required by law to abstain from voting shall vote on every measure for which a vote is called; a refusal to vote constitutes a vote of “no” on the measure.

(J) Special Charter or statutorily-mandated voting requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

(1) *Charter amendments - Two-thirds vote:* An ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution).

(2) *Changing paving assessment plan - Two-thirds vote:* Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053).

(3) *Protested changes in zoning ordinance - Three-fourths vote:* If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Development Code; Council Policy, Article II, below.)

Section 5 Public hearings

(A) The City Council procedure for the conduct of public hearings is generally as follows:

(1) Staff presents its report.

(2) Councilmembers may ask questions of staff.

(3) The Chair opens the public hearing.

(4) The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of fifteen minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten

minutes and the rebuttal or concluding comments shall be limited to five minutes.

(5) Councilmembers may ask questions of the applicant/appellant.

(6) Members of the public are provided with the opportunity for comments and testimony in accordance with these Rules, including without limitation Sections 7 and 8, below.

(7) The appellant or the applicant is given the opportunity for closing comments.

(8) The City Council deliberates on the issue.

(9) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with these Rules.

(10) The City Council deliberates and takes action.

(11) The Chair announces the final decision of the City Council.

(B) Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

Section 6 Public testimony at meetings

(A) Determining whether speakers are present

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall determine if speaker's cards have been submitted by persons who intend to speak or register a position or the Mayor may inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

(B) Public member request to speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker's card to the City Secretary before or as soon as reasonably possible after the close of the vote on the matter. Prior to speaking, the speaker shall complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

(C) Identification of speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

(D) Time limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

(E) Designation of spokesperson

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker's card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given two minutes per speaker up to a maximum of ten minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the

person's consent to the designation. The designating person's position on the matter shall be read into the record.

(F) Comments addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be addressed to individual members or to other speakers.

(G) Questions of speakers

Members of the City Council who wish to ask questions of a speaker or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

(H) Motion to extend a speaker's time to speak

In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

(I) Materials for public record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

(J) Germane comments

No person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

Section 7 Staff presentations

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

Section 8 Appointments to boards and commissions

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council, unless a Councilmember requests that the appointment be deliberated by the City Council.

Section 9 Citizens' comments – "Open Microphone"

(A) A portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

(B) Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting, but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card.

(C) In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

Section 10 Rules of decorum

(A) Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session.

(B) Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from

making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.

(C) Visitors attending City Council meetings may not bring food or drink into the City Council chamber.

(D) No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

(E) Only one person at a time may stand at the speaker's podium, unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

(F) No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

Section 11 Waiver of rules

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by two-thirds vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

Section 12 Non-exclusive rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Section 13 Non-observance of rules

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

ARTICLE II.

CITY COUNCIL POLICIES AND COUNCIL DIRECTIVES

Division 1. COUNCIL OPERATING PROCEDURES

Section 1 Placing items on an agenda

(A) Other than matters nominated for discussion during the “Future Agenda Items” segment of the regular agenda (as provided below), the Mayor, individually, or any two or more members of the City Council may request in writing (which includes email) that an item be placed on an agenda for consideration by the City Council as a whole. The request shall be made to the City Manager. If the request is made by a Councilmember, the member shall provide the City Manager the name or names of the member(s) who seconds the request. Unless otherwise specified by the requestor, the City Manager shall cause the item to be placed on the next available agenda of the type designated by the requestor (that is, a work session or regular agenda). The requestor must provide adequate detail of the request to the City Manager to allow proper posting of the matter under the Open Meetings Act and to provide other members of the City Council with sufficient information about the request to prepare to discuss the matter. Unless the matter is of such urgency as to constitute an emergency within the meaning provided by the Texas Open Meetings Act, or if the item requires the calling of a special meeting, the matter must be submitted not later than the close of business one week before the next meeting of the City Council.

(B) Each work session agenda prepared by the City Manager shall include a segment entitled “Future Agenda Items”. During the future agenda items segment, a member of the City Council may offer a matter for future consideration by the City Council. The suggested topic must obtain a second from one or more members of the City Council in order to be placed on a future agenda. If a second is obtained, the Mayor will direct the City Manager to place the matter on a subsequent agenda or, with the concurrence of the City Council, refer the matter to a committee.

(C) Other than routine matters placed on an agenda by staff (such as bid approvals, zoning requests, and the like) and emergency items, no matter that requires official action by the City Council will be considered without first having been discussed at a work session.

Section 2 Political and other endorsements by members of the City Council

A member of the City Council may endorse a candidate or a cause by using the Councilmember’s name and position, such as the term “Mayor, Garland, Texas”, “Councilmember, District __, Garland, Texas” or similar phrasing. A member of the City Council may not, in an endorsement, imply that the City of Garland - as an entity - has

endorsed any such candidate or cause unless the City Council has formally voted as a body to provide that endorsement. In that regard, the City Council is generally constrained by law from endorsing a candidate or cause in an election. A member of the City Council may not use a City or departmental logo or trademark in providing an endorsement of a candidate or cause, nor may the member use City personnel or supplies to do so.

Section 3 Council committees

(A) Purpose

Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. In order to provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions, the City Council adopts this policy regarding the set up and use of Council committees.

(B) Assignment to committees

Agenda items may be assigned to a committee by the Mayor, with the consent of the City Council, or by the City Council.

(C) Standing committees

The City Council shall have the following standing committees, aligned with the management responsibilities assigned to City staff by the City Manager:

- Administrative Services Committee
- Audit Committee
- Community Services Committee
- Development Services Committee
- Public Safety Committee

Each committee, after receiving an assignment from the Council, will consider policy decisions and actions; study issues; evaluate options; and develop recommendations. The committees shall serve in an advisory capacity only, and no committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.

(D) Standing committee responsibilities

The standing committees identified below shall have the following general responsibilities:

Administrative Services Committee

Items that may typically be directed to the Administrative Services Committee include, but are not limited to:

- Additions/revisions to Council policies.
- Review of local, state and national legislative changes.
- Updates on internal procedural modifications.
- Specific budget items.

Audit Committee

The Audit Committee shall assist the City Council in fulfilling the Council's oversight responsibilities for the Internal Audit Department, reporting practices, internal control, and compliance with laws, regulations and ethics within the limits described in the City Charter. The Internal Audit Department shall have access to all information necessary to perform its functions under the City Charter (to the extent permitted by law), and shall operate independently of management and free of organizational impairments.

The Audit Committee will consist of seven members, three of whom shall be members of the City Council appointed by the Mayor, and three of whom shall be appointed by the City Manager. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Councilmembers may vote.

The Audit Committee shall meet at least quarterly, or more frequently as needed, and shall:

- Review and approve the Internal Audit Charter
- Approve the Internal Audit Department Annual Plan
- Receive and consider special written requests for audits from Councilmembers and the City Manager
- Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment.
- Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- Review proposed Internal Audit budget in light of available resources
- Review summary of findings and recommendations of audit reports
- Review the annual external audit results and findings

Community Services Committee

Items that may typically be directed to the Community Services Committee include, but are not limited to:

- Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- Reviewing grant program applications
- Considering incentive programs for neighborhood revitalization

Development Services Committee

Items that may typically be directed to the Development Services Committee include, but are not limited to:

- Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

Public Safety Committee

Items that may typically be directed to the Public Safety Committee include, but are not limited to:

- Additions and revisions to Council policies as they relate to public safety
- Review of local, state and national legislative changes as they relate to or may affect public safety
- Updates on policy modifications relating to public safety

(E) Ad hoc committees

Ad hoc committees may be created by the Mayor, with the consent of the City Council, or by the City Council, and its members appointed by the Mayor for a specific purpose, project or issue. The committee shall continue until the project is completed, at which time it will be dissolved, unless earlier dissolved by the Mayor, with the consent of the City Council. To the extent not inconsistent with the nature of ad hoc committees, ad hoc committees shall comply with the rules applicable to standing committees.

(F) Committee recommendation and Council consideration

Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee.

(G) Composition of committees

Each committee shall be composed of three members of the City Council. The Mayor shall serve as an ex officio member on each committee with the right to discuss any matter that is under consideration, but the Mayor shall have no vote nor serve as chair at the committee level. Any member of the City Council may attend any committee meeting, but only appointed members may participate in deliberations and voting. Testimony from someone not on the committee is permitted at the pleasure of the Chair.

(H) Appointments and vacancies

After the annual City Council election, a Council Committee Interest Form (see sample attached) shall be completed by each member of the City Council. Following that, appointments to committees will be made by the Mayor, with the consent of the City Council, as soon as practicable after the annual City Council election. The Mayor shall make new appointments as needed to fill vacancies in order to assure continuity on the committees.

(I) Term of office

The term of office of any member of a standing committee shall begin upon appointment by the Mayor and confirmation by the City Council. The term shall continue until a replacement is appointed or until a committee member no longer holds a position on the City Council.

(J) Chair

The Chair of each committee shall be selected by the Mayor.

(K) Convening meetings

The committee Chair shall have the responsibility for convening the committee as necessary.

(L) Minutes of meetings

Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be signed by the Chair and filed with the City Secretary and promptly posted on the City's website.

(M) Agenda postings

Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act. Such notices shall be posted in a manner that contemplates the attendance of a quorum of the City Council.

(N) Recommendation regarding the continuation of committees

The Mayor shall annually review the activity of existing committees to identify inactive committees and provide a report to the Council recommending which committees should be continued and which dissolved.

Section 4 Appointments by the City Council to outside organizations of which the City is a member

(A) Under State law or by reason of contract or other arrangement, the City is represented in the affairs of certain organizations that exist independently of the City. The City appoints, or approves the appointment of, representatives to those organizations who serve as voting members of the governing bodies of those organizations. Those persons are charged with representing the interests of the City. Currently, those organizations consist of the (1) Texas Municipal Power Agency; (2) North Texas Municipal Water District; (3) Dallas Area Rapid Transit Authority; (4) Garland Housing Finance Corporation; (5) Garland Economic Development Authority; (6) Garland Health Facilities Development Corporation; (7) Civil Service Commission; and (8) Dallas Central Appraisal District. If an organization is created subsequent to the adoption of this policy to which the City is entitled to appoint a representative to the governing body of the organization, this policy shall apply until specifically amended to apply to the organization.

(B) It is the intent of the City Council that the term of service is “at will” such that the representative may be removed without cause. If, by law, an appointment is for a definite period and an appointed representative may not be removed at will, controlling law shall prevail.

(C) In order to provide for timely appointments to the organizations, the City Council shall be advised at least sixty days in advance of the expiration of a representative’s term of office. At the time of such advice to the City Council, the City Manager shall cause a notice to be placed on the City’s website, in the Garland City Press and through other available community-related electronic communication tools such as Neighborhood Chatter and Nextdoor for a minimum of twenty-one days in order to provide citizens the opportunity to apply for the position. Such notice shall include information for the public that explains the purpose and function of the organization and the role of the appointee. At the close of the 21-day period, applications for the position, or recommended appointees to be approved by the City Council, will be presented to the City Council to allow the City

Council to interview candidates for the position. At the close of the interview process, if one is held, the City Council shall make its appointment, or approval, by minute action or resolution, as prescribed by law.

(D) Persons appointed by the City Council shall provide periodic, but not less than annual, updates to the City Council regarding the activities of the organization to which they have been appointed.

Section 5 State and Federal legislation and rule-making proceedings

(A) The City Attorney, with the assistance of the City Manager, shall apprise the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any two members of the City Council may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Attorney may, in the exercise of his professional discretion, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter subject always, however, to the prerogatives of the City Council as the policy-making body of the City.

(B) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff, letterhead, official email, or any City-approved logo in doing so.

Section 6 Council budget for travel, business expenses, and equipment

(A) In the budget presented to the City Council for its consideration each year, the City Manager shall suggest an amount to be budgeted for the anticipated expenses of the City Council consistent with the provisions of this policy. The City Council shall consider the suggested funding and approve the amount, decrease the amount, or increase the amount as it considers necessary and proper. The funding should be sufficient to provide for City Council travel and other business expenses and City-provided equipment consistent with this policy and Article III, Section 3 of the City Charter, which provides for the reimbursement of necessary expenses incurred in the performance of a councilmember's official duties when approved by the City Council.

(B) The City Council shall provide adequate funds for travel and related expenses so that the Mayor and each member of the City Council has the opportunity to attend at least the following City-related activities:

- Annual meeting of the Texas Municipal League and affiliates;
- Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council);
- National League of Cities and affiliates annual meeting - Washington, D.C.;
- National League of Cities annual Congress of Cities (various locations);
- Attendance at committee or association functions related to the Texas Municipal League or the National League of Cities;
- Attendance by the Mayor at the annual meeting of the U.S. Conference of Mayors; and
- Attendance by the Mayor or other members of the City Council at other City-related meetings, events, and functions as approved by the City Council.

(C) The Mayor or another member of the City Council shall be reimbursed for reasonable expenses related to attendance at City-related meetings, events, and functions that, due to circumstances, could not have been anticipated at the time the budget for Council expenses is approved, and the urgency of such business does not afford sufficient time to convene the full City Council for deliberation and approval. Examples include attendance at legislative proceedings (federal/state/local), expenses made necessary by natural disasters, and the like. Such unforeseen expenses may be approved by the Mayor (or by the Mayor Pro Tem in the event the Mayor will incur such expenses). The City Council shall annually review the incidental or undesignated funds approved by the Mayor/Mayor Pro Tem.

(D) The following general rules apply to travel and other City-related expenses incurred by the Mayor and the City Council:

- ☐ *Registration and necessary membership fees for the organizations described in subsection (B).* Membership and registration should be completed through the office of the City Manager in advance, when possible.
- ☐ *Transportation for City-related business.* Councilmembers may select the appropriate mode of transportation. Payment or reimbursement of transportation expenses, however, will be based upon the most economical mode of transportation that is reasonable under the circumstances.
 - o If a Councilmember drives a personal vehicle on City business, reimbursement will be made at the lower of either the current mileage reimbursement rate published by the United States Internal Revenue Service or the most economical airline rate to and from the destination. A mileage accounting shall be filed using the City's standard personal mileage trip sheet form and shall have attached thereto a calculation of mileage as determined by an on-line trip mileage calculator.

- o Airline reservations should be made well in advance of the trip in order to take advantage of any discounted fares.
- o Rental vehicles are authorized for out of town trips where the Councilmember does not have use of a personal vehicle, but only when the amount of travel while at the destination will make a rental vehicle more economical than a shared ride, complimentary shuttle or taxi service. If a rental vehicle is used, all supplemental car rental insurance and damage waivers should be declined. Car rental reservations must be made through the office of the City Manager.
- *Meals for City-related business.* The City will pay for meals up to the current published U.S. General Services Administration (GSA) allowance if the purchase of meals is directly attributable to the conduct of City business (other than simply meeting constituents). GSA allowance rates are available on-line at www.gsa.gov and will be based on the location at which the meal purchase is made. If the location is not listed in the GSA tables, the standard rate will be used. The GSA allowance will be reduced pro-rata for meals provided at a conference, seminar or social event related to the City business and for meals provided as part of the airfare or other form of transportation, the purchase price of registration, or provided as part of a social or other business function related to City business. For less than complete days spent on authorized travel, the GSA allowance will be prorated as follows: Breakfast - 20% of GSA allowance; Lunch - 30% of GSA allowance; Dinner - 50% of GSA allowance. Unused portions of the GSA allowance may not be accumulated or carried over.
- *Out-of-town lodging accommodations.* The City will pay for lodging accommodations through the duration of the meeting, seminar or City-related business travel event. If accompanied by a family member or others, the Councilmember will pay any difference between the single and double- or multiple-occupancy rates, if any, for the accommodation.
- *Miscellaneous travel-related expenses.* Reasonable baggage handling, parking (including valet parking fees if reasonable and necessary) tolls, service and similar gratuities and expenses are allowed. Receipts are not required but the amount must be reflected on the expense report. Other travel-related expenses not specifically covered in this policy require the approval of the Mayor or City Council.
- *City-related equipment, office products, and supplies.* The City will provide each member of the City Council with:
 - o A laptop computer or tablet with Wi-Fi or other remote access capabilities;

- o Business cards
- o A cell phone or a cell phone stipend, payable monthly
- o Official City-branded shirts and nametags

Ordering and delivery of equipment, especially computer or City-network connected equipment, must be coordinated with the Office of the City Manager in order to insure consistency of equipment capabilities and cost control. Equipment problems shall be referred to the Office of the City Manager. Each member of the City Council is responsible for promptly returning all City-provided equipment, access/ID cards, and keys (if any) to City facilities upon completion of the member's term of office. A Councilmember may, on completion of the member's term of office, purchase the laptop computer or tablet provided to that member for not less than fair market value if the device is considered obsolete and will be replaced by an upgraded device. Fair market value for the device will be determined by the City's IT department.

(E) The following expenses are categorically disallowed and will not be paid or reimbursed by the City and may not be charged to City-issued credit or debit cards or otherwise:

- Trip or travel insurance
- The personal portion of any trip, including without limitation the expenses attributable to family or companions
- Premium or first-class lodging, transportation or meals
- Alcoholic beverages
- In-room movies, games or other entertainment
- In-room meal service fees (the meal is reimbursable if otherwise allowed under this policy)
- Valet service (with the exception of required valet parking)
- Laundry service or garment rental (with the exception of laundry service for out-of-town stays of more than seven days)
- Gratuities in excess of 20%
- Entertainment costs, including theater, movie, or sporting event tickets, recreational expenses (such as greens or cart rental fees for golf) or the like
- Political contributions or attendance at political or charitable events
- Non-mileage personal driving expenses such as repairs, traffic citations, and insurance
- Personal losses incurred while on City-related business
- Cash advances on a City-issued "P-Card"

(F) If the Mayor or a member of the City Council is owed more than \$100.00 in

reimbursement, the office of the City Manager shall process an accounts payable request through the City's accounts payable system. If less than \$100.00 is owed, reimbursement may be made from an appropriate petty cash fund. If the Councilmember owes the City money, the Councilmember must reimburse the City within twenty business days after completing travel or incurring the expense. A check payable to the City shall be attached to the original, signed expense report. If a completed, signed expense report is not timely submitted or, if a completed expense report appears to contain non-allowed or disallowed expenses, the office of the City Manager shall report the same to the Mayor (or to the Mayor Pro Tem if the report pertains to the Mayor). A late report or a report that contains non-allowed or disallowed expenses shall be discussed by the Mayor or Mayor Pro Tem directly with the person who incurred the expenses. If the matter is not resolved within ten days, the matter will be referred to the City Council for resolution. The City Council is responsible for enforcing this policy.

(G) The Mayor (or the Mayor Pro Tem, if the report pertains to the Mayor) shall review the travel and other expense reports submitted by a Councilmember to determine whether the report contains disallowed expenses. If so, the Mayor (or Mayor Pro Tem, as the case may be) shall reject the report and return it to the person who submitted it for correction. If the report does not contain any disallowed expenses, the report shall be approved and processed as provided in this policy. All expenses, including all expense reports, receipts, P-Card reports, and other documents pertaining to Council expenses are public records.

(H) The Mayor and members of the City Council may be asked, or may desire, to join outside organizations to promote the interests of the City. In such cases, unless membership in the organization has already been approved by policy (see, for example, section relating to membership in the Texas Municipal League and its affiliates), the City Council shall be provided with a brief description of the organization, what it does, what benefits to the City membership in the organization will promote, frequency of meetings, and an estimate of annual costs of membership (including dues, conference fees, and travel costs). The City Council may approve membership in the organization by consensus and, if so approved, shall budget funds for associated costs. The City Council shall annually review City Council memberships in outside organizations during the operating budget approval process. Some organizations may not reflect the values or ideals of the City Council as a whole. Thus, a member of the City Council may not commit to membership or participation in, or attendance at, meetings of organizations not listed in this section without the approval of the City Council except in the Councilmember's individual capacity and at the Councilmember's sole expense.

(I) The City Manager is authorized to provide a cash allocation to senior-level employees who have been assigned to accompany members of the City Council on authorized out-of-town trips to off-set incidental, out-of-pocket expenses incurred in support of official City Council functions. Any unused portion of the cash allocation shall be promptly returned to the City upon completion of the function.

Section 7 Council requests for information or services

(A) By Charter, the people of Garland have chosen a council-manager form of government. In keeping with that form of government, the City Charter specifically provides:

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any of his subordinates. However, the Council may consult and advise with the City Manager, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the Council and its members shall deal solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council, by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty after public hearing, and thereby create a vacancy in the place held by such member.

(B) The City receives thousands of service requests, information requests, and complaints each month. Some of those requests and complaints are received through members of the City Council and some may be initiated by a member of the City Council. For requests and complaints received or initiated by a member of the City Council, this policy is intended to provide for an expeditious and thorough means of resolving such requests and complaints by providing access to the appropriate level of City management without violating the prohibition on interference contained in the City Charter.

(C) Requests and complaints received through or initiated by members of the City Council generally fall into three categories. Requests and complaints may be made either verbally or in writing, including email. The following guidelines will apply when processing requests or complaints:

SERVICE REQUESTS	
TYPE:	REFER TO:
First time request for routine service when a response to the Councilmember is not desired. A department representative will contact the requestor if necessary.	Department service line Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Second or third time for routine service request when a response to the Councilmember is not desired. The department head or a representative will contact the requestor.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Routine service request involving more than one department when a response to the Councilmember is not desired.	Responsible department heads or managing directors Assistant City Manager or Deputy City Manager City Manager
Routine service request when the Councilmember desires a response.	Responsible managing director Assistant City Manager or Deputy City Manager City Manager
Service request that is not routine or that involves a major resource allocation. A response shall be provided to the Councilmember.	Assistant City Manager or Deputy City Manager City Manager

INFORMATION REQUESTS	
Information that is readily available (on file or that can be provided verbally).	Responsible department head Assistant City Manager or Deputy City Manager City Manager
Information that is available but that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager
Information that involves more than one department and that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager

COMPLAINTS	
Routine service complaints regarding quality or quantity of service when no response to the Councilmember is desired.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Service complaints regarding quality or quantity of service when a response to the Councilmember is requested.	Assistant City Manager or Deputy City Manager City Manager
Complaints regarding the conduct or performance of a City employee.	City Manager
Complaints involving a City policy, procedure, or ordinance.	Assistant City Manager or Deputy City Manager City Manager City Council

(D) Information regarding the submission or resolution of a service request, information request or complaint is generally public and may be shared with other members of the City

Council. A member of the City Council has no expectation of secrecy regarding the submission or resolution of a service request, information request or complaint. Information received from or given to a member of the City Council is information that may be given to all members of the City Council.

Section 8 Who shall act as Mayor

The City Charter provides, “In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor.” Because there may not be time to assemble a quorum to elect a person as mayor under such circumstances, and in order to increase the efficiency of government, the City Council may choose to elect a deputy mayor pro tempore to act as mayor when the Mayor and the Mayor Pro Tem are absent or disabled. If the City Council chooses to have a deputy mayor pro tempore, the election for the position shall be held at the first regular meeting of the City Council that follows the annual goal-setting retreat. The City Manager shall place an item on an agenda for consideration by the City Council each year.

Section 9 Communications on behalf of the City by members of boards and commissions

(A) Boards and commissions, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards and commissions provide an important service to the citizens of Garland. Boards and commissions, and the members of those boards and commissions, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City’s governance and it is the legislative and policy-making body for the City.

(B) If a board or commission desires to communicate to others a position on any matter of public concern, the board or commission shall first seek approval from the City Council before engaging in such communication. The City Council will speak for the City. The City Council will determine whether and what will be the official position of the City on the issue presented by the board or commission.

Section 10 Appointments to boards and commissions

Generally, appointments to boards and commissions shall be made by the City Council annually during the month of August. The general term of office for a council appointee begins on September 1 and expires on August 31 in the year in which the term of office of the member of the City Council who made the appointment expires. If a vacancy occurs before a term is completed, the Councilmember representing the district in which the vacancy occurs shall be responsible for nominating a replacement. *See also, Section 2 of Division 4 of this Article for the procedure regarding the recruitment and appointment of*

members of boards and commissions.

Section 11 Annual performance and compensation review of council appointees

(A) The City Council appoints the City Manager, the City Attorney, the City Secretary, the Internal Auditor, and the judges of the Municipal Court. Except for the chief presiding judge and the associate judge of the Municipal Court (whose terms of office are prescribed by State law), council appointees are employed under contract, the term of which shall not exceed one year. The performance of and compensation afforded to council appointees shall be reviewed and evaluated by the City Council annually.

(B) The City Manager shall cause the Managing Director of Human Resources to provide the City Council with:

(1) The current compensation paid and salary ranges applicable to officials with similar duties and comparable responsibilities employed by comparable municipalities in Texas; and

(2) Information regarding applicable municipal populations, departmental or functional staff support personnel, years of experience of each official in that official's present position, and benefits or perquisites provided.

(C) A copy of the information gathered by the Managing Director of Human Resources shall be forwarded to the respective appointee. The appointee may submit to the City Council comments regarding the information considered relevant for review.

(D) The City Council shall, in executive session:

(1) Meet to review the applicable performance-related goals and objectives, if any, established for each individual appointee for the preceding review period and define those goals and objectives to be considered for the next review period;

(2) Meet with each appointee individually to discuss the appointee's performance and achievements;

(3) Discuss and evaluate the appointee's performance during the preceding review period and, if applicable, the goals and objectives to be established for the next review period; and

(4) Determine the compensation, benefits, and perquisites to be afforded to the appointee.

(E) The Mayor shall notify each appointee of the compensation and benefits

determinations made by the City Council and discuss with the appointee any additional comments or suggestions made by the City Council regarding such appointee. Follow-up sessions to clarify the evaluation or review progress with the City Council may be scheduled if necessary. The City Attorney shall be directed to prepare an appropriate employment agreement for each appointee who is employed under contract and that is reflective of the directions given by the City Council for that appointee. The employment agreements shall be placed on an agenda for formal approval by the City Council. Municipal judges are appointed for two year terms without contract, but compensation may be adjusted annually by the City Council. Note: Part-time associate judges are hired under informal contract by the presiding chief judge of the Municipal Court and are compensated in accordance with funds allocated for such purposes in the annual budget as approved by the City Council.

(F) After final approval by the City Council, the City Manager shall inform the Managing Director of Human Resources of the compensation adjustments that need to be implemented, as applicable, and shall cause the Managing Director of Human Resources to promptly prepare and process all the documentation necessary to implement the compensation determinations of the City Council as directed.

Division 2. LAND USE, ZONING, AND DEVELOPMENT PROCEDURES

Section 1 Appeals from recommendations of the Plan Commission

(A) Certain matters decided by the Plan Commission are subject to the right of appeal to the City Council. If an appealable decision is rendered by the Plan Commission, the Department of Planning shall notify the affected applicant of the decision in writing or by electronic communication. The notification shall advise the applicant that the applicant may file an appeal from the decision within the time provided in this policy.

(B) Subject to the provisions of the Garland Development Code, an applicant who is aggrieved by a decision of the Plan Commission may appeal to the City Council, if an appeal to the City Council is provided by the applicable ordinance, by filing a written notice of appeal. Unless a different procedure is specified in the Garland Development Code, the notice of appeal shall be filed not later than the time provided in the applicable ordinance for the filing of an appeal or, if no such time is provided by ordinance or other law, not later than fifteen days after the date of the Plan Commission decision being appealed. Upon receipt of a timely notice of appeal, the Director of Planning shall set the matter for hearing with the City Council on the earliest available agenda setting.

Section 2 Procedures and deadline for the filing of objections to zoning changes (the “20% rule”)

(A) Section 211.006, TEX. LOCAL GOV’T CODE provides that a proposed zoning change

must receive the affirmative vote of not less than three-fourths of the members of the City Council if the change is protested by 20% or more of the owners of the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. That provision is generally referred to as the “20% rule”.

(B) For purposes of clarity: (1) the area to be included in a calculation as to the applicability of the 20% rule is the 200 feet provided by State law, not the extended 400 foot notification area provided by the Garland Development Code; and (2) the three-fourths votes required means 6 affirmative votes, not merely three-fourths of the membership present and voting. For the latter reason, if less than all members of the City Council are present at a meeting on a zoning change in which the application of the 20% rule may be invoked, the City Council may postpone without further debate the hearing on the change.

(C) A protest must be made in writing and timely received by the City in order to be included in the calculation whether the 20% rule has been invoked. A written protest must be filed by each protesting owner – inclusion of an owner’s name on a petition or other collective protest not actually signed by the owner or an authorized representative of the owner will not be counted in the calculation.

(D) A protest will not be considered timely unless it has been submitted in writing prior to the close of public comments on the proposed change. A protest may be submitted by email or other electronic communication form recognized by the City for the receipt of official correspondence, but a protest so submitted must be received no later than noon on the day of the first public hearing at which the zoning change will be considered.

(E) If a zoning change is approved by a majority of the City Council but nonetheless disapproved by operation of the 20% rule and a motion to reconsider has been granted, a new protest must be filed by the affected owner in order to invoke the 20% rule for the zoning change being reheard. If the zoning change is disapproved by a majority of the City Council regardless of the application of the 20% rule and a motion for reconsideration is granted, a written protest timely filed in the initial zoning change case will be carried over and applicable to the case on rehearing.

Section 3 Reconsideration of zoning change denials

(A) The applicant for a change in zoning may request the reconsideration of a denial of a change in zoning. A motion for reconsideration must be filed with the Director of Planning, in writing. The motion must be filed before the close of business not more than five business days following the meeting at which the zoning change request was denied.

(B) The motion for reconsideration must demonstrate that new considerations not known or discoverable at the time of the original hearing constitute good cause for

reconsidering the request. The following circumstances generally do not justify the granting of a motion to reconsider:

(1) Failure of the applicant to appear at the hearing of the City Council at which the request was denied;

(2) Failure of the applicant to be adequately prepared for presentation of the request to the City Council; or

(3) Absence of one or more members of the City Council from the meeting at which the request was considered or denied.

Additionally, modifications of a request to address matters identified in the planning report for the zoning change request as reasons for a recommendation of denial are a disfavored basis of reconsideration. Nonetheless, the City Council retains the authority to review each motion for reconsideration on its merits in order to determine if a reconsideration of a request is in the best interest of the public.

(C) A request for reconsideration will be heard by the City Council at the next meeting immediately following the denial of the zoning change request. A motion to grant reconsideration may only be made by a member of the City Council who voted in favor of denial of the request. A motion to grant reconsideration may be seconded by any member of the City Council. A vote of not less than five members of the City Council then present, is required to grant a motion for reconsideration. If a motion for reconsideration is granted, the case shall be re-advertised and placed on the next appropriate agenda of the City Council. A denial of a motion for reconsideration may include a motion to waive the one year rule provided in the Garland Development Code that prohibits the consideration of a zoning change request within one year of the denial of a request for a change in zoning for the affected tract of land. A denial of a change in zoning may also be made “without prejudice” to re-filing for the same purpose.

Section 4 Citizen-initiated street name changes

(A) Street name changes may be initiated either by the City or by citizen request. A street name change request initiated by citizen request will be considered only if 80% or more of the owners of property that will be directly affected by the street name change favor the request. A street name change request may be approved if the City Council determines that the change is in the public interest and that the name will not cause confusion, continuity or way-finding problems or otherwise adversely affect the public interest.

(B) A request to change a street name must be in writing. The application for a street name change must indicate the proposed name change, the limits (by block number) of the

name change, and the reasons for the change in name. A fee of \$500 shall be submitted with the written application for change in name to cover the cost of reviewing the proposal. If an initial determination is made that the change in name will cause confusion, continuity or way-finding problems or otherwise adversely affects the public interest, the applicant(s) shall be notified by the City and the initial application fee shall be refunded. If the proposed name is not acceptable, the applicant(s) shall be given an opportunity to propose another name before the application is disapproved. If the proposed name change is recommended for consideration to the City Council, the applicant(s) shall pay an additional fee based upon the actual costs of research of and notification to addresses that will be directly affected by the proposed name change. If the proposed name change is recommended for consideration to the City Council, the applicant(s) must obtain the written approval (an adequately descriptive petition is acceptable) of at least 80% of the affected property owners.

(C) Upon confirming that written approval has been obtained from the requisite number of affected property owners and payment of estimated sign replacement costs by the applicant(s), a public hearing shall be held by the City Council to consider the proposed name change. A name change may be made only by ordinance. If the name change is disapproved, the estimated sign replacement costs shall be refunded to the applicant(s).

Section 5 Private streets

(A) Private streets are an allowed option under the Garland Development Code. The private street option may be chosen in order to provide a means of limiting access into a development (for example, in private, gated communities), in order to maximize the amount of non-public area within a development, or for other development reasons. The City has no responsibility for any expenses related to the construction, maintenance or repair of a private street.

(B) In recognition of the possibility that a street constructed as a private street may eventually be, and occasionally are, after a period of time, turned over for public use as a public street and to ensure that private streets are built to the same standards and quality of public streets, the following standards apply:

(1) A private street is not allowed within a development without the prior approval of the City Council either through zoning approval or by separate development agreement.

(2) A private street must be designed, constructed, and maintained in accordance with the standards for public streets of the type and capacity most like the proposed private street, including width, turning radii, pedestrian ways and sidewalks, street lighting, and utility facilities.

(3) Private streets are allowed only in residential developments. Streets within a commercial or industrial development must be public. If, however, access to the proposed street will be restricted (such as by gates or security personnel) the streets must be private. Limited access public streets are not allowed.

(4) The City is not responsible for the construction or maintenance of any aspect of a private street, including repairs or other maintenance. Accordingly, some perpetual funding source (such as an assessment-levying capable homeowners' association) for repairs must be provided for all maintenance of a private street.

(5) Only the City Council has authority to accept the public dedication of a street formerly constructed or used as a private street, and the City Council will only do so under the following conditions:

(a) The street meets all City requirements as to design and construction standards - upgrades to meet current City standards must be completed prior to the acceptance of the dedication;

(b) The area to be dedicated as a public street includes adequate room for sidewalks, street lighting, and utilities;

(c) The street provides adequate accessibility for emergency vehicles; and

(d) All gates and other limits to accessibility have been or will be removed without cost to the City prior to the acceptance of the dedication.

(C) Design plans for all proposed private streets shall be submitted for approval to the Department of Engineering in the same manner that plans for public streets are submitted. Approval or disapproval by the Department of Engineering will be determined in reference to this policy. A request for a variance from the requirements of this policy must be submitted to the City Council for approval or disapproval.

Section 6 Additional public notification of City activities

(A) In order to encourage public awareness of and participation in City matters, timely prior notification to the public must be given in addition to that contemplated by the Texas Open Meetings Act or other laws relating to specific notifications such as zoning changes, tax rates, and budget approval. This policy is intended to supplement the notifications required by law, including those contained in the Charter, the Code of Ordinances, and the Garland Development Code.

(B) The City shall endeavor to provide notice of the following matters at the earliest practical opportunity but, of course, no later than otherwise required by law:

- Adoption or amendment of the City's comprehensive plan
- Changes to the thoroughfare plan
- Changes to the City's municipal boundaries (whether by annexation or dis-annexation or by boundary adjustment agreement with another municipality)
- Changes to the City's territorial jurisdiction
- Amendments to the Garland Development Code
- Adoption or amendment of the annual City budget
- Adoption or amendment of the capital improvements budget
- Revisions to flood insurance rate maps and flood boundary-floodway maps affecting the City
- Special paving or drainage assessment projects

(C) In addition to posting, publication, and delivery of notice as required by law, the City shall endeavor to provide notice by mail, by email, or by other electronic delivery means to homeowners' associations and civic groups that have previously registered with the City Secretary for such purposes. An association or group must register in writing on a form or in a format provided by the City Secretary and shall provide at minimum a mailing address, an email address, and the phone number for the person designated to be the point of contact for the association or group.

Division 3. FINANCIAL AND FISCAL INTEGRITY PROCEDURES

Section 1 Rotation of outside auditing firms for annual audits

The City is required by Charter and State law to have performed annually an independent audit of accounts and other financial transactions of the City by an outside auditor. The integrity and quality of the audit is of paramount concern to the City, to its citizens, and to those considering investments in or transactions with the City. The Audit Committee and staff shall review the outside audit each year to determine whether the City Council should consider a change in the firm conducting the outside audit or a change in the senior auditor in keeping with the goals stated in this policy.

Section 2 Financial policy; statement of investment strategy; statement of investment policy

(A) The City Council shall annually adopt, by resolution or minute action, a financial policy, a statement of investment strategy, and a statement of investment policy as required by and in conformance with State law. The following constitute the City's financial policies and statements of investments strategy and investment policy:

(B) *Statement of financial policy*

General Principles:

- The City shall maintain an operating position in all governmental funds such that annual expenditures shall not exceed annual resources, including fund balance.
- The City shall maintain an operating position in all proprietary funds such that annual expenses shall not exceed annual resources, including retained earnings.
- The City shall protect the physical assets of the City to ensure the value, integrity, and utility of these major investments of the City's resources.
- This policy shall be reviewed and updated periodically and will be presented to the City Council for approval of any significant changes.

Operating Condition:

- A multi-year financial forecast shall be prepared annually projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget.
- Rates, fees, and charges for service shall be reviewed annually and adjusted as necessary to respond to cost increases or other changing circumstances.
- Activities within enterprise funds shall be budgeted so that revenues support costs of service, satisfy all revenue bond covenants, and provide adequate cash flows.
- Insurance coverage shall be examined annually to ensure that policy limits are adequate and in compliance with revenue bond covenants.
- Estimated costs and funding sources shall be identified prior to any project being submitted for approval by the City Council.

Debt Management:

- Debt shall not be used for funding current expenses.
- Bonds shall be sold only to finance long-term capital projects.
- A project shall not be financed over a period longer than the estimated life of that project.

- On all capital projects considered by Council, a disclosure statement shall be included, where appropriate, to identify annual operating costs of each project.
- The City shall prepare a multi-year Capital Improvement Program (CIP), updated annually, which will meet the anticipated growth requirements of the City. The CIP shall be adopted by the City Council as a guide for staff in planning the subsequent year's capital and financing needs.
- Total tax-supported debt shall be maintained so as not to exceed five percent (5%) of the total assessed valuation of taxable property.

Financial Condition:

- The City shall budget available resources to maintain an ending “fund balance” requirement in each fund according to the following definitions and guidelines:
 - o General Fund - 30 days of budget-based operating expenditures less debt service. “Fund balance” is defined as the unreserved, undesignated portion of total assets minus total liabilities.
 - o Enterprise Funds - 45 days of budget-based operating expenditures including debt service. “Fund balance” is defined as current assets minus current liabilities, excluding non-budgetary adjustments. The Water Fund shall also have a fund balance goal of 60 days of budget-based operating expenditures including debt service to supplement the 45 day requirement and mitigate against unexpected declines in revenue due to weather volatility.
- Before the City budgets any resources from a “fund balance”, as defined above, for the respective fund types, the “working cash” (cash and investment balances) of each fund shall be analyzed to ensure that adequate liquidity is projected to be available for cash flow purposes.
- All Internal Service Funds shall be fully self-supporting to the extent that any retained earnings deficit shall be fully recovered in the subsequent fiscal year through increased charges to benefiting departments. Self-insurance reserves shall be actuarially determined and periodically reviewed to evaluate experience and degree of risk assumptions. The City Council may opt, on an annual basis, to adjust fund balance targets in specific funds to meet short-term economic or other circumstances.

Asset Maintenance:

- In addition to anticipated growth requirements of the City, the Multi-year CIP will identify major infrastructure repair and rehabilitation needs.
- The City will prepare and maintain a facilities master plan. This document will serve as a management tool to project space needs including construction or modification of facilities.
- Repair, renovation, and maintenance shall be regularly performed to protect the life of the assets and to ensure their safety and utility. A systematic program of routine and preventive maintenance shall be developed based on need identification and prioritization.
- The Annual Operating Budget will provide sufficient funding levels for ongoing maintenance of the infrastructure.

Accounting, Auditing, and Financial Reporting:

- Accounting systems shall produce information that is consistent with generally accepted accounting principles for governmental entities.
- An annual comprehensive audit shall be conducted of all funds by an independent public accounting firm in accordance with these financial policies. A policy of full disclosure on every financial report and official statement shall be followed.
- Year-end net revenues of the electric system and the combined water and sewer system shall be maintained at a level sufficient to cover average annual revenue debt service requirements and current year revenue debt service requirements by at least 1.25 times.
- A condensed year-end Electric Utility financial report shall be prepared and given widespread circulation to the ratepayers and taxpayers of the City.

Responsibility and Authority:

- The City Manager shall have accountability to the City Council concerning the financial strategies outlined in this policy.
- The City Manager is authorized to approve and execute by and on behalf of the City purchases or other contracts requiring expenditures up to and including the amount of \$99,999.99. The Purchasing Director, as directed by the City Manager,

shall have the authority to purchase or contract for all goods and services needed by any department of the City or by any agency that derives its support wholly or in part from the City.

- The City Manager or his designee has the authority to authorize, approve, and execute by and on behalf of the City internal directives, procedures, and protocols meeting the minimum requirements of the State of Texas for home-rule municipalities; determine the method of procurement, in accordance with state law, that provides the best value for the City; approve, in accordance with the requirements of law, change orders in the event it becomes necessary to make changes after the purchase or performance of a contract has commenced.
- The City Manager has authority for delegating financial transaction responsibilities to appropriate organizational levels for the efficient operation of the City.

(C) *Statement of investment strategy*

Chapter 2256 of the Texas Government Code requires the City to adopt a separate written investment strategy for each of the funds or group of funds under its control. Effective investment strategy development coordinates the objectives of the City's investment policy and cash management procedures to reduce investment risk and enhance interest income. The following investment strategy describes the investment objectives for each fund or group of funds using the following priorities in order of importance:

- (1) Suitability
- (2) Safety of principal
- (3) Liquidity
- (4) Marketability of the investment before maturity
- (5) Diversification
- (6) Yield

This investment strategy applies to the investment and management of all funds under direct authority of the City of Garland. Each of the City's funds or group of funds has varying cash flow requirements and liquidity needs. Specific strategies shall be implemented considering that fund or group of funds' unique requirements. The City's funds are invested according to the following fund types:

Operating Funds:

Investments for operating funds shall be scheduled to match anticipated cash flow projections with their stated final maturities with a stated final maturity of three years or less from the date of purchase. Operating fund portfolios include the treasury portfolio.

Suitability - All investments authorized in the Statement of Investment Policy are suitable for Operating Funds.

Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Constant \$1 NAV investment pools and money market mutual funds shall be an integral component in maintaining daily liquidity. A dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date for each security. Purchased securities will have a stated final maturity of three years or less from the date of purchase.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for operating funds shall be the two year rolling average yield for the two year Treasury note.

Debt Service Funds:

Investments for debt service funds shall mature on or before the next debt service date. Purchased securities will be highly liquid with very short term maturities because of the near term cash flow requirements. Debt service fund portfolios include the general obligation debt service fund and the revenue bond debt service fund.

Suitability - All short term, high quality securities that are authorized in the Statement of Investment Policy and are in compliance with applicable bond ordinances are suitable for debt service funds.

Safety of Principal - All investments shall be high quality securities with no

perceived default risk. Purchased securities shall have a stated final maturity date on or before the next debt service date.

Marketability - Securities with active and efficient secondary markets will be purchased although unanticipated cash requirements are not probable.

Liquidity - Debt service funds have predictable cash requirements. Investment maturities shall not exceed the anticipated cash flow requirements.

Diversification - Market conditions will greatly influence the selection of maturities and security types. At no time shall maturities go beyond debt service payment dates.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for debt service funds shall be the six month rolling average yield for the 180 day Treasury bill.

Reserve Funds:

Investments for reserve funds have as their primary objective the ability to generate a dependable revenue stream with a low degree of volatility. Purchased securities will be of high quality with short to intermediate term maturities. Reserve fund portfolios include the revenue bond reserve fund and the rate mitigation fund.

Suitability - All securities that are authorized in the Statement of Investment Policy except as may be restricted by bond ordinance are suitable for reserve funds.

Safety of Principal - All investments shall be short to intermediate term, high quality securities, with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Unless there are anticipated cash flow requirements, reserve funds generally do not require a high degree of daily liquidity. Purchased securities shall have a stated final maturity date of five years or less from the date of purchase.

Diversification - Market conditions will greatly influence the selection of maturities and security types. Securities shall be of high quality, with short to intermediate term maturities. A dollar weighted average maturity of 3 years or less will be calculated using the stated final maturity date for each security.

Yield - The City's objective is to attain a competitive market yield for comparable

securities and portfolio constraints. The benchmark for reserve funds shall be the three year rolling average yield for the three year Treasury note.

(D) *Statement of investment policy*

Chapter 2256 of the Texas Government Code requires the City to annually adopt rules governing its investment practices and to define the authority of its investment officers. This investment policy applies to the investment and management of all funds under direct authority of the City. These funds include all governmental, proprietary, and trust and agency funds which are accounted for in the City's Comprehensive Annual Financial Report. The Employees Deferred Compensation Agency Fund and the Other Post Employment Benefit Trust Fund are excluded from coverage under this Policy.

(1) Investment of funds will be governed by the following investment objectives, in order of priority:

Preservation and safety of principal - Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

Liquidity - The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

Yield - The investment portfolio of the City shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. The Director of Financial Services will from time to time establish performance measures and goals for the portfolio rates of return. Efforts to seek returns higher than the established goals must be consistent with risk limitations identified in this policy and prudent investment principles.

(2) Responsibility for the management of the investment program is assigned to the Director of Financial Services. Other individuals authorized as investment officials by the City Council are the Investment and Debt Administrator and the Accounting Administrator. Investment authority of all investment officers shall conform to all applicable Federal and Texas laws, the City Charter, the ordinances of the City, the Statement of Investment Strategy, and this Statement of Investment Policy. The Director shall establish written procedures for the operation of the investment program, consistent with this Statement of Investment Policy. No person may engage in an investment transaction or the management of City funds except as provided under the terms of this

Statement of Investment Policy, the Statement of Investment Strategy, and the procedures established by the Director of Financial Services.

(3) Each investment officer shall attend a training session not less than once in a two year period and must receive not less than ten hours of instruction relating to investment responsibilities. Training must be provided by an independent source approved by the City Council and shall relate to investment responsibilities under the City's Statement of Investment Strategy and Statement of Investment Policy.

(4) The Director of Financial Services shall establish a system of internal controls which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials. Controls deemed most important include: control of collusion, separation of duties, separating transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, and documentation of and rationale for transactions.

(5) In conjunction with the annual independent audit required by law and the City Charter, the City's independent auditor shall review the investment records for the end of each quarter. The independent auditor shall report the results of the review directly to the City Council.

(6) The City's investment officers shall be governed by the standard of care applicable to a prudent investor. Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(7) In applying the "prudent person" rule, the investment officer shall exercise prudence with respect to the management and investment of all funds over which the officer has responsibility and control. The investment officer must determine whether investment decisions are consistent with this Statement of Investment Policy.

(8) All participants in the investment program shall act responsibly as custodians of the public trust. Investment officials will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment officers shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City Council recognizes that in a diversified portfolio,

occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

(9) Investment officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these changes are reported immediately and that appropriate action is taken to control adverse developments.

(10) The investment instruments authorized for purchase by the City are limited to:

- Direct obligations of the United States government with a stated final maturity of five years or less from the date of purchase.
- Debentures or discount notes with a stated final maturity of five years or less from the date of purchase issued by, guaranteed by, or for which the credit of any of the following Federal agencies and instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Student Loan Marketing Association (SLMA), and Federal Home Loan Mortgage Corporation (FHLMC).
- Bonds or other interest bearing obligations having a stated final maturity of five years or less from the date of purchase of which the principal and interest are guaranteed by the full faith and credit of the United States government.
- Repurchase agreements collateralized with U.S. Treasury securities at a minimum market value of 102 percent of the dollar value of the transaction, with any accrued interest accumulated on the collateral included in the calculation. Eligible collateral will have a maximum maturity of ten years. Repurchase agreements may be entered into only with primary government securities dealers who have executed a City approved Master Repurchase Agreement. Collateral shall be delivered to and held by the City's third party safekeeping agent. As used herein, the term "repurchase agreement" includes direct security repurchase agreements and reverse security repurchase agreements. A written master repurchase agreement shall be established between the City and the seller prior to purchase. The maximum term for direct security repurchase agreements and reverse security repurchase agreements will be 90 days or less. Funds received under the terms of a reverse security repurchase agreement may not be used to purchase any investment whose final maturity date exceeds the expiration of the reverse.
- Certificates of deposit issued by a depository institution that has its main office or branch office in Texas if:

- o Such certificates of deposit are: (i) guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or (ii) secured by obligations described in subsection (1) or (2) above, and the collateral will be held by the City's third party custodian; or
- o Such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code; or
- o Such certificates of deposit are brokered by an authorized broker/dealer that has its main office or a branch office in Texas who or which contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code.
- SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in above. The investment objective of the fund is to maintain a stable \$1 net asset value. The maximum stated maturity of the fund will be 13 months.
- State or local investment pools organized under the Interlocal Cooperation Act. The investment pool must be rated no lower than investment grade by at least one nationally recognized rating agency and have a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed above. The investment objective of the pool is to maintain a stable \$1 net asset value. All securities owned in the pool will have a stated remaining maturity of thirteen (13) months.
- Commercial paper rated not less than A1 or P1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and that is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. The securities must have a stated maturity of 180 days or less from the date of purchase. No more than 2% of any one issuer may be held and no more than 25% of any fund or group of funds will be invested in commercial paper. Physical delivery securities are ineligible.
- Obligations of states, agencies, cities, and other political subdivisions of any state rated not less than A or an equivalent rating by at least two nationally recognized credit rating agencies.

(11) The credit rating of investment instruments will be continuously monitored through daily market participation and through the monthly mark-to-market pricing of securities.

The liquidation of an investment instrument will be considered if its credit rating falls below minimums stated in this statement of investment policy.

(12) The City is expressly prohibited from entering into options trading or futures contracts, hedging or purchasing any security which is not authorized by Texas state law.

(13) As an integral part of this statement of investment policy, the City shall adopt a separate written statement of investment strategy for each fund or group of funds. Each investment strategy shall describe the investment objectives of each fund or group of funds according to the following order of importance:

- (a) Suitability
- (b) Preservation and safety of principal
- (c) Liquidity
- (d) Marketability of the investment before maturity
- (e) Diversification
- (f) Yield

(14) Securities purchased for the City's portfolios will be delivered by book entry and will be held in third party safekeeping by a Federal Reserve member financial institution designated as the City's custody and safekeeping agent.

(15) The City will execute safekeeping agreements prior to utilizing the custodian's safekeeping services. The safekeeping agreement must provide that the safekeeping agent will immediately record and promptly issue and deliver a safekeeping receipt showing the receipt and the identification of the security, as well as the City's interest. All securities owned by the City will be held in a customer account naming the City as the customer.

(16) All security transactions will be on a delivery versus payment basis to the City's third party custody and safekeeping agent through the Federal Reserve Bank wire system. In this manner, the City will always have possession of either the securities or moneys.

(17) Custody and safekeeping procedures will be reviewed annually by the independent auditor.

(18) The City seeks active portfolio management to enhance total returns within the guidelines of this policy. Investment decisions should not incur unreasonable investment risk in order to obtain investment income. The City will not make investments for the

purpose of trading or speculation.

(19) Each investment transaction must be based on competitive quotations from at least three securities dealers authorized to engage investment transactions with the City.

(20) Authorized investment officers shall access real-time electronic financial information to monitor the market price of acquired investments. The pricing information will be used to verify the accuracy of quoted prices for a potential purchase or sale to ensure that a fair market price is attained.

(21) In managing its investment portfolio, the City will avoid any purchase of investments, or any investment practice or procedure which is not specifically authorized under this policy.

(22) It is the policy of the City to avoid concentration of assets in a specific maturity, a specific issuer or a specific class of securities. The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the securities markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

- (a) Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.

- (b) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.

- (c) Risks of market price volatility shall be controlled through maturity diversification.

- (d) The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

(23) A qualified financial institution shall be selected to serve as the City's primary depository through a bank services procurement process, which shall include a formal request for application issued at least every five years. In selecting a depository, the City shall consider various criteria as specified prior to the issuance of the request for application. Financial institutions located outside of Garland city boundaries may be considered to participate in the request for application process provided the City has adopted a policy permitting it. Upon selection, the financial institution shall comply with the requirements and agreements identified in the request for application. The financial institution is required to comply with Chapter 2257 of the Texas Government Code.

(24) Eligible securities as defined in Chapter 2257, Texas Government Code, and identified below shall be deposited with a third party custodian prior to the deposit of City funds. The City shall reserve the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the depository be signed by both parties prior to the deposit of City funds. The collateral agreement must be approved by the depository's board of directors or its loan committee, which approval shall be reflected in the minutes of the board or committee. The signed collateral agreement, board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

(25) The following securities are approved as collateral for City funds:

(a) United States Treasury notes, bills or bonds or obligations fully and unconditionally guaranteed as to principal and interest by the full faith and credit of the United States;

(b) Obligations of the Agencies and Instrumentalities of the United States, including, but not limited to: Federal Home Loan Bank, Federal Home Loan Mortgage Corporation and Federal National Mortgage Association;

(c) Mortgage-Backed Securities issued by the United States and its agencies and instrumentalities, including but not limited to Government National Mortgage Association.

(26) The use of a Federal Home Loan Bank issued letter of credit to meet the required collateral requirements may be proposed by the financial institution for consideration by the City.

(27) Government security broker/dealers authorized to engage in investment transactions with the City will be selected on the basis of their financial stability, expertise in cash management for local government and their ability to service the City's account. The qualifications of prospective broker/dealers will be determined from a completed broker/dealer questionnaire, personal interview and reference checks.

(28) Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed this Statement of Investment Policy and has implemented reasonable procedures and controls in an effort to preclude conducting investment transactions that are not authorized by this Statement of Investment Policy, except to the extent that this authorization is dependent upon the portfolio over which the

broker/dealer has no control or knowledge. A prospective securities broker/dealer must provide evidence of FINRA registration and State of Texas Securities Commission certification. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

(29) The City Council will adopt and annually review the list of dealers authorized to engage in investment transactions with the City.

(30) The investment officer shall prepare and submit to the City Council and management on a quarterly basis an investment report for each fund and fund group which describes in detail the current investment position, states the beginning market value, the additions and changes to market value, and ending market value for each pooled fund, states the book value and market value of each separately invested asset at the beginning and end of the reporting period, states the maturity date of each separately invested asset, states the fund for which each individual investment was acquired and states compliance of each fund group with this Statement of Investment Strategy, the Public Funds Investment Act, and with generally accepted accounting principles. The report shall also summarize and present, on a combined portfolio basis, total market valuation, total realized gains and losses, total unrealized gains and losses, distribution by maturity sector, and distribution by security type. The monthly report will also indicate, by portfolio, total investments held and total interest income earned on a full accrual basis. The report may comment on current investment approaches and other items significant to the investment program. The report shall be signed by the Director of Financial Services and the investment officer. The investment report presented at the end of the fiscal year may also include a review of the investment activities and earnings for the entire fiscal year for each fund or fund group, discuss investment techniques, and suggest improvements which will enhance the investment program and present an investment plan for the ensuing fiscal year. The report may discuss other significant issues related to the investment program.

(31) Investment officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors which may influence the officers' ability to conduct the officer's duties in an unbiased manner. Investment officers will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City (particularly with regard to the timing of purchase and sales), and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

(32) This statement of investment policy and the statement of investment strategy will be reviewed annually by the City Council. Upon completion of the review, the City Council

will acknowledge by resolution or minute action that it has reviewed the investment policy and investment strategy. Periodic revisions to the investment policy, the statement of investment policy, and the statement of investment strategy may be approved by the City Council.

Section 3 Detecting, investigating, and preventing fraud, waste, and abuse

(A) For purposes of this section:

“Fraud” includes, without limitation:

- Forgery, alteration, or unauthorized negotiation or presentment of a check, warrant, bank draft, or any other financial document of the City or its affiliates including electronic transfer of funds
- Theft of City property, including money or other thing of value
- Misappropriation of City funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transaction
- Profiteering as a result of insider knowledge of City operations
- Disclosing to another for improper gain and without authorization any confidential or proprietary information of the City
- The receipt of kick-backs, bribes or improper gifts
- Sabotage or other acts of intentional damage to City resources, including improper access or damage to a City database

“Waste” means the loss or misuse of City resources that result from deficient practices, system controls or decisions. A non-exclusive example of waste includes a violation of the City’s non-idle policy, that is, waste of fuel by needlessly allowing a vehicle to idle.

“Abuse” means the intentional, wrongful or improper use of resources or misuse of rank, position or authority that causes the loss or misuse of City property or resources such as tools, vehicles, computers, fuel, or employee time. Non-exclusive examples of abuse include using City equipment or supplies to conduct personal business and using non-confidential information to get new customers for an employee’s outside business.

(B) The City Manager shall be primarily responsible for preventing and detecting fraud, waste, and abuse involving City employees. The City Manager shall require his managerial employees to be responsible for initiating preventive measures where appropriate, to be familiar with the types of improprieties that might occur within the managerial employee’s area of responsibility, and to be alert for any indication of fraud, waste or abuse. The City Manager shall establish by directive rules for City employees regarding fraud, waste, and abuse consistent with the provisions of this policy. The directives shall apply to all employees of the City Manager and without regard to a

suspected employee's length of service or position. The directives shall require that any employee who detects or suspects an incident of fraud, waste or abuse shall immediately report the same to the next higher level of supervision in the employee's chain of command. If the person in the next higher level of supervision is also suspected of fraud, waste or abuse, the employee shall report the fraud, waste or abuse to the Managing Director responsible for the department to which the employee is assigned. The directives shall allow an employee to by-pass the chain of command by reporting suspected fraud, waste or abuse to the hotline described below.

(C) The provisions of this policy apply to persons doing business with the City.

(D) The Internal Auditor shall establish and operate, with the cooperation of the City Manager, a "hotline" phone number or on-line intake system to which a person may anonymously report fraud, waste or abuse. A fraud, waste, and abuse hotline poster shall be developed by the City Manager and the Internal Auditor and shall be displayed at prominent locations throughout City buildings. The poster shall include information as to how an allegation may be reported through the hotline system.

(E) As a general rule, the Internal Auditor has primary responsibility to investigate allegations of fraud and the City Manager has primary responsibility to investigate allegations of waste and abuse. No definitive rule is established by this policy, however, due to the unique circumstances of any given case. Some allegations of fraud - the theft of minor office supplies, for example - while serious, are matters to be addressed through the City Manager for appropriate action. An allegation of abuse or waste, on the other hand, may involve a criminal offense or have such substantial consequences to the interests of the City that the Internal Auditor should have the primary responsibility for investigation. An allegation that relates to an employment dispute (disagreement with management decisions or style, workers compensation issues, claims of discrimination or workplace grievances and such) shall be referred to the Managing Director of Human Resources to be handled in accordance with controlling law and City policies. The City Manager, the Internal Auditor, and the City Attorney are directed to cooperate in determining the best means of protecting the City's interests.

(F) When the Internal Auditor receives an allegation of fraud, waste or abuse, the Internal Auditor shall:

(1) Determine whether the Internal Auditor or the City Manager has primary responsibility over the allegation as provided in this policy and proceed accordingly;

(2) If the Internal Auditor has primary responsibility, perform an initial investigation to determine whether the complaint alleges reasonable cause to continue with an investigation; and

(3) If the complaint alleges a serious instance of fraud, waste or abuse under this policy, refer the complaint to the Fraud, Waste, and Abuse Committee (as described below) for further discussion and direction.

(G) The Fraud, Waste, and Abuse Committee consists of the Chair of the Audit Committee, the Internal Auditor, the City Manager, the City Attorney, and the Managing Director of Human Resources. The Chief of Police may be made a member of the committee if an allegation includes conduct that may constitute a crime or the standing committee may refer a matter to the Chief of Police for criminal investigation.

(H) The Internal Auditor, in coordination with the Fraud, Waste, and Abuse Committee, shall report serious incidents to the City Council either directly or through a report to the Audit Committee, which shall then report the matter to the City Council. The report generally should not include the names of persons involved in the incident. Minor or non-serious incidents are generally internal management issues and reports of such to the City Council are not appropriate. The director of the department in which the incident arose shall, however, provide a written report to the City Manager regarding what actions were taken in response and what corrective actions will be taken to prevent recurrences.

Section 4 Qualifications for doing business with the City

(A) For purposes of this policy, “person” includes: (1) an individual; (2) a majority owner or principal of a corporation, partnership, association, or limited liability company; (3) shareholders in a business entity with five or fewer shareholders; and (4) majority owned affiliates of the foregoing.

(B) It is the policy of the City Council that the City not engage in business with a person who has been convicted of any state or federal felony offense. The City shall not, except as provided in this policy, enter into or renew a contract to purchase, sell, or lease goods or services to or from any person who has been: (1) convicted of a state or federal felony; or (2) convicted or fined in excess of \$50,000 on certain state or federal discrimination offenses. A conviction includes a probated sentence, a deferred adjudication, or similar disposition. Discrimination charges include only those brought for discrimination based on race, gender or religion.

(C) This policy does not apply when:

(1) At least three years have elapsed between the conviction and the approval of the contract;

(2) The contract does not require City Council approval;

(3) Anything of value is paid or given to a person as an informant or participant

in a crime stopper program; or

(4) The City Council determines that application of this policy to a proposed contract would cause financial hardship to the City by its application (in which event the City Council may waive the application of this policy by the affirmative vote of not less than six members of the City Council).

(D) For bid applications that may result in a contract award by the City Council, the bidder shall include a certification in the offer that the bidder is not disqualified by the application of this policy.

Division 4. STANDARD OPERATING PROCEDURES AND HOUSEKEEPING RULES

Section 1 National Night Out

National Night Out is an event recognized throughout the United States and Canada and held annually on the first Tuesday in August (October in Texas). It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. Because the scheduled National Night Out often conflicts with the regularly scheduled first regular council meeting in October, a rescheduling of that meeting is necessary. Therefore, the first regular meeting of each October, normally held on the first Tuesday of the month, shall be rescheduled either to the first Monday of the month or to the second Tuesday of the month, when there are five Tuesdays in the month. The City Manager shall advise the City Council of scheduling options in order that the City Council may take action to reschedule the meeting not later than the second regular meeting in September.

Section 2 Board and commission appointments

(A) In May and June of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communication tools, include information for the public that explains the purpose and function of every board and commission appointed by the City Council, except the Garland Youth Council. The information will solicit applications from interested Garland residents. Applications for appointment must be delivered to the City Secretary and shall be submitted on a form provided by the City Secretary for that purpose. Upon receipt of an application, the City Secretary shall check the applicant's qualifications against the requirements for appointment to the office for which appointment is sought. The deadline for submitting an application is July 1. Following the filing deadline, the City Secretary shall forward applications, including those submitted by incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current board member for the preceding reporting period and a report on current vacancies.

(B) In regards to the Garland Youth Council (GYC), in March and April of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communications tools include information for the public that explains the purpose and function of the GYC. The information will solicit applications from interested Garland residents who are students enrolled in grades 9 through 12. Applications for appointment must be delivered to the GYC Staff Liaison and shall be submitted on a form provided by the GYC Staff Liaison for that purpose. Upon receipt of an application, the GYC Staff Liaison shall check the applicant's qualifications against the requirements for appointment. The deadline for submitting an application is May 1. Following the filing deadline, the GYC Staff Liaison shall forward applications, including those submitted by qualified incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current appointment for the preceding reporting period.

(C) Councilmembers should review applications submitted for the position to be filled and select for nomination the person determined by the Councilmember to be most qualified for the position. Appointments for the Garland Youth Council will be made on nomination at the first regular meeting of the City Council in July. Appointments for all other boards and commissions will be made on nomination at the second regular meeting of the City Council in August.

Section 3 Assistance to non-profit organizations for special events

(A) A non-profit organization that intends to sponsor a special event within the City may request in-kind (non-monetary) assistance from the City by submitting a written request to the City Manager. A request for assistance must be made for each event - standing or continuing requests are not allowed. A request for assistance must specify what benefits will accrue to the City as a result of the event and must specify with reasonable particularity what City services are being requested. A request for assistance must include a completed Special Events Assistance Program Application (see attached form). The request and application must be filed not less than 45 days prior to the date of the event. A request for assistance does not constitute an application for a special events permit under Chapter 30 of the Code of Ordinances unless so determined by the Building Official.

(B) In order to be approved, a request for assistance must meet the following criteria:

(1) The sponsoring organization must provide evidence that the organization is an established civic, cultural, educational, religious or service group that is nationally- or state- chartered and that its membership is open to all citizens of Garland;

(2) The organization must provide proof of non-profit status under Section 501(c) of the Internal Revenue Code;

(3) The event must be of economic benefit to the community or contribute to the quality of life in Garland;

(4) An expense and revenue report for any previous year's event(s) must be included with the application;

(5) If the applicant has not previously obtained City assistance for the event, a projected expense and revenue report must be included with the application; and

(6) The event must be open for participation by the public.

(C) The City Manager may approve a request that meets the criteria established in this policy up to a maximum of \$5000.00 per event, within available budgeted funds. Requests shall generally be considered on a first-come, first approved basis.

(D) The amount, if any, to be made available for assistance under this policy will be determined by the City Council on an annual basis as part of the annual operating budget.

(E) The City Manager shall timely notify the City Council of any upcoming special events for which assistance under this policy has been approved.

Section 4 [Reserved]

Section 5 Periodic Charter review

The City Attorney shall periodically advise the City Council whether, due to changes in the law, a necessity exists for a change in the Charter. If the City Council determines that a change in the Charter should be considered, it shall timely appoint a Charter Review Committee in accordance with the Charter.

Section 6 Election day political sign moratorium

(A) Traditionally, persons who support (or oppose) a candidate or a measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts, and by displaying signs near the polling place. Under the City's general sign regulations, the placement of political signs on City property and streets is prohibited. This policy is intended to provide for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.

(B) The City Manager is directed to hold in abeyance the enforcement of those provisions of the Code of Ordinances and the Garland Development Code for the premises of a polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m., the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 63.100, Texas Election Code.

(C) Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk or pathway.

(D) If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether the viewpoint expressed on the sign falls within or without the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that any provision of the City's sign regulations otherwise be enforced with respect to any political sign covered by this policy.

Division 5. CEREMONIAL AND HONORARY PROCEDURES

Section 1 Building dedication plaques

Dedication plaques may be placed on new City buildings, City buildings that have undergone major rehabilitation, and on other major capital improvement projects. The dedication plaques, if commemorating members of the City Council, shall include only the names of the mayor and the members of the City Council who initially approved the project. The names of members of the City Council who approved preliminary matters (such as the capital improvements plan) or subsequent matters (such as change orders) need not be included.

Section 2 Outgoing appreciation commemoratives

(A) The City shall recognize the service of outgoing members of the City Council by presenting the member with a City flag and a commemorative memento that displays the City of Garland seal and the name and years of service of the Councilmember. The design and form of the memento shall be coordinated through the Office of the City Manager in order to provide consistency and cost control. The City Council shall budget funds necessary and appropriate for such purposes.

(B) In recognition of the services provided by the citizens who serve as appointees to boards and commissions, the City Council shall budget for an annual appreciation function to be held in the fall for all members of boards and commissions who have served during the preceding year. At that time, members who are retiring will be presented with a commemorative recognition of appreciation for service to the City in a form provided by the City Manager.

Section 3 Ceremonial documents

Certain ceremonial documents may be issued by the Mayor including proclamations, special recognitions, resolutions of honor, honorary citizenships, and official greetings. A member of the City Council may request the preparation of certificates of appreciation for presentation to citizens who the Councilmember wishes to recognize for outstanding service to Garland. All requests for ceremonial documents shall be made in writing to the Office of the Mayor. The request shall describe the occasion or person to be commemorated, the value of that person or occasion to Garland, and how the proposed commemoration relates to the citizens of Garland. The Mayor shall determine whether to approve the request and, if approved, what form of commemoration will be given and whether the commemoration will be presented at a meeting of the City Council.

Section 4 Meritorious service awards

On occasion, a citizen or employee of the City may perform an act of heroism or provide service to the citizens of Garland beyond the call of duty. The City Council may recognize such acts and service by issuing a City Council “Medal of Honor” to deserving recipients. A nomination for the award of a meritorious service award may be submitted to the City Council by any member or, if the nomination is made by a citizen, by forwarding the nomination to the Mayor.

Division 6. COUNCIL DIRECTIVES TO MANAGEMENT

Section 1 Public use of City Hall

The City Manager shall develop a program to allow for the use of the Council Chambers and the 1st Floor meeting rooms in City Hall by non-profit groups. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

Section 2 Compensation of City employees

It is the policy of the City Council that, within the City’s financial and budgetary limits, all City employees will be compensated at a level that is competitive with the compensation paid to employees within the City’s employment market area. The City Manager is directed to have annual compensation surveys conducted within the City’s employment market area to determine whether employment compensation for City employees is competitive for such purposes, and to perform occasional job evaluations to determine what compensation adjustments should be made for persons already employed by the City.

Section 3 Homeowner’s association by-law review

Some homeowners’ associations within the City must submit the by-laws (or amendments to the bylaws) of the association to the City for review and approval. The City Manager shall designate a department for such purposes and shall cause the review to be limited to a determination whether the proposed bylaws, including any proposed amendment, adequately provides a source of funds and a means of obtaining those funds (such as through mandatory homeowners’ association assessments) to pay for the upkeep, repair, and maintenance of any improvements owned by the association including public improvements such as screening walls, subdivision entry features, and the like.

Section 4 Right of way acquisition and waiver of special assessments

The City Manager is hereby authorized to offer, in exchange for a dedication of right of way necessary for the completion of a street improvement project, the waiver of special

assessments that will or may be assessed against the owners of real property that abuts the project.

Section 5 Restrictions on the representation of third-parties by former City employees (“revolving door policy”)

A former employee of the City who was employed as a departmental director, managing director, senior managing director, or as the City Manager may not make any communication to or appearance before the City Council before the second anniversary of the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

Section 6 “Over-hiring” of civil-service positions for police and fire

The City Council recognizes that, when a vacancy occurs in an entry-level civil service position, the process of recruiting and training a replacement may take more than a year. Due to the time lag, the rigors of training, and other factors beyond the City’s control, a class of potential recruits may decrease in size by half or more during the recruitment and training process. The City Council also recognizes that the expected vacancy rate for the Police and Fire departments can be reasonably calculated. It is the desire of the City Council that staffing of civil service positions remain as close as possible to 100% of authorized strength. Accordingly, the City Manager is authorized to estimate the potential vacancies within the Police and Fire departments that are reasonably likely to occur within the future and, based on that estimate, hire a sufficient number of recruits for those positions so that, accounting for anticipated and historical attrition rates, the staffing level of civil service positions will likely be as close as possible to 100% of authorized strength.

Section 7 Doing business with delinquent account holders

It is the policy of the City Council that the City not do business with a person (including a business entity of any sort) who is delinquent on an account to the City. Examples of delinquent accounts include taxes, impact fees, special assessments, utility bills, and EMS fees. The City Manager shall cause the affected departments within the City (including Purchasing, Engineering, Planning, and GP&L) to be provided with sufficient information to enforce the provisions of this policy.

Section 8 Payroll deductions under Sec. 141.008, TEX. LOCAL GOV’T CODE

Membership dues payable to a bona fide employee’s association named by a requesting employee may be deducted from the requesting employee’s salary or wages provided that:

(1) the requesting employee is an active, full-time employee; (2) participation by the requesting employee in the payroll deduction program is voluntary; (3) the requesting employee submits to the City a written request stating the amount to be deducted each month from the employee's salary or wages; and (4) the written request specifies the employees' association to which the deducted funds will be transferred. The City is under no obligation to incur any expense in the administration of an employee payroll deduction program.

ATTACHMENTS:

Council Committee Interest Form

Special Events Assistance Program Application

COUNCIL COMMITTEE INTEREST FORM

Council Member: _____

Please identify the Committee(s) you would prefer to serve on, "1" being your first choice.
Indicate at least two choices.

- ☐ Audit
- ☐ Administrative Services
- ☐ Community Services
- ☐ Development Services
- ☐ Public Safety Services

Please check one of the following if you are interested in serving:

Garland Economic Development Partnership	☐ YES	☐ NO
North Central Texas Council of Governments	☐ YES	☐ NO
Dallas Regional Mobility Council	☐ YES	☐ NO



GARLAND

TEXAS MADE HERE

Special Event Assistance Application

Date Submitted _____
(Must be minimum 45 days prior to event)

SECTION 1: Event Information

Event title: _____

Organization: _____

Event location: _____

Event date(s): _____ Start time: _____ End time: _____

Load in date/time: _____ Load out date/time: _____

Event description: _____

Is this a new event? Yes No If no, # years event has been held prior to current year: _____

Attendance last time: _____ Estimated attendance this year: _____

What is the purpose of this event? _____

How will this event benefit the Garland community? _____

How will the proceeds of this event be used? _____

SECTION 2: ~~Event Sponsor Information~~ Event contact 1: Address:

Event contact _____

2: Address: _____ Email: _____

Organization tax ID #: _____

Phone: _____

Email: _____

Phone: _____

Non-Profit Status: 501(c)3 501(c)4 Neither

NOTE: Upon approval of the event application, and at least ten (10) days prior to the event, the event sponsor shall provide the City with evidence of public event liability insurance in the amount of \$500,000 per occurrence for bodily injury and property damage arising from the Event. The insurance shall be written with an insurance company authorized to transact business in the State of Texas and have a current rating of "A" or better by A.M. Best Key Rating Guide.

SECTION 3: Event Logistics

Listed below are logistical elements that may be a part of your event. “Services available through City” indicates what the City of Garland may be able to provide through the Special Event Assistance Program. The “Applicant’s Responsibilities” section refers to logistical elements which may be a part of your event, but that are typically provided by the event sponsor or producer. Please check all in both sections that apply to your event:

Services available through City	Applicant’s Responsibility
☐ Police security	☐
☐ Concessions/health permits	☐
☐ Street closures	☐
☐ Portable restrooms	☐
☐ Barricades	☐
☐ Stage/grandstand	☐
☐ Traffic/crowd control	☐
☐ Tents	☐
☐ Trash/recycling containers	☐
☐ Amusement rides	☐
☐ Running water (if available at site)	☐
☐ Temporary fencing	☐
☐ Electrical power (if available at site)	☐ Signs, banners
(City signage ordinances apply)	
☐ Park use (must be approved by Parks Dept. Director)	☐
☐ Merchandising	☐
☐ Preparation of City-owned facility/property	☐
Sound amplification	
☐ Animals (contact Animal Services Dept.)	☐
☐ Overnight security	☐
	☐ Open flames
	☐ Generators
☐ Off-site parking and transportation	☐
☐ Event insurance	☐
☐ Clean up of facility or event area	☐

SECTION 4: Supplemental Application Materials

Listed below are additional documents that are required in order to complete the application for event assistance. Each item is due at the time the application is submitted, unless otherwise indicated.

- ☐ Copy of proposed event site plan (fairs, festivals and carnivals) and/or route plan (parades/runs)
- ☐ Proof of 501(c)3 or 501(c)4 status (official IRS letter)

☐ Temporary Activity Permit application

☐ Copy of the group's insurance declarations page, listing City of Garland as additional insured (due no later than 10 days prior to the event date)

I certify that the event for which this application has been prepared will be open to all citizens, and that attendance will not be limited by age, sex race, physical impairment, or other means. I further certify that this event is sponsored by a non-profit organization. On behalf of the event producer or sponsor, I agree to abide by the Special Events Guidelines provided with this Application. I further certify that the facts contained in this Application are accurate.

The event sponsor/producer does hereby fully release, discharge and Indemnify the City of Garland and its officers, agents, servants, and employees from and against any and all claims from injuries, damage or loss which might occur during the special event set forth in this Application, regardless of cause and even if caused by the City of Garland.

Signature of organization representative

Date

Print name of organization representative

PRE-EVENT BUDGET

Budget must be submitted on this form or in this format for review. If applying as a pre-existing event, applicant must submit final total profit/loss from the previous year's event as well.

PROJECTED REVENUE

Admission fees/ticket sales	_____
Booth sales/rental	
Souvenir/merchandise sales	
Concession sales	_____
Donations	_____
Sponsorships	_____

Other	_____
Total projected revenue	_____

PROJECTED EXPENSE

Administrative Expenses: Staff	
Facility rental	_____
Supplies	_____

Operating Expenses: Entertainment	_____
Portable restrooms	_____
Generators Tent	_____
Stage/sound/lighting	_____
Food, lodging	_____
Decorations/signage	_____
Rental expense (tables, chairs, etc.)	
Other	_____

Advertising/Promotion Expenses:
Posters/flyers (design & printing)

Brochures (design & printing)

Print ads

Radio/television ads _____

Total projected expense _____

PROJECTED PROFIT OR (LOSS) _____



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

Work Session Item 3. b.

Meeting Date: February 6, 2017

Item Title: Review and Deliberation of 2017 Capital Improvement Program

Submitted By: Ron Young, Budget Director

Summary of Request/Problem

The City Council will continue its review and discuss the 2017 Capital Improvement Program.

Recommendation/Action Requested and Justification

Information only.

Attachments

Written Response for February 6th Work Session

CITY OF GARLAND
2017 PROPOSED CIP
Staff Responses from January 28, 2017, Work Session

1) Question raised about additional funding proposed for Heritage Crossing

The \$600,000 of additional funding requested in the 2017 Proposed CIP will be removed from the project, and staff will bring back an alternative design for Council approval at a later date. The alternative design for the project will push back the completion date into 2018 from the projected December 2017 date that is included in the 2017 Proposed CIP. If any additional debt-funding is needed to complete the project, the Finance Director can prepare a Reimbursement Resolution later in the year.

2) What is the effect on project cost from delaying project timelines/completion dates?

Project delays will often impact project costs due to inflation. Based on the cycle of the economy, the cost of a project or resources required can increase or decrease. Several years ago, we were seeing significant decreases in project costs. In recent years, the cost of construction and raw materials have experienced inflationary cost escalations due to the increase in demand which has resulted in a negative impact on project costs. Adjusting future projects for inflation is addressed on a project-by-project basis. Departments are responsible for maintaining current cost estimations and accounting for inflation on projects in the Proposed CIP.

The 2017 CIP was budgeted to remain within the available debt capacity. In order to increase debt capacity for projects to receive more funding, the City Council would need to increase the tax rate. This would allow more projects to be funded and would accelerate the rate of completion. In keeping with the City Council's goal of maintaining the current tax rate, projects are prioritized, budgeted, and scheduled for completion within the available debt capacity. In order to expedite the completion of any given project, another project would need to be delayed in order to remain within the available debt capacity.

3) What is the source of proposed \$486,000 CDBG funding for the Carver Center Renovations?

We have \$499,000 of project funds from prior CDBG funding rounds available for allocation. Assuming Garland's CDBG grant will remain at the same level as last year, other projects may continue to be awarded CDBG funds at current levels. If Council wishes, Certificates of Obligation may also be utilized and thereby free up the CDBG funds.



GARLAND

City Council Work Session Agenda

Meeting Date: February 6, 2017

Item Title:

Submitted By: Elisa Morales, Management Services Coordinator , Administration

Summary:

Council Member Anita Goebel

- Eric Stuyvesant - Citizens Environmental and Neighborhood Advisory Committee
-

Attachments

Eric Stuyvesant - Citizens Environmental and Neighborhood Advisory Committee



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED
JAN 23 2017

CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

Please Type or Print Clearly:

Date: 23 Jan 2017

Name: Eric Stuyvesant Phone: _____ (Home)

Address: _____ Phone: _____ (Other)

City, State, Zip: Garland, TX 75040 Email: _____

Resident of Garland for 8 years Resident of Texas for 8 years

☒ Dallas County Voter Registration Number _____ Garland City Council District Number 2

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.

Former CENAC Board Member

If you have previously served on a City Board or Commission, please specify and list dates of service.

yes. CENAC mo ISO TIME

List civic or community endeavors with which you have been involved.

South Garland Little League Coach, Garland Marsalis Lodge, Dallas Scottish Rite CENAC, Precinct Chair

What is your educational background?

SR in college

What is your occupational experience?

Landscaping

I hereby affirm that all statements herein are true and correct.

[Signature]

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Cultural Arts Commission

☐ Parks and Recreation Board

☐ Building and Fire Codes Board

☐ Garland Youth Council **

☐ Plan Commission *

☒ Citizens Environmental and Neighborhood Advisory Committee

☐ Property Standards Board

☐ Plumbing and Mechanical Codes Board

☐ Community Multicultural Commission

☐ Library Board

☐ Senior Citizens Advisory Committee

☐ Electrical Board

* Plan Commission members must live in district

** Garland Youth Council has a separate application

Return completed application to:

City Secretary's Office
200 North Fifth Street

Garland, TX 75040

Fax: 972-205-2504

Email: rdowl@GarlandTx.gov

Utilities: current us
Taxes: current us 1/24/17
Claims: none us 01/23/17

Revised 03/2015