



# GARLAND

## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL

City of Garland  
Council Chambers, City Hall  
William E. Dollar Municipal Building  
200 North Fifth Street  
Garland, Texas  
August 1, 2023  
7:00 p.m.

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

Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.**

**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 to 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]





**LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE**

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**MAYORAL PROCLAMATIONS,  
RECOGNITIONS AND ANNOUNCEMENTS**

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

**CONSENT AGENDA**

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

- 1. Minutes July 18
  
- 2. Consider approval of the following bids:
  - a. Polydyne Inc. Bid No. 1261-21  
  
Polydyne Inc. \$ 159,000.00

*This request is to approve a change order to the Rowlett Creek Wastewater Treatment Plant polymer contract. The polymer is used for drying sludge that goes through the centrifuge to haul dry solids to the landfill. The change order is necessary due to price increases for polymer as well as tariff freight charges.*

**b. GP&L Underground Duct Bank Extension Bid No. 0865-23**

**The Fishel Company \$ 498,810.03**

*This request is to provide labor for the installation of a feeder duct bank extension needed to establish electric service to the LCG Firewheel Apartment Complex development. This is part of the Distribution Underground Construction CIP program.*

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

**a. Z 21-07, DDC, Inc. (District 1)**

*Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for Single-Family Detached Homes on a 28.62-acre tract of land zoned Planned Development (PD) District 16-23 and located at 2675 East Brand Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.*

**b. Z 21-41, Homeyer Engineering (District 3)**

*Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Single-Family-7 (SF-7) District and Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses; 2) an Alley Waiver and 3) a Detail Plan for Single-Family Attached (SFA) development on a 2.262-acre tract of land located 1306 and 1314 Rowlett Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.*

**c. Z 23-12, Manhard Consulting (District 5)**

*Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Multi-Family-1 (MF-1) District and Community Retail (CR) District to a Planned Development (PD) District for Multi-Family-2 (MF-2) uses and 2) a Detail Plan for Multi-Family development on a 2.2875-acre area of land located at 1214 & 1302 West Miller Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of*

*Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.*

**d. Z 23-18, Petit-ECD (District 5)**

*Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 03-54 and 2) a Detail Plan for an Automobile Repair, Minor use on a 9.488-acre tract of land located at 11511 & 11611 LBJ Freeway; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.*

**4. Consider a resolution for the Project Specific Agreement with Dallas County for Duck Creek South Extension Trail**

*Consider and take appropriate action to authorize the City Manager to execute the PSA with Dallas County for the Duck Creek South Extension Trail project.*

**5. Bond Refunding - Electric Utility System Commercial Paper Notes**

*Consider and take appropriate action to authorize the refunding of Electric Utility System Commercial Paper Notes, Series 2021.*

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Speaker Regulations:**

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

**6. Hold public hearings on:**

- a. Consider a Specific Use Provision request by Val Gutierrez for a truck repair facility. The site is located at 4003 Miller Park Drive in District 6.**

*Consideration of the application of Val Gutierrez, requesting approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District. This property is located at 4003 Miller Park Drive. (File Z 22-72, District 6)*

- b. Consider a Plan request by Val Gutierrez for a truck repair facility. The site is located at 4003 Miller Park Drive in District 6.**

*Consideration of the application of Val Gutierrez, requesting approval of a Plan for a Truck/Bus Repair Use. This property is located at 4003 Miller Park Drive. (File Z 22-72, District 6)*

- c. Consider a Specific Use Provision request by Will Bohls for a building materials (cabinetry materials) storage business in an existing building. The site is located at 543 North Fifth Street in District 8.**

*Consideration of the application of William Bohls, requesting approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District, Uptown sub-district. This property is located at 543 North Fifth Street. (File Z 23-21, District 8)*

- d. Consider a Plan request by Will Bohls for a building materials (cabinetry materials) storage business in an existing building. The site is located at 543 North Fifth Street in District 8.**

*Consideration of the application of Will Bohls, requesting approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use. This property is located at 543 North Fifth Street. (File Z 23-21, District 8)*

**7. Items for Individual Consideration:**

- a. Request for Enterprise Zone Nomination of Zobebe USA**

*Consider an ordinance and take appropriate action in regard to the City's participation in the Texas Enterprise Zone Program and nominating Zobebe USA as an Enterprise Project.*

**b. Resolution Authorizing Use of Eminent Domain - GP&L Transmission**

*Consider and take appropriate action to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution to reconstruct a portion of the Garland Power & Light College Avenue to Brand Road 138kV transmission line located in the City of Garland.*

**c. Lease of Property located at 625 W. State Street**

*Consider and take appropriate action approving a 15-year lease agreement for the property located at 625 W. State Street in Downtown.*

**d. Submission of Appraisal Roll and Rates for FY 2023-2024**

*Council is requested to consider and provide a proposed tax rate and hearing dates in accordance with State Law, taking into account the attached tax rates, notice, and appraisal certifications, which are also required by law and which have been provided to Council.*

**e. Presentation of the 2023-24 Proposed Budget**

*In accordance with the City Charter and State Law, the City Manager shall submit to the City Council a Proposed Budget for the coming fiscal year. The City Manager will formally present his Proposed Budget for FY 2023-24. Following the presentation to Council, copies of the Proposed Budget will be placed in each City Library, in the Office of the City Secretary, and on the City's website for public review and inspection.*

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

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

**a. Deputy Mayor Pro Tem Ed Moore**

- Adam Greenup - Library Board

**9. Citizen comments.**

*Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.*

**10. Adjourn.**

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





**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**1.**

**Meeting Date:** 08/01/2023

**Item Title:** Consider approval of the minutes of the July 18, 2023, Regular Meeting.

**Submitted By:** Rene Dowl, City Secretary

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**Summary of Request/Problem**

**Consider approval of the minutes of the July 18, 2023 Regular Meeting.**

**Recommendation/Action Requested and Justification**

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**Attachments**

Minutes July 18

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# DRAFT



## GARLAND

### MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, July 18, 2023, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay  
Mayor Pro Tem Jeff Bass  
Deputy Mayor Pro Tem Ed Moore  
Council Member Deborah Morris  
Council Member B.J. Williams  
Council Member Margaret Lucht  
Council Member Carissa Dutton  
Council Member Dylan Hedrick  
Council Member Chris Ott

Staff Present: City Manager Jud Rex  
Assistant City Manager Andy Hesser  
Assistant City Manager Phillip Urrutia  
City Attorney Brian England  
City Secretary Eloyce René Dowl

#### **LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE**

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**MAYORAL PROCLAMATIONS,  
RECOGNITIONS AND ANNOUNCEMENTS**

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Mayor LeMay presented the National Intern Day proclamation to summer interns in attendance.

**CONSENT AGENDA**

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The motion was made by Council Member Dutton to approve the Consent Agenda as presented, seconded by Council Member Hedrick. Motion carried:

**Vote:** 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the July 11, 2023, Regular Meeting.

2. **Consider approval of the following bids:**

a. **APPROVED** **West Miller Road Water, Wastewater, Drainage and Paving Improvements** **Bid No. 0673-23**

<b>The Fain Group, Inc.</b>	<b>\$ 5,073,767.50</b>
<b>Optional Contingency</b>	<b>\$ 507,377.00</b>
<b>Total:</b>	<b>\$ 5,581,144.50</b>

This request is for the construction of paving, drainage, water and wastewater improvements on West Miller Road from Hilltop Drive to Glenbrook Drive.

This project consists of the demolition and disposal of existing concrete pavement and the construction of approximately 930 linear feet of 8-inch to 24-inch water line by open cut, 300 linear feet of 24-inch water line by bore, 4,170 linear feet of 6-inch to 8-inch wastewater line by open cut, 400 linear feet of 8-inch wastewater line by bore, 13,800 square yards of street, driveway, alley and sidewalk replacement, and 700 linear feet of 18-inch to 42-inch RCP storm sewer including all incidentals. An Optional Contingency is included for any additional work that may be required.

**b. APPROVED West Garland Library - Construction Services Bid No. 0517-23**

**J.C. Commercial, Inc. \$ 10,331,677**

This request is to procure general construction services to build the new West Garland Branch Library. The current library facility located at 3319 Edgewood Drive was built in 1975. It will be replaced with an 18,700-square-foot building at 3921 W. Walnut Street, adjacent to Hollabaugh Recreation Center. The new library will include designated areas for children, teens, and adults; study rooms; a multi-purpose room; technology and maker-space capabilities; a covered patio; and an outdoor plaza. The outdoor spaces provide shared programming opportunities with the adjacent recreation center. This project is part of the 2019 Bond Program and was approved in the 2023 CIP.

**c. APPROVED Holford Road Segment A Construction Services Bid No. 0798-23**

**DDM Construction Corporation \$ 14,181,670**  
**DDM Construction Corporation \$ 245,000**  
**Total: \$ 14,426,670**

This request is to procure construction services for Holford Road - Segment A (between President George Bush Turnpike north to the City limits). The existing two lane road will be reconstructed to a 4-lane divided thoroughfare with the outer lanes being dedicated bike lanes. Also included is a 12-foot-wide shared use path on both sides of the roadway, from President George Bush Turnpike to Campbell Road, as well as drainage and water line improvements. This project is part of the 2019 Bond Program and approved in the 2023 CIP.

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

**a. APPROVED Z 23-15 Bohler Engineering TX, LLC (District 1)**

**Ordinance No. 7448** amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 13-02 to construct a Medical and Dental Clinic expansion to an existing Walmart Supercenter and 2) a Detail Plan for a Medical and Dental Clinic expansion to an existing Walmart Supercenter on an approximate 20.22-acre tract of land located at 5302 North Garland Avenue; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

**4. APPROVED Annual Performance Update on the City of Garland Housing Agency's 2020-2024 Five-Year Plan Approval**

**Resolution No. 10484** adopting the Garland Housing Agency's third year on the 2020-2024 five-year plan for submission to HUD.

**5. APPROVED Garland Housing Agency's Administrative Plan**

**Resolution No. 10585** approving an Administrative Plan that identifies the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8).

**6. APPROVED Neighborhood Vitality Matching Grant Spring 2023 Applications**

Council approved the Castle Point HOA and Place HOA applications as submitted, and New World Crime Watch application with modification. At the July 10, 2023, Work Session, Council considered the Neighborhood Vitality Matching Grant Spring 2023 Applications.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Speaker Regulations:**

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**7. Hold public hearings on:**

- a. APPROVED Consider a request by Dos Banderas for a “Major Waiver” to the Downtown Sign Standards to replace the existing awning and install a new storefront awning with signage. The site is located at 614 Main Street in District 2.**

Consideration of the application of Dos Banderas, requesting approval of 1) a Major Waiver to Chapter 7, Table 7-7 of the Garland Development Code and 2) a Downtown Development Plan to allow the replacement of an existing awning and install a new storefront awning with signage on a property zoned Downtown (DT) District, Downtown Historic (DH) sub-district. This property is located at 614 Main Street. (File DD 23-02, District 2)

The staff report was presented by William Guerin, Director of Planning.

The motion was made by Council Member Morris to approve the request as presented, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

**Vote:** 9 ayes, 0 nays

- b. **WITHDRAWN** Consider a Zoning request by Spiars Engineering to demolish the existing building and construct 176 senior independent living dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5. *(The applicant has withdrawn the application at this time. However, a new application will be submitted and reviewed again by the Plan Commission and City Council. New notifications will be sent out accordingly.)*

Consideration of the application of Spiars Engineering, requesting approval of a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care – Independent Living Use. This property is located at 413 and 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-05, District 5)

- c. **WITHDRAWN** Consider a Detail Plan request by Spiars Engineering to demolish the existing building and construct 176 senior independent living dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5. *(The applicant has withdrawn the application at this time. However, a new application will be submitted and reviewed again by the Plan Commission and City Council. New notifications will be sent out accordingly.)*

Consideration of the application of Spiars Engineering, requesting approval of a Detail Plan for an Elder Care – Independent Living Use. This property is located at 413 and 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-05, District 5)

- d. **APPROVED** Consider a Detail Plan request by DDC, Inc. for twelve (12) single-family detached homes. The site is located at 2675 East Brand Road in District 1.

Consideration of the application of DDC, Inc., requesting approval of a Detail Plan for Single-Family Detached Homes on a property zoned Planned Development (PD) District 16-23 for Single-Family-10 (SF-10) Uses. This property is located at 2675 East Brand Road. (File Z 21-07, District 1)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Keith Black, resident in the Hills of Breckenridge and S. I. Abed, applicant.

The motion to approve the Detail Plan was made by Mayor Pro Tem Bass, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

**Vote:** 9 ayes, 0 nays



- e. **APPROVED** Consider a Zoning request by Homeyer Engineering proposing twenty (20) townhouses and open space. The site is located at 1306 and 1314 Rowlett Road in District 3.

Consideration of the application of Homeyer Engineering, requesting approval of 1) a Change in Zoning from Single-Family-7 (SF-7) District and Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses and 2) an Alley Waiver. This property is located at 1306 & 1314 Rowlett Road. (File Z 21-41, District 3)

The staff report was presented by William Guerin, Director of Planning. The speakers on this item were: Herbert Gears and Greg Guerin, applicant(s), Jimmy Hooker and John Horacek, residents.

There was Council discussion.

The motion to approve the Zoning request (Item 7d) and the Detail Plan (Item 7f) was made by Deputy Mayor Pro Tem Moore, seconded by Council Member Williams. Motion carried:

**Vote:** 9 ayes, 0 nays

- f. **APPROVED** Consider a Detail Plan request by Homeyer Engineering proposing twenty (20) townhouses and open space. The site is located 1306 & 1314 Rowlett Road in District 3.

Consideration of the application of Homeyer Engineering, requesting approval of a Detail Plan for Single-Family Attached (SFA) development. This property is located at 1306 & 1314 Rowlett Road. (File Z 21-41, District 3)

- g. **APPROVED** Consider a Zoning request by Manhard Consulting requesting approval to construct 63 multi-family dwelling units. The existing church building will be used as an amenity for the multi-family development. The site is located at 1214 and 1302 West Miller Road in District 5.

Consideration of the application of Manhard Consulting, requesting approval of a Change in Zoning from Community Retail (CR) District and Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family-2 (MF-2) Uses. This property is located at 1214 & 1302 West Miller Road. (File Z 23-12, District 5)

The staff reports were presented by William Guerin, Director of Planning and Paul Luedtke, Director of Transportation. The speakers on this item was Ravi Mehta and Brian Bridgewater, applicant(s) and Jason Lain, resident.

The motion to approve the Zoning Request (Item 7g) and Detail Plan (Item 7h) was made by Council Member Lucht, seconded by Council Member Dutton. Motion carried:

**Vote:** 9 ayes, 0 nays

- h. APPROVED** Consider a Detail Plan request by Manhard Consulting requesting approval to construct 63 multi-family dwelling units. The existing church building will be used as an amenity for the multi-family development. The site is located at 1214 and 1302 West Miller Road in District 5.

Consideration of the application of Manhard Consulting, requesting approval of a Detail Plan for Multi-Family Development. This property is located at 1214 & 1302 West Miller Road. (File Z 23-12, District 5)

- i. APPROVED** Consider a Planned Development Amendment request by Petitt-ECD proposing to construct a new approximate 9,584 square-foot automotive service building at the existing Jupiter Chevrolet dealership. The site is located at 11511 & 11611 LBJ Freeway in District 5.

Consideration of the application of Petitt-ECD, requesting approval of an amendment to Planned Development (PD) District 03-54 for Heavy Commercial Uses. This property is located at 11511 & 11611 Lyndon B. Johnson Freeway. (File Z 23-18, District 5)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Bill Thomas, applicant.

There was discussion by the Council.

The motion was made by Council Member Lucht to deny the Planned Development Amendment (Item 7i) and Detail Plan (Item 7j), the motion failed due to lack of a second.

The motion was made by Mayor Pro Tem Bass to approve the Planned Development Amendment (Item 7i) and Detail Plan (Item 7j), seconded by Council Member Williams. Motion carried:

**Vote:** 8 ayes, 1 nay (Council Member Lucht)

- j. APPROVED** Consider a Detail Plan request by Petitt-ECD proposing to construct a new approximate 9,584 square-foot automotive service building at the existing Jupiter Chevrolet dealership. The site is located at 11511 & 11611 LBJ Freeway in District 5.

Consideration of the application of Petitt-ECD, requesting approval of a Detail Plan amendment for an Automotive Service Building. This property is located at 11511 & 11611 Lyndon B. Johnson Freeway. (File Z 23-18, District 5)

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

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

Mayor Pro Tem Bass presented the nominations for Mayor LeMay and himself. Each Council Member read their nominations into the record, a single vote was cast for all nominees, with the following result:

**Vote:** 9 ayes, 0 nays

**a. Mayor Scott LeMay**

- Preston Bass - Garland Youth Council
- Micaela Reynolds - Garland Youth Council

**b. Mayor Pro Tem Member Jeff Bass**

- Kashina Daceus - Garland Youth Council
- Amsi Orozco - Garland Youth Council

**c. Council Member Deborah Morris**

- Lindsey Khuu - Garland Youth Council
- Tasi Loreene Tajalle - Garland Youth Council

**d. Deputy Mayor Pro Tem Ed Moore**

- Wesley Johnson - Board of Adjustments
- Robert Bruns - Environmental and Community Advisory Board
- Justina James - Community Multicultural Commission
- Rueben Lael Griffin - Cultural Arts Commission
- Jerry Carter - Parks & Recreation Board
- Stephanie Paris - Plan Commission
- Vickie Wohlander - Property Standards Board
- PC Mathew - Senior Citizens Advisory Board
- Calvin Nichols - Unified Building Standards Commission
- Aju Mathew - Tax Increment Finance #1 Downtown Board
- Michael Landers - Tax Increment Finance #2 Board
- David Perry - Tax Increment Finance #3 Board
- Amy Rosas - Garland Youth Council

**e. Council Member BJ Williams**

- Bryan Panameno - Garland Youth Council

**f. Council Member Margaret Lucht**

- Jaric Jones - Unified Building Standards Commission
- Stephen Hogue - Garland Youth Council
- Sarah Lockett - Garland Youth Council

- g. Council Member Carissa Dutton**
  - Julia Jaison - Garland Youth Council
  - Emily Santillan - Garland Youth Council
  
- h. Council Member Dylan Hedrick**
  - Riley Duggan - Garland Youth Council
  - Cindy Le - Garland Youth Council
  
- i. Council Member Chris Ott**
  - Luca Acosta - Garland Youth Council
  - Muna Baraso - Garland Youth Council

**9. Citizen comments:** There were no speakers on this item.

**10. Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:50 p.m.

**Submitted By:**

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**Scott LeMay, Mayor**

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**Eloyce René Dowl, City Secretary**



**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2. a.**

**Meeting Date:** 08/01/2023

**Item Title:** Polydyne, Inc.

**Submitted By:** Michael Brinkmann, Managing  
Director

**Bid Number:** 1261-21

**Purchase Justification:**

This request is to approve a change order to the Rowlett Creek Wastewater Treatment Plant polymer contract. The polymer is used for drying sludge that goes through the centrifuge to haul dry solids to the landfill. The change order is necessary due to price increases for polymer as well as tariff freight charges.

**Evaluation:**

Polydyne, Inc. was awarded the original Blanket Purchase Order with four (4) optional renewals for \$636,000 at the September 14, 2021, City Council Meeting. A Bid Recap is omitted as competitive bids were not received for the change order.

**Award Recommendation:**

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Polydyne, Inc.	All	\$159,000.00
	<b>TOTAL:</b>	<b>\$159,000.00</b>

**Basis for Award:** Change Order

**Purchase Requisition #:** 49583

**Fiscal Impact**

**Total Project/Account:** N/A  
**Expended/Encumbered to Date:** N/A  
**Balance:** N/A  
**This Item:** \$159,000

**Proposed Balance:** N/A  
**Account #:** 451-6999

**Fund/Dept/Project – Description and Comments:**

Term Agreement sets price but does not commit funds. Expenses will be charged to the appropriate Rowlett Creek Wastewater Treatment operating account(s) as incurred.

---

**Fiscal Reference:**

**Budget Type:** Operating Budget  
**Fiscal Year:** 2022-23  
**Document Location:** Page 257

---

**Budget Director Approval:** Allyson Bell Steadman **Approval Date:** 07/24/2023  
**Purchasing Director Approval:** Gary L. Holcomb **Approval Date:** 07/21/2023





**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2. b.**

**Meeting Date:** 08/01/2023

**Item Title:** GP&L Underground Duct Bank Extension

**Submitted By:** Jonas Whitehead, GP&L  
Distribution Director

**Bid Number:** 0865-23

**Purchase Justification:**

This request is to provide labor for the installation of a feeder duct bank extension needed to establish electric service to the LCG Firewheel Apartment Complex development. This is part of the Distribution Underground Construction CIP program.

**Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated based on the published criteria. The Fishel Company received the highest evaluated score, offering the Best Value for the City.

**Award Recommendation:**

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
The Fishel Company	All	\$498,810.03
	<b>TOTAL:</b>	<b>----- \$498,810.03</b>

**Basis for Award:** Best Value

**Purchase Requisition #:** 49379

**Fiscal Impact**

<b>Total Project/Account:</b>	\$5,344,438
<b>Expended/Encumbered to Date:</b>	\$2,422,114
<b>Balance:</b>	\$2,922,324
<b>This Item:</b>	\$498,810
<b>Proposed Balance:</b>	\$2,423,514

**Account #:** 210-3299-3162401-7111

**Fund/Dept/Project – Description and Comments:**

Electric CIP / Distribution Lines - Underground Program

---

**Attachments**

Bid Recap

---

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2023

Document Location: Page 275

---

Budget Director Approval: Allyson Bell Steadman

Approval Date: 07/18/2023

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 07/17/2023





**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**3. a.**

**Meeting Date:** 08/01/2023

**Item Title:** Z 21-07 DDC, Inc. (District 1)

**Submitted By:** Will Guerin, Planning Director

---

**Summary of Request/Problem**

Zoning Ordinance Z 21-07 DDC, Inc.

**Recommendation/Action Requested and Justification**

Consider adoption of the attached ordinance.

---

**Attachments**

Z 21-07 Ordinance

Z 21-07 Exhibit A

Z 21-07 Exhibit B

Z 21-07 Exhibits C & D

---

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A DETAIL PLAN FOR SINGLE-FAMILY DETACHED HOMES ON A 28.62-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 16-23 AND LOCATED AT 2675 EAST BRAND ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on the 26th day of June 2023, the Plan Commission did consider and make recommendations on a certain request for a Detail Plan for Single-Family Detached Homes on a property zoned Planned Development (PD) District 16-23 by **DDC, Inc.**; and

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

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

**Section 1**

The Garland Development Code is hereby amended by approving a Detail Plan for Single-Family Detached Homes on a property zoned Planned Development (PD) District 16-23 on a 28.62-acre tract of land zoned Planned Development (PD) District 16-23 and located at 2675 East Brand Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

**Section 3**

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

**Section 4**

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

**Section 5**

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

**Section 6**

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

**Section 7**

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



FILE NO. Z 21-07

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 21-07**

BEING a 28.62-acre tract of land situated in the E. H. Dodd Survey, Abstract Number 393, and being in the E.H. Dodd Survey, Abstract Number 281, being a portion of a tract of land conveyed to Gary Hearn as recorded in Volume 96120, Page 2275 of the Deed Records of Dallas and Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner, being a point in the West Right of Way line of Brand Road, being the Southeast corner of a tract of land conveyed to North Texas Municipal Water District as recorded in Volume 2978, Page 129 of the Deed Records, Collin County, Texas, and being the Northeast corner of said Hearn tract;

THENCE South 00 degrees 52 minutes 37 seconds East, a distance of 311.62 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South (directional control), a distance of 516.36 feet to a 1/2 inch yellow-capped iron rod set for corner;

ZONING FILE NUMBER Z 21-07

THENCE South 11 degrees 18 minutes 36 seconds West, a distance of 50.99 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South, a distance of 100.00 feet to a ½ inch yellow capped iron rod set for corner, being a point in the West Right of Way line of said Brand Road;

THENCE South 11 degrees 18 minutes 36 seconds East, a distance of 50.99 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South, a distance of 48.94 feet to a 1/2 inch yellow-capped iron rod set for corner, being a point in the West Right of Way line of said Brand Road;

THENCE West, a distance of 630.00 feet to a 1/2 inch iron rod found for reference, continuing a total distance of 736.94 feet to point in creek for corner, being a point on the East line of a tract of land conveyed to City of Garland as recorded in Volume 99091, Page 6776 of the Deed Records, Dallas County, Texas;

THENCE North 71 degrees 56 minutes 00 seconds West, a distance of 210.42 feet to a point in creek for corner;

THENCE North 34 degrees 36 minutes 00 seconds West, a distance of 230.90 feet to a point in creek for corner;

THENCE North 05 degrees 20 minutes 00 seconds West, a distance of 344.60 feet to a point in creek for corner;

**EXHIBIT A**

ZONING FILE NUMBER Z 21-07

THENCE North 37 degrees 00 minutes 00 seconds West, a distance of 126.50 feet to a point in creek for corner;

THENCE West, a distance of 74.24 feet to a point in creek for corner, being the East corner of a tract of land conveyed to City of Richardson as recorded in Volume 78148, Page 2753 of the Deed Records, Dallas County, Texas;

THENCE North 31 degrees 00 minutes 00 seconds West, a distance of 429.98 feet to a 1/2 inch yellow-capped iron rod set for corner, being a point in the East line of said City of Richardson tract;

THENCE North 88 degrees 26 minutes 19 seconds East, a distance of 553.04 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 89 degrees 39 minutes 30 seconds East, a distance of 280.76 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South 89 degrees 13 minutes 59 seconds East, a distance of 633.67 feet to the PLACE OF BEGINNING, containing 28.62 acres of land.

**EXHIBIT A**

**PLANNED DEVELOPMENT CONDITIONS**

**ZONING FILE Z 21-07**

**2675 East Brand Road**

**I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for twelve (12) single-family detached lots.

**II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, and Single-Family-10 (SF-10) District, as amended prior to adoption of this ordinance, except as specifically provided herein.

**III. General Regulations:** All regulations of the Single-Family-10 (SF-10) District as set forth in Chapter 2 of the Garland Development Code included by reference and shall apply, except as otherwise specified by this ordinance.

**IV. Development Plans:**

Detail Plan: Development shall conform to the Site Plan and Landscape Plan set forth in Exhibit C and Exhibit D; however, in the event of conflict between the Detail Plan and the written conditions contained in this ordinance, the written conditions shall control.

**V. Specific Conditions:**

A. Permitted Uses: Only Dwelling, Single-Family Detached units are permitted.

B. Maximum Number of Lots: A total of twelve (12) single-family detached units shall be permitted.

C. Minimum Lot Area: The minimum lot area shall be 10,000 square feet as reflected in Exhibit C.

D. Minimum Dwelling Size: The minimum dwelling size shall be 3,000 square feet.

E. Alleys: Alleys shall not be required for this development.

F. Screening and Landscaping: Screening and landscaping shall be in conformance with the Landscape Plan set

forth in Exhibit D.

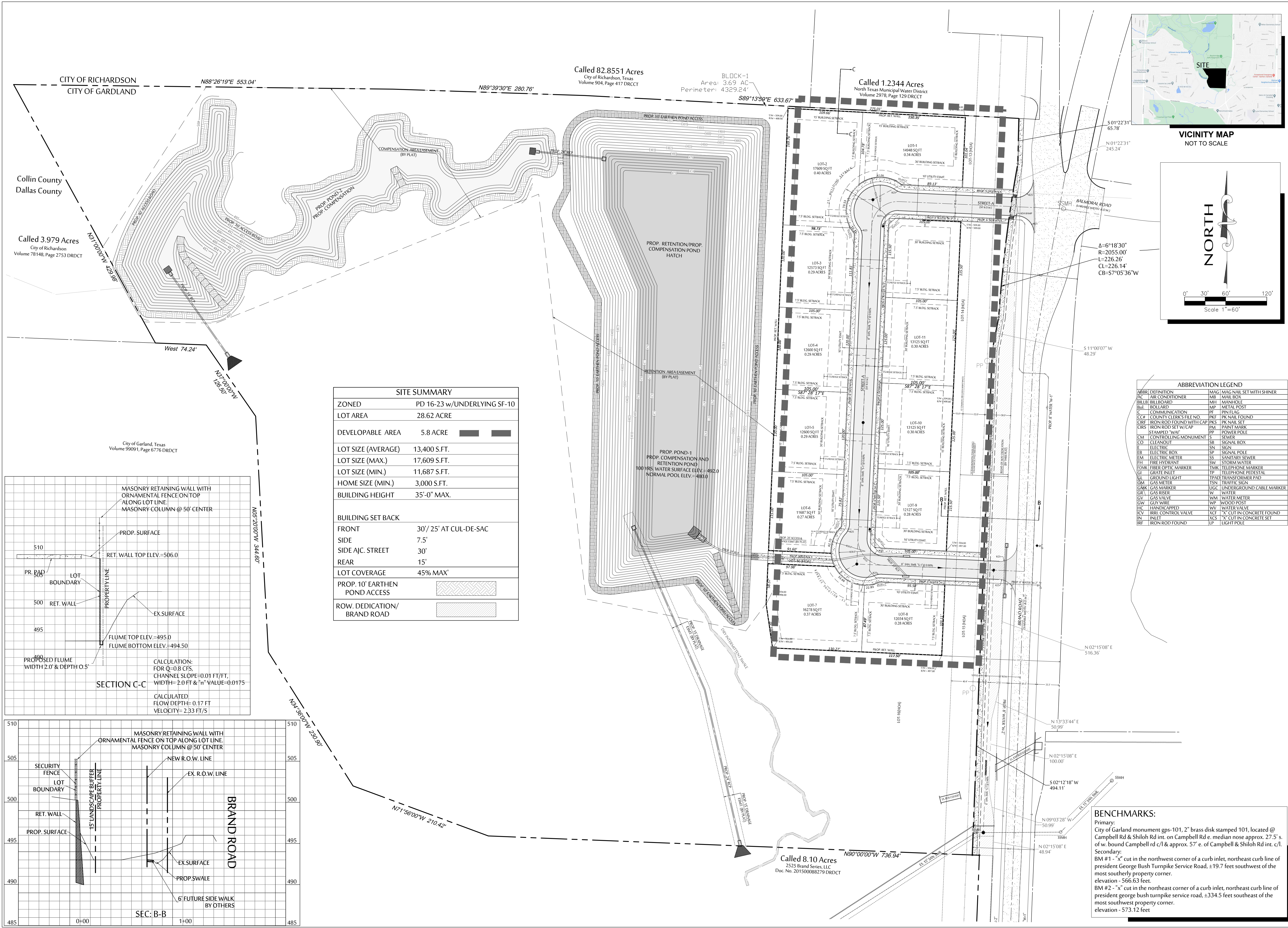
- G. Open Space and Amenities: Open Space and Amenities shall be provided as shown in Exhibit D.
- H. Signage: All signs shall meet the Garland Development Code requirements.
- I. Elevations: Building Elevations shall be in general conformance with the requirements in the GDC.
- J. Homeowners Association: A Homeowners Association shall be incorporated, and each lot/homeowner shall be a mandatory member. The bylaws and/or declaration of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; shall obligate the association, through assessment of homeowners, to maintain all open space areas; and other provisions as deemed appropriate to secure a sound and stable association.
- K. Maintenance of Open/Common Space and Landscaped Areas, Entry Features, Access Easements, and Amenities in HOA Lots: Pursuant to the declaration for the Homeowner's Association, the Homeowners Association shall be obligated to repair and maintain all common areas of the community (including open/common space, landscaped areas, entry features, access easements, and amenities in HOA lots) and the bylaws and/or declaration for the association shall authorize the association to pay for the cost thereof through the assessment of homeowners within the community.
- L. Required Assessments and Reserves: The declaration for the Homeowner's Association shall provide that each homeowner owning a real property interest in a residential lot within the community land shall be obligated to pay assessments to the Homeowners Association to pay for the operation and common expenses of the association, including, without limitation, the repair and maintenance of association common areas, including repairing, maintaining or replacing the association screening walls and perimeter fences. If the Homeowners Association fails to perform the above-described maintenance due to lack

of funds, the Homeowners Association shall assess members on a pro rata basis for the cost of performing such maintenance and shall thereafter promptly and diligently perform the maintenance required. To help ensure that funds will be available to perform such maintenance, the Homeowners Association shall establish and maintain a reserve fund for the periodic maintenance, repair and replacement of association improvements, which shall include adequate reserves for the expected future costs to repair, maintain and replace association screening walls and perimeter fences.

- M. City's Right to Enforce: The declaration for the Homeowner's Association shall contain a provision stating that if the Homeowner's Association fails to maintain an association screening wall or perimeter fence in good repair, then the City may send written notice to the Homeowner's Association demanding the proper repair and maintenance of such screening wall or perimeter fence. If the Homeowner's Association has not repaired or replaced such screening wall or perimeter fence within 120 days after the date of the City's written notice to the Homeowner's Association, the City shall have the right, but not the obligation, to exercise all access easements and other rights of the Homeowners Association to repair and/or replace, as necessary, such screening wall or perimeter fence and to charge all reasonable costs incurred therefor to the Homeowners Association. The Homeowner's Association shall promptly pay such costs to the City upon completion of the repairs and/or replacement upon written demand by the City. If the reserves required by these conditions and the declaration are not sufficient to fully reimburse the City, the Homeowner's Association shall assess its members for the funds necessary to fully reimburse the City and to re-establish its required reserves. Such provision in the declaration for the Homeowner's Association shall further state that such provision may not be amended or modified without the prior written consent of the City.



# EXHIBIT C

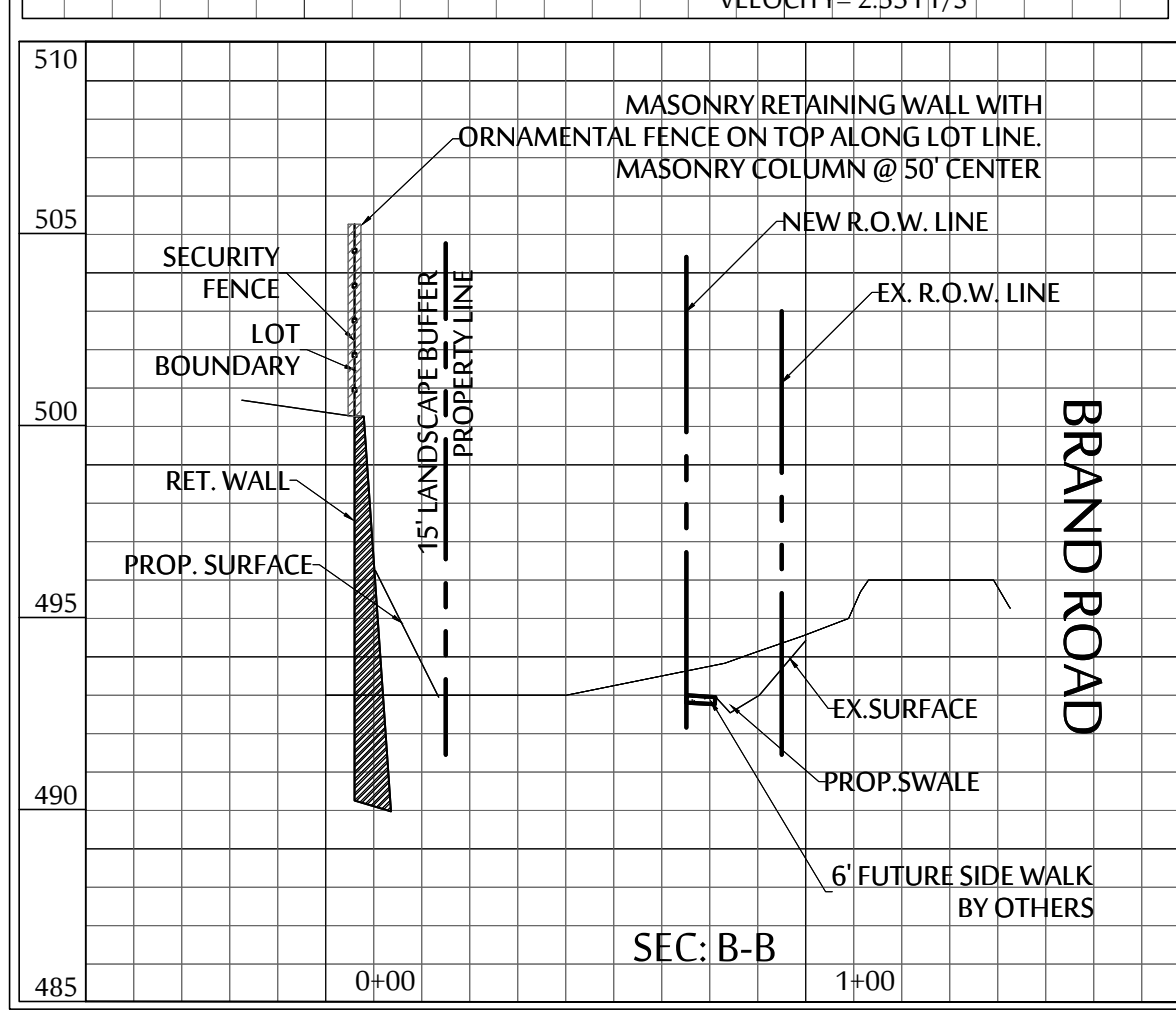
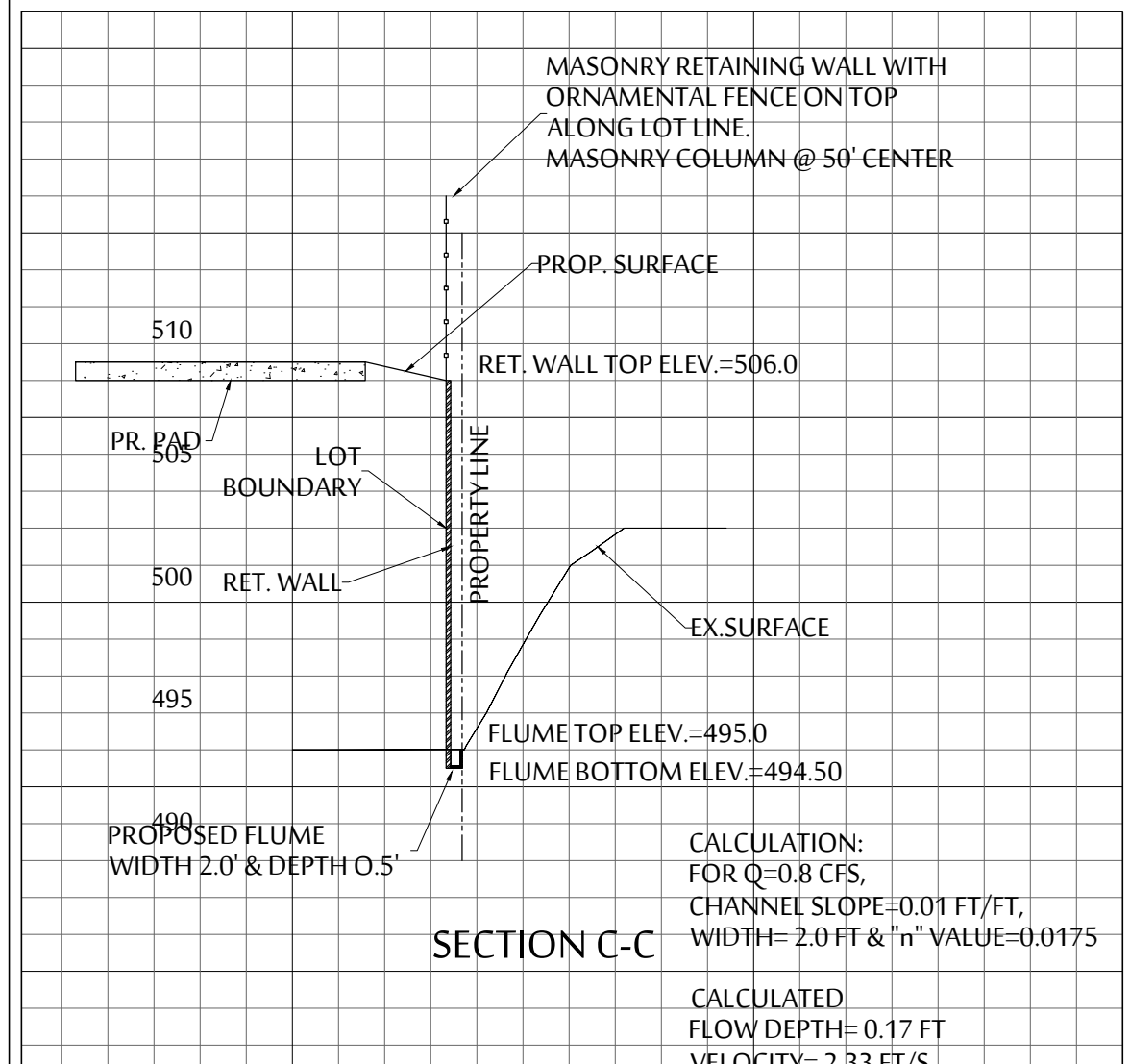


**ABBREVIATION LEGEND**

ABBREVIATION	DEFINITION	MAG	MAG NAIL SET WITH SHINER
AC	AIR CONDITIONER	MB	MAIL BOX
BLL	BILLBOARD	MH	MANHOLE
BOL	BOLLARD	MP	METAL POST
C	COMMUNICATION	PF	PIN FLAG
CCF	COUNTY CLERK'S FILE NO.	PK	PK NAIL FOUND
CRF	IRON ROD FOUND WITH CAP	PKS	PK NAIL SET
CRS	IRON ROD SET W/ CAP	PP	PAINT MARK
STAMPED W/MP		PP	POWER POLE
CM	CONTROLLING MONUMENT	S	SEWER
CO	CLEANOUT	SB	SIGNAL BOX
E	ELECTRIC	SN	SIGN
EB	ELECTRIC BOX	SP	SIGNAL POLE
DM	ELECTRICAL METER	SS	SANITARY SEWER
FI	FIRE HYDRANT	SW	STORM WATER
FOMK	FIBER OPTIC MARKER	TMK	TELEPHONE MARKER
GI	GRATE INLET	TP	TELEPHONE PEDestal
GL	GROUND LIGHT	TRP	TRANSFORMER PAD
GM	GAS METER	TSN	TRAFFIC SIGN
GMK	GAS MARKER	UGC	UNDERGROUND CABLE MARKER
GR	GAS RISER	WV	WATER
GV	GAS VALVE	WM	WATER METER
GW	GEI WIRE	WP	WOOD POST
HCC	HANDICAPPED	WV	WATER VALVE
ICV	IRRI CONTROL VALVE	XCF	"X" CUT IN CONCRETE FOUND
IN	INLET	XCS	"X" CUT IN CONCRETE SET
IRF	IRON ROD FOUND	LP	LIGHT POLE

**SITE SUMMARY**

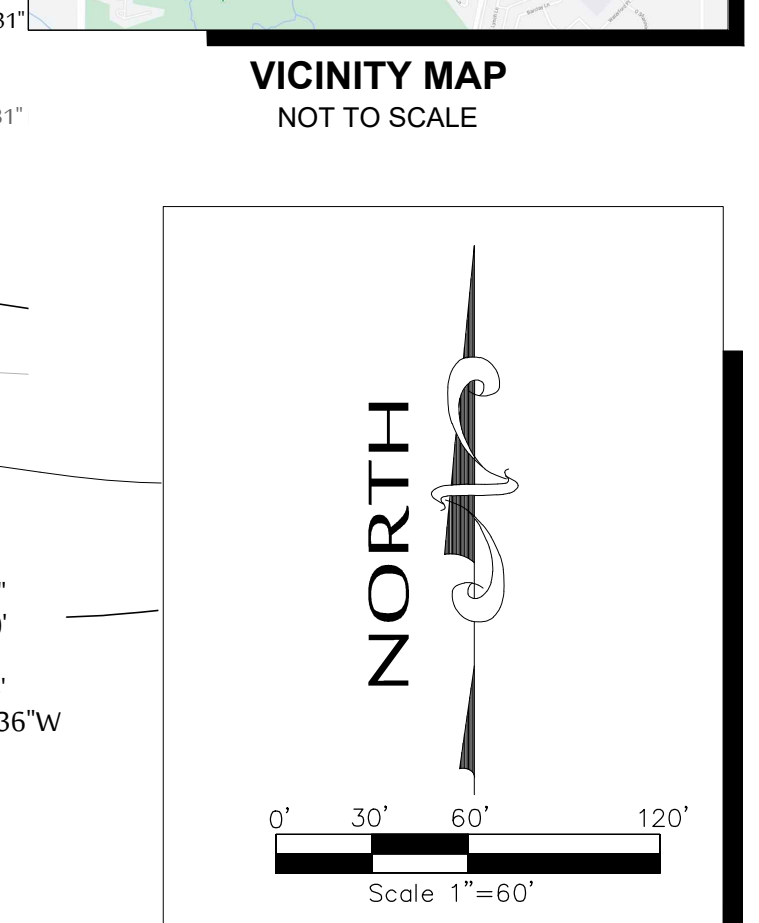
ZONED	PD 16-23 w/UNDERLYING SF-10
LOT AREA	28.62 ACRE
DEVELOPABLE AREA	5.8 ACRE
LOT SIZE (AVERAGE)	13,400 S.F.T.
LOT SIZE (MAX.)	17,609 S.F.T.
LOT SIZE (MIN.)	11,687 S.F.T.
HOME SIZE (MIN.)	3,000 S.F.T.
BUILDING HEIGHT	35'-0" MAX.
BUILDING SET BACK	
FRONT	30'/ 25' AT CUL-DE-SAC
SIDE	7.5'
SIDE AJC. STREET	30'
REAR	15'
LOT COVERAGE	45% MAX'
PROP. 10' EARTHEN POND ACCESS	
ROW. DEDICATION/ BRAND ROAD	



**BENCHMARKS:**

Primary: City of Garland monument gps-101, 2" brass disk stamped 101, located @ Campbell Rd & Shiloh Rd int. on Campbell Rd e. median nose approx. 27.5' s. of w. bound Campbell rd c/l & approx. 57' e. of Campbell & Shiloh Rd int. c/l.

Secondary: BM #2 - "x" cut in the northeast corner of a curb inlet, northeast curb line of president george bush turnpike service road, ±334.5 feet southeast of the most southwest property corner. elevation -573.12 feet



**ddc DESIGN DEVELOPMENT CONSULTANTS, INC.**

CIVIL, MUNICIPAL & LAND DEVELOPMENT CONSULTANT

FIRM REGISTRATION # 10970

400 CHISHOLM PLACE, SUITE 410, PLANO, TX 75075

TEL: 972.468.4910 FAX: 972.468.4910

Email: abed.ddc@gmail.com

NO.	DATE	SUBMITTAL TYPE
7		
6	05/31/23	CITY 5TH SUBMITTAL
5	04/26/23	CITY 4TH SUBMITTAL
4	12/13/22	CITY 3RD SUBMITTAL
3	10/12/22	CITY 2ND SUBMITTAL
2	02/19/22	CITY 1ST SUBMITTAL
1	12/10/20	CITY SUBMITTAL

**SITE PLAN**

**HEARN PLACE SUBDIVISION**

LOT 1-12, BLOCK-EB, BRAND ROAD

28.62 ACRES IN THE FERRIS SURVEY, ABSTRACT NO. CITY OF GARLAND, DALLAS COUNTY, TEXAS.

STAMPED 05/31/23

THESE CONSTRUCTION PLANS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS. MY EXPIRES ON 05/31/2026. I AM NOT PROVIDING ANY DESIGN OR CALCULATIONS AUTHORIZED BY THE BOARD OF ENGINEERING EXAMINERS. #9731

**S.I. ABED**

REGISTERED PROFESSIONAL ENGINEER

SCALE: **1" = 70'**

DRAWN: **S.A.** CHECKED BY: **S.I. ABED**

PROJECT #: **020021.00**

SHEET NO: **C-02-B**

PROJECT CASE NO. 210112-2











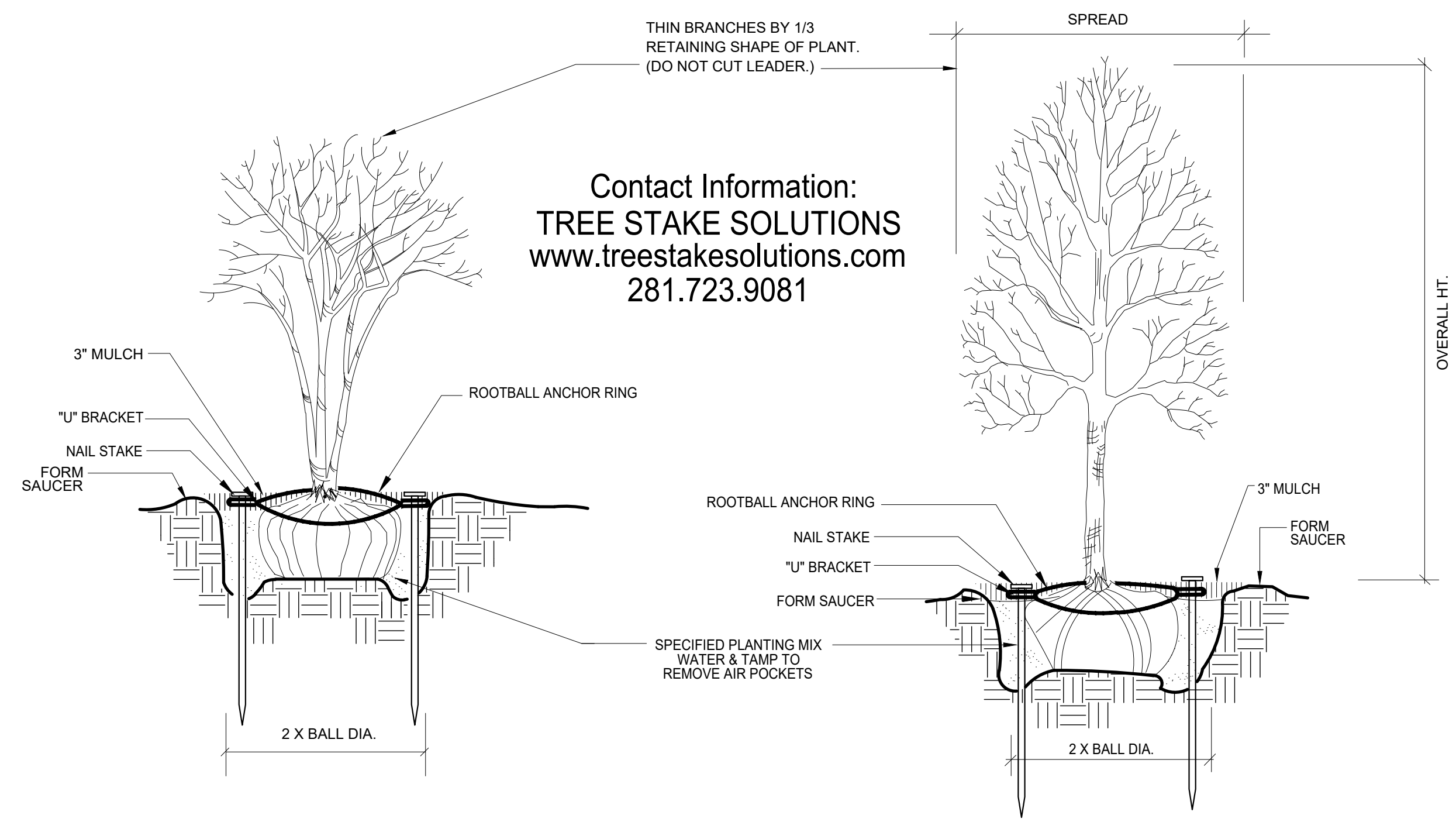




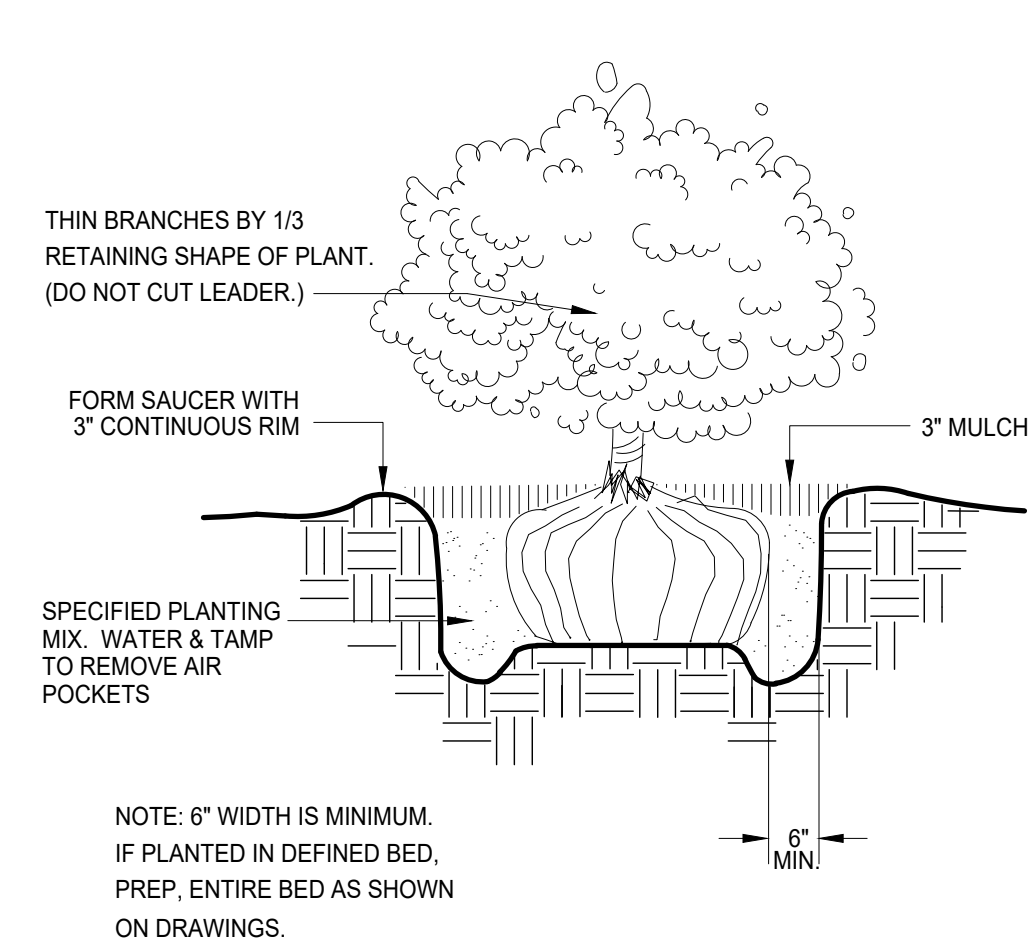
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Date JUN 13, 2023  
 Drawn By GAC  
 Checked By GAC  
 Revisions

CITY OF GARLAND RESIDENTIAL LANDSCAPE REQUIREMENTS	
REQUIRED	PROVIDED
RESIDENTIAL DEVELOPMENT LANDSCAPING	TWO LARGE CANOPY TREES ARE REQUIRED ON ALL SINGLE FAMILY DETACHED AND AND AT LEAST ONE OF WHICH MUST BE LOCATED WITHIN THE FRONT YARD
2 TREES PER LOT	2 TREES PER LOT
PERIMETER SCREENING BETWEEN RESIDENTIAL DEVELOPMENT AND THOROUGHFARES	A MASONRY WALL IS REQUIRED IN ACCORDANCE WITH SECTION 4.39 (A) (1) WITH TREES 50' O.C. MAX. THE TREES AND SCREENING WALL MUST BE WITHIN A MINIMUM 8' WIDE BUFFER STRIP DEDICATED TO THE HOMEOWNERS ASSOCIATION FOR MAINTENANCE
REQUIRED	PROVIDED
SCREENING MASONRY WALL + TREES 50' O.C.	SCREENING MASONRY WALL + TREES 50' O.C.



Contact Information:  
**TREE STAKE SOLUTIONS**  
 www.treestakesolutions.com  
 281.723.9081



NOTE: 6" WIDTH IS MINIMUM. IF PLANTED IN DEFINED BED, PREP. ENTIRE BED AS SHOWN ON DRAWINGS.

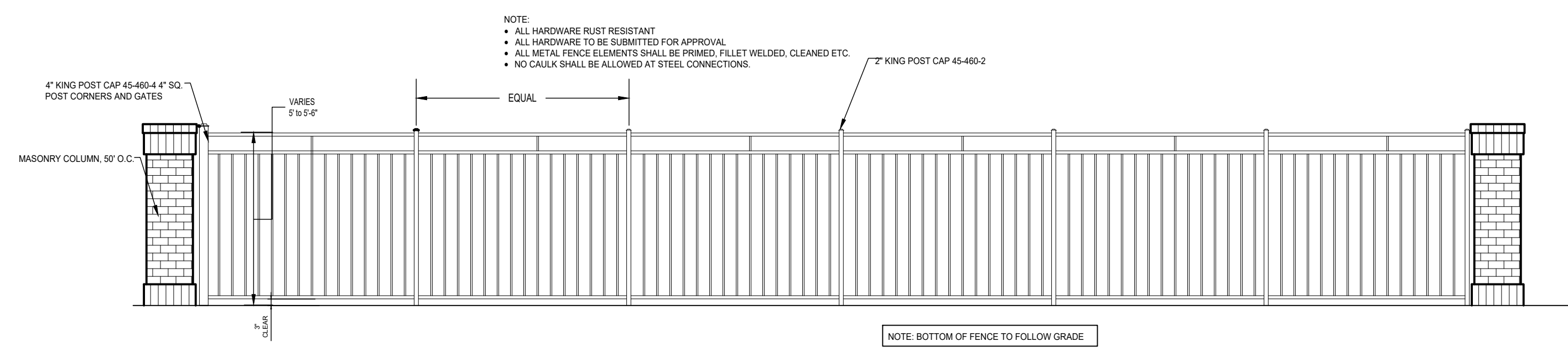
**SHRUB PLANTING**  
 SCALE: NOT TO SCALE

**PLANT SCHEDULE**

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	MAG LIT	16	Magnolia grandiflora 'Little Gem'	Little Gem Dwarf Southern Magnolia	3" Cal.	8'	As Shown	Single Straight Trunk
	QUE SHU	8	Quercus shumardii	Shumard Oak	3" Cal.	12' Height Min	50' O.C.	Single Straight Trunk
	QUE VIR	12	Quercus virginiana	Southern Live Oak	3" Cal.	12' Height Min	50' O.C.	Single Straight Trunk
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	ILE NEL	27	Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly	8' to 10'	8' Min Ht	As shown	
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	CYN DAC	92,902 sf	Cynodon dactylon	Bermuda Grass	Solid Sod			

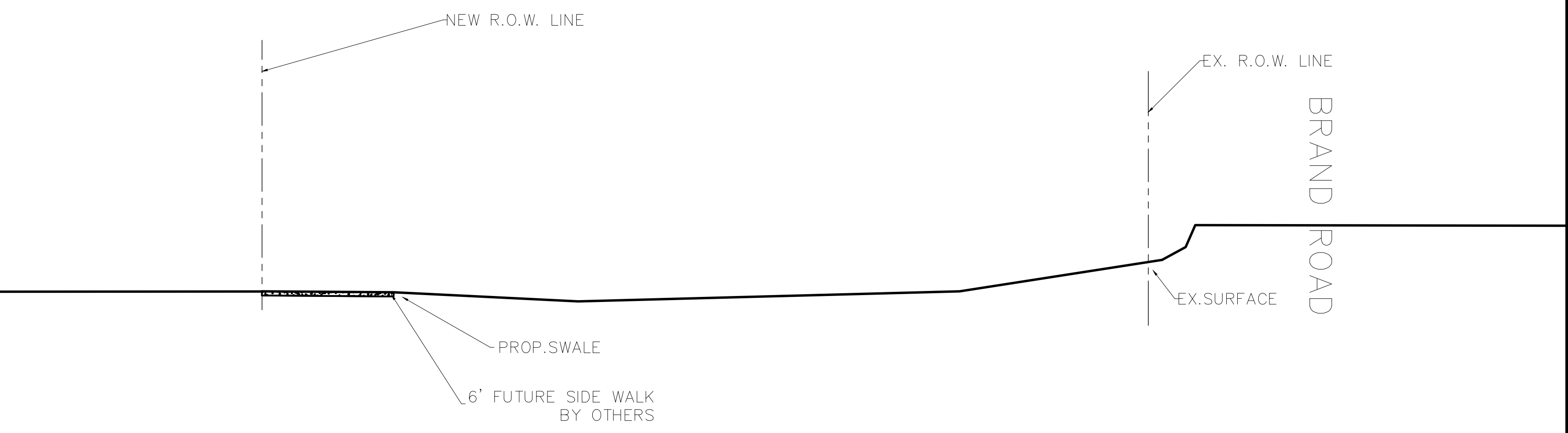
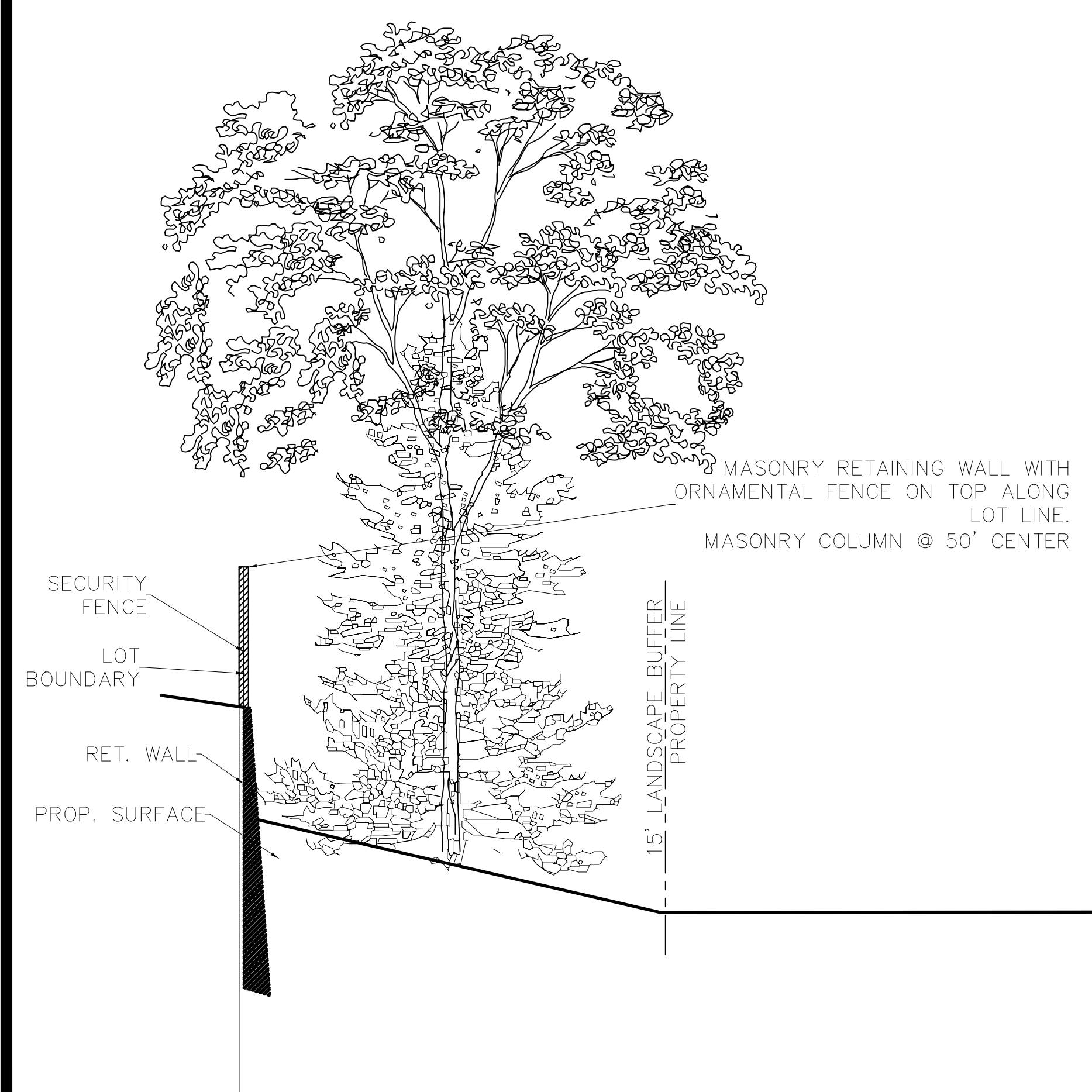
**STAKING FOR MULTI-TRUNK TREES & TREES 2" CAL. & UNDER**  
 SCALE: NOT TO SCALE

**TREE PLANTING OVER 2" CALIPER**  
 SCALE: NOT TO SCALE



NOTE:  
 • ALL HARDWARE RUST RESISTANT  
 • ALL HARDWARE TO BE SUBMITTED FOR APPROVAL  
 • ALL METAL FENCE ELEMENTS SHALL BE PRIME, FILLET WELDED, CLEANED ETC.  
 • NO CAULK SHALL BE ALLOWED AT STEEL CONNECTIONS.

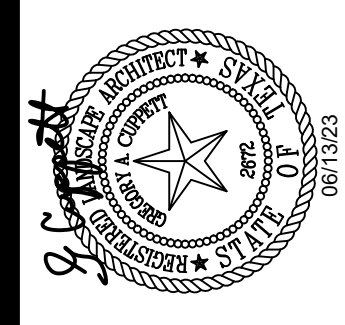
**FENCE SEGMENT**  
 SCALE: 1/4" = 1'-0"



**R.O.W. SECTION**  
 SCALE: 1/4" = 1'-0"

**NOTES AND DETAILS**

**FAIN CUPPETT LANDSCAPE ARCHITECTS, LLC**  
 1921 MAPLEWOOD DRIVE  
 WEAVERFORD, TEXAS 76087  
 862-215-9151  
 LANDSCAPE ARCHITECTURE - IRRIGATION DESIGN



THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREG CUPPETT, LANDSCAPE ARCHITECT, REGISTRATION NUMBER 2072 ON 06/13/23, WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE IS THE PROPERTY OF FAIN CUPPETT LANDSCAPE ARCHITECTS, LLC. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF ARCHITECTURAL EXAMINERS. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE BOARD OF ARCHITECTURE EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

**PRESERVE OF HEARN PLACE**  
 2675 EAST BRAND ROAD  
 GARLAND, TEXAS



**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**3. b.**

**Meeting Date:** 08/01/2023

**Item Title:** Z 21-41 Homeyer Engineering (District 3)

**Submitted By:** Will Guerin, Planning Director

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**Summary of Request/Problem**

Zoning Ordinance Z 21-41 Homeyer Engineering

**Recommendation/Action Requested and Justification**

Consider adoption of the attached ordinance.

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**Attachments**

Z 21-41 Ordinance

Z 21-41 Exhibit A

Z 21-41 Exhibit B

Z 21-41 Exhibits C-E

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A CHANGE IN ZONING FROM SINGLE-FAMILY-7 (SF-7) DISTRICT AND AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR SINGLE-FAMILY ATTACHED USES; 2) AN ALLEY WAIVER AND 3) A DETAIL PLAN FOR SINGLE-FAMILY ATTACHED (SFA) DEVELOPMENT ON A 2.262-ACRE TRACT OF LAND LOCATED 1306 AND 1314 ROWLETT ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of June 2023, the Plan Commission did consider and make recommendations on a certain request for 1) a Change in Zoning from Single-Family-7 (SF-7) District and Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses; 2) an Alley Waiver and 3) a Detail Plan for Single-Family Attached (SFA) development by **Homeyer Engineering**; and

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

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

**Section 1**

The Garland Development Code is hereby amended by approving for 1) a Change in Zoning from Single-Family-7 (SF-7) District and Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses; 2) an Alley Waiver and 3) a Detail Plan for Single-Family Attached (SFA) development on a 2.262-acre tract of land located at 1306 and 1314 Rowlett Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2**

FILE NO. Z 21-41

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

### **Section 3**

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

### **Section 4**

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

### **Section 5**

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

### **Section 6**

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

### **Section 7**

FILE NO. Z 21-41

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Published:**



**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 21-41**

TRACT ONE:

BEING LOT I, BLOCK 1 OF ANDERSON ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 74062, PAGE 1331, PLAT RECORDS OF DALLAS COUNTY, TEXAS. SA VE AND EXCEPT THAT PORTION OF PROPERTY A WARDED TO THE CITY OF GARLAND IN AGREED JUDGMENT FILED NOVEMBER 30, 1990, RECORDED IN VOLUME 90233, PAGE 2317, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS. THIS HEREIN DESCRIBED TRACT OF LAND CONTAINS 19,906.39 SQUARE FEET OR 0.4570 OF AN ACRE OF LAND.

TRACT TWO:

BEING A TRACT OR PARCEL OF LAND OUT OF THE JOHN L. ANDERSON SURVEY, ABSTRACT No. 25, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND CONVEYED TO JAMES L. BENSON AND LANA J. BENSON FROM ETHEL FRAME BY QUITCLAIMED DEED RECORDED IN VOLUME 88102, PAGE 2537, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS;

BEGINNING AT A 1/2 INCH REBAR SET WITH CAP LABELED "AMA YA 5855" AT THE NORTH CORNER OF ANDERSON ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 74062, PAGE 1331, PLAT RECORDS OF DALLAS COUNTY, TEXAS, BEING ON THE SOUTHEAST RIGHT OF WAY OF ROWLETT ROAD AND BEING IN A CURVE TO THE LEFT, HAVING A RADIUS OF 704.80 FEET, FROM WHICH A 1/2 INCH REBAR

ZONING FILE NUMBER Z 21-41

FOUND FOR WITNESS BEARS SOUTH 45° 29' 52" EAST FOR A DISTANCE OF 0.79 FEET;

THENCE WITH SAID SOUTHEAST RIGHT OF WAY OF ROWLETT ROAD AND CURVE TO THE LEFT PASSING THROUGH A CENTRAL ANGLE OF 02° 19' 03", AN ARC DISTANCE OF 28.51 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 45° 57' 32" EAST- 28.51 FEET TO A 5/8 INCH REBAR FOUND;

THENCE NORTH 44° 48' 01" EAST, WITH SAID SOUTHEAST RIGHT OF WAY OF ROWLETT ROAD, FOR A DISTANCE OF 143.65 FEET TO A 1/2 INCH REBAR SET WITH CAP LABELED "AMA YA 5855" AT THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE, DEPARTING SAID SOUTHEAST RIGHT OF WAY OF ROWLETT ROAD, SOUTH 58° 28' 58" EAST, PASSING A 1/2 INCH REBAR WITH CAP LABELED "TURLEY 2114" FOUND AT THE NORTHWEST CORNER OF WELLINGTON RUN - No.I, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2000196, PAGE 56, PLAT RECORDS OF DALLAS COUNTY, TEXAS, AT A DISTANCE OF 11.0 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 290.98 FEET TO A 1/2 INCH REBAR FOUND ON THE SOUTHWEST RIGHT OF WAY OF A 20 FOOT ALLEY RIGHT OF WAY, AND BEING AT AN ELL CORNER OF SAID WELLINGTON RUN - No. 1, AND BEING THE NORTH CORNER OF LOT 6, BLOCK 2 OF SAID ADDITION;

THENCE, DEPARTING SAID ALLEY RIGHT OF WAY, SOUTH 43° 04' 55" WEST FOR A DISTANCE OF 404.98 FEET TO A 1/2 INCH REBAR SET WITH CAP LABELED "AMAYA 5855" ON THE NORTHEAST RIGHT OF WAY OF SOUTH COUNTRY CLUB ROAD, AND BEING IN A CURVE TO THE LEFT, HA VINO A RADIUS OF 951.74 FEET, FROM WHICH A 1/2 INCH REBAR WITH CAP LABELED "TURLEY 2114" FOUND AT THE WEST CORNER OF LOT 10, BLOCK 2 OF SAID WELLINGTON RUN - No.I, FOR WITNESS BEARS NORTH 43° 04' 55" EAST, AT A DISTANCE OF 14.29 FEET;

**EXHIBIT A**

ZONING FILE NUMBER Z 21-41

THENCE WITH SAID NORTHEAST RIGHT OF WAY OF SOUTH COUNTRY CLUB ROAD AND CURVE TO THE LEFT, PASSING THROUGH A CENTRAL ANGLE OF 15° 02' 11", AN ARC DISTANCE OF 249.77 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 34° 04' 03" WEST-249.06 FEET TO A 1/2 INCH REBAR SET WITH CAP LABELED "AMAYA 5855" ON THE SOUTHWEST LINE OF SAID ANDERSON ADDITION, AND BEING THE SOUTH CORNER OF THAT PORTION OF PROPERTY AWARDED TO THE CITY OF GARLAND IN AGREED JUDGMENT FILED NOVEMBER 30, 1990, RECORDED IN VOLUME 90233, PAGE 2317, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS;

THENCE, DEPARTING SAID NORTHEAST RIGHT OF WAY OF SOUTH COUNTRY CLUB ROAD, SOUTH 51 ° 29' 52" EAST FOR A DISTANCE OF 120.10 FEET TO A 1/2 INCH REBAR SET WITH CAP LABELED "AMAYA 5855" AT THE SOUTH CORNER OF SAID ANDERSON ADDITION; THENCE NORTH 44° 30' 08" EAST, FOR A DISTANCE OF 105.41 FEET TO A 1/2 INCH REBAR FOUND AT THE EAST CORNER OF SAID ANDERSON ADDITION, AND BEING AN ELL CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 45° 29' 52" WEST, FOR A DISTANCE OF 170.38 FEET TO THE POINT OF BEGINNING, AND CONTAINING 78,636.54 SQUARE FEET OR 1.805 ACRES OF LAND.

**EXHIBIT A**

**PLANNED DEVELOPMENT CONDITIONS**

**ZONING FILE Z 21-41**

**1306 and 1314 Rowlett Road**

**I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for twenty (20) Single-Family Attached (Townhouse) and four (4) HOA lots.

**II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, and Single-Family-Attached (SFA) District, as amended prior to adoption of this ordinance, except as specifically provided herein.

**III. General Regulations:** All regulations of the Single-Family-Attached(SFA) District as set forth in Chapter 2 of the Garland Development Code included by reference and shall apply, except as otherwise specified by this ordinance.

**IV. Development Plans:**

Detail Plan: Development shall conform to the Site Plan and Landscape Plan set forth in Exhibit C, Exhibit D, and Exhibit E; however, in the event of conflict between the Detail Plan and the written conditions contained in this ordinance, the written conditions shall control.

**V. Specific Conditions:**

A. Permitted Uses: Only Dwelling, Single-Family-Attached (SFA) units are permitted.

B. Maximum Number of Lots: A total of twenty (20) single-family attached units shall be permitted.

C. Minimum Lot Area: The minimum lot area shall be 1,650 square feet and as reflected in Exhibit C.

D. Minimum Lot Depth: The minimum lot depth shall be sixty (60) feet and the lot depth is measured between the lot lines.

E. Minimum Dwelling Size: The minimum dwelling size shall be 1,400 square feet.

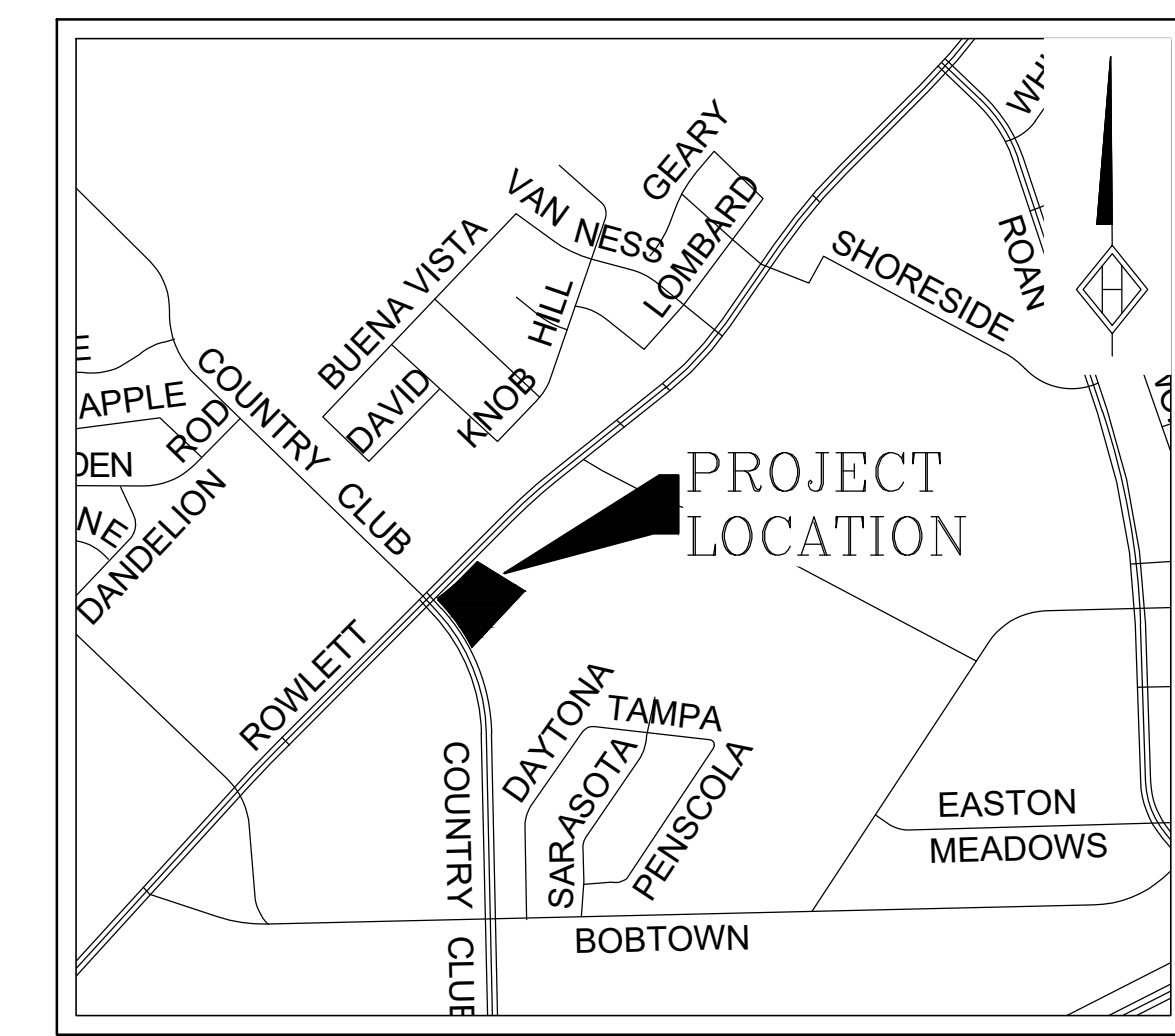
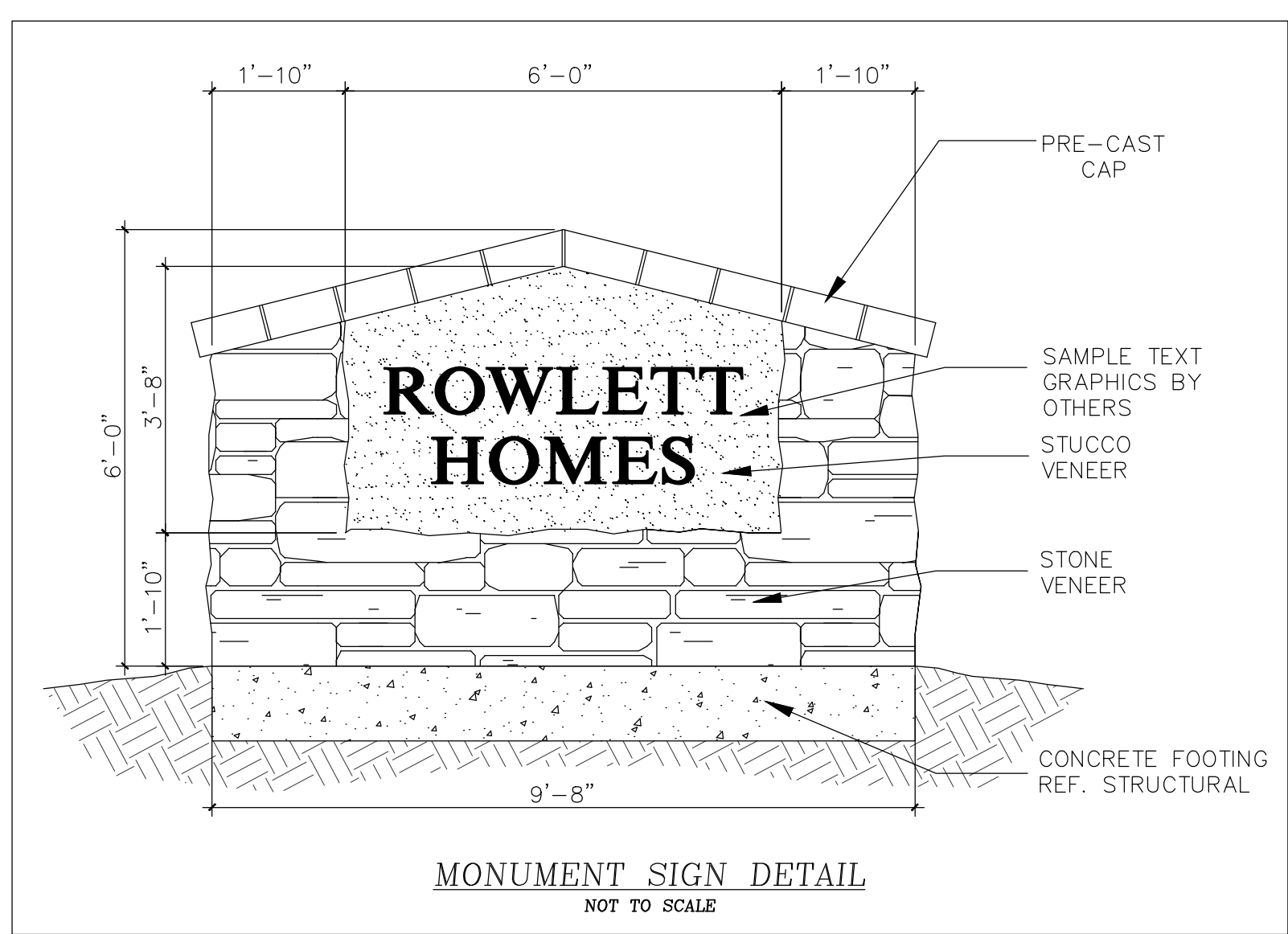
- F. Alleys: Alleys shall not be required for eight (8) single-family attached lots as reflected in Exhibit C.
- G. Screening and Landscaping: Screening and landscaping shall be in conformance with the Landscape Plan set forth in Exhibit D.
- H. Open Space and Amenities: Open Space and Amenities shall be provided as shown in Exhibit D.
- I. Signage: All signs shall meet the Garland Development Code requirements.
- J. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.
- K. Homeowners Association: A Homeowners Association shall be incorporated, and each lot/homeowner shall be a mandatory member. The bylaws and/or declaration of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; shall obligate the association, through assessment of homeowners, to maintain all open space areas; and other provisions as deemed appropriate to secure a sound and stable association.
- L. Maintenance of Open/Common Space and Landscaped Areas, Entry Features, Access Easements, and Amenities in HOA Lots: Pursuant to the declaration for the Homeowner's Association, the Homeowners Association shall be obligated to repair and maintain all common areas of the community (including open/common space, landscaped areas, entry features, access easements, and amenities in HOA lots) and the bylaws and/or declaration for the association shall authorize the association to pay for the cost thereof through the assessment of homeowners within the community.

The landscaping and fencing along Rowlett Road and South Country Club Road located within private townhouse lots shall be maintained by the Homeowner's Association.

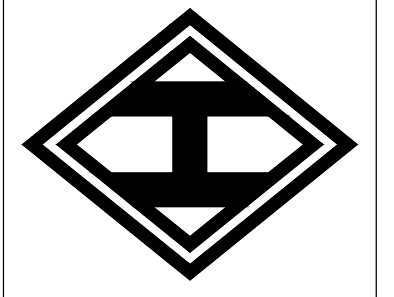
- M. Required Assessments and Reserves: The declaration for the Homeowner's Association shall provide that each homeowner owning a real property interest in a residential lot within the community land shall be obligated to pay assessments to the Homeowners Association to pay for the operation and common expenses of the association, including, without limitation, the repair and maintenance of association common areas, including repairing, maintaining or replacing the association screening walls and perimeter fences. If the Homeowners Association fails to perform the above-described maintenance due to lack of funds, the Homeowners Association shall assess members on a pro rata basis for the cost of performing such maintenance and shall thereafter promptly and diligently perform the maintenance required. To help ensure that funds will be available to perform such maintenance, the Homeowners Association shall establish and maintain a reserve fund for the periodic maintenance, repair and replacement of association improvements, which shall include adequate reserves for the expected future costs to repair, maintain and replace association screening walls and perimeter fences.
- N. City's Right to Enforce: The declaration for the Homeowner's Association shall contain a provision stating that if the Homeowner's Association fails to maintain an association screening wall or perimeter fence in good repair, then the City may send written notice to the Homeowner's Association demanding the proper repair and maintenance of such screening wall or perimeter fence. If the Homeowner's Association has not repaired or replaced such screening wall or perimeter fence within 120 days after the date of the City's written notice to the Homeowner's Association, the City shall have the right, but not the obligation, to exercise all access easements and other rights of the Homeowners Association to repair and/or replace, as necessary, such screening wall or perimeter fence and to charge all reasonable costs incurred therefor to the Homeowners Association. The Homeowner's Association shall promptly pay such costs to the City upon completion of the repairs and/or replacement upon written demand by the City. If the reserves required by these conditions and the declaration are not sufficient to fully reimburse the City, the

Homeowner's Association shall assess its members for the funds necessary to fully reimburse the City and to re-establish its required reserves. Such provision in the declaration for the Homeowner's Association shall further state that such provision may not be amended or modified without the prior written consent of the City.





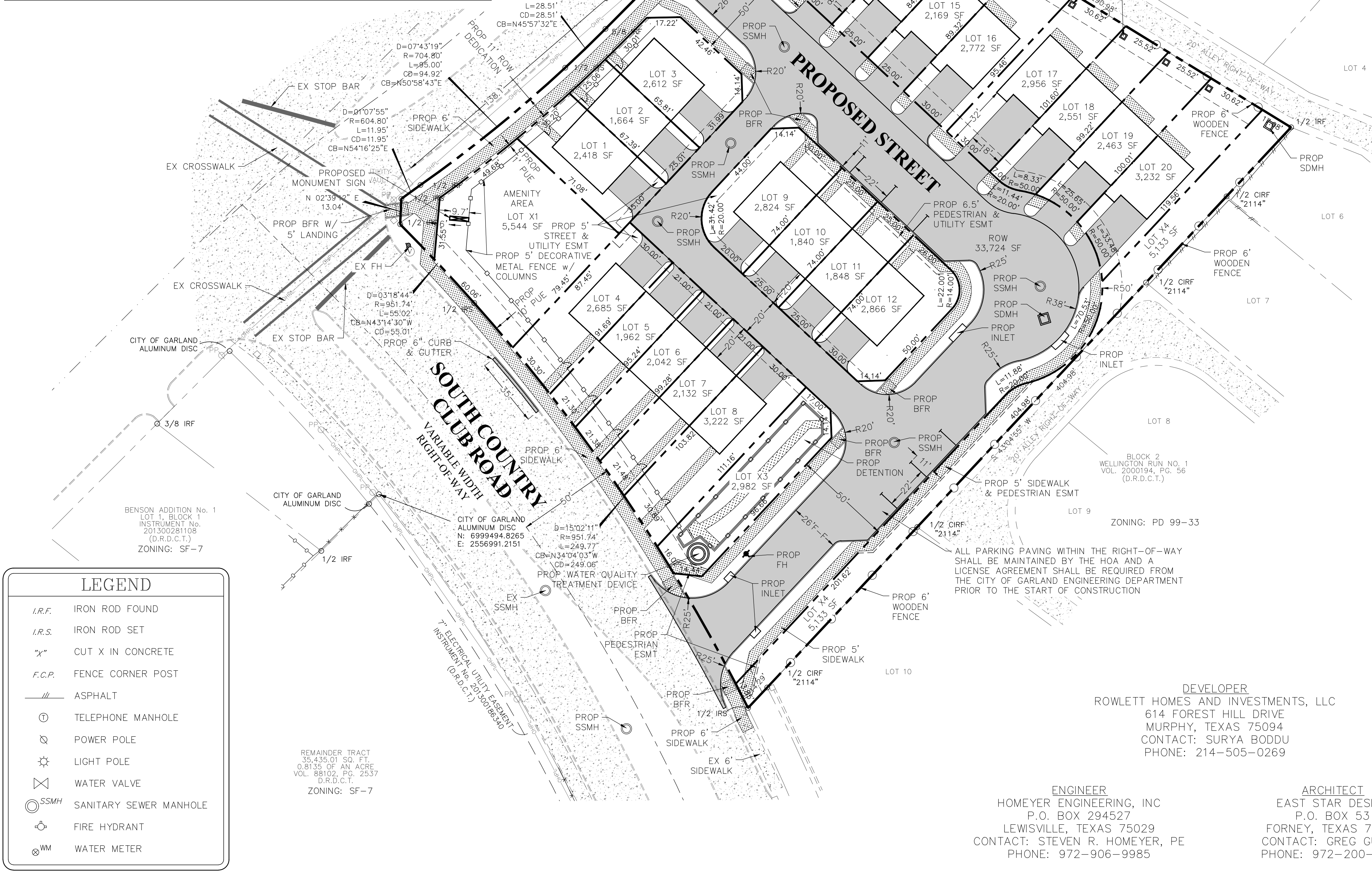
**HOMEYER ENGINEERING, INC.**  
 ENGINEERING FIRM REGISTRATION NO. F-8440  
 T.B.P.E.L.S. BOX 294527 • LEWISVILLE, TEXAS • 75029  
 972-906-9985 • PHONE • 972-906-9987 FAX  
 WWW.HEI.US.COM



GARLAND TOWNHOMES  
 1306 & 1314 ROWLETT ROAD  
 2.26 ACRES  
 CITY OF GARLAND  
 DALLAS COUNTY, TEXAS

PRELIMINARY  
 SITE PLAN

DRAWN: SRH  
 DATE: 07/20/2021  
 HEI #: 21-0604  
 SHEET NO:  
 C1



SITE INFORMATION	
PROPOSED TOWNHOMES:	20 UNITS
FRONT LOADED LOTS:	8
REAR LOADED LOTS:	12
PROPOSED HOA LOTS:	4
PROPOSED BUILDING HEIGHT:	2 STORIES (33'-5")
PROPOSED TOWNHOME AREA:	1,800 SF EACH
OVERALL SITE AREA:	98,543 SF (2.26 ACRES)
SITE AREA:	74,987 SF (1.72 ACRES)
RIGHT-OF-WAY DEDICATION AREA:	23,556 SF (0.54 ACRES)
PROPOSED LANDSCAPE AREA:	19,049 SF (25.4%)
LOT DENSITY:	8.84 LOTS/ACRE
PARKING PROVIDED:	4 SPACES PER UNIT (2 INTERIOR/2 EXTERIOR)
GUEST PARKING PROVIDED:	8 SPACES
LOT INFORMATION:	
INTERIOR LOT WIDTH:	20 FEET
END CAP LOT WIDTH:	30 FEET
MINIMUM LOT DEPTH:	60 FT
MINIMUM LOT AREA:	1,650 SF
MAXIMUM LOT COVERAGE:	75%
FRONT YARD SETBACK:	10 FT
SETBACK FOR GARAGE:	20 FT
INTERIOR REAR YARD SETBACK:	5 FT
REAR YARD SETBACK ADJACENT TO STREET:	10 FT
INTERIOR SIDE YARD SETBACK:	5 FT
SIDE YARD SETBACK ADJACENT TO STREET:	10 FT

LEGEND	
I.R.F.	IRON ROD FOUND
I.R.S.	IRON ROD SET
"X"	CUT X IN CONCRETE
F.C.P.	FENCE CORNER POST
///	ASPHALT
⊙	TELEPHONE MANHOLE
⊙	POWER POLE
⊙	LIGHT POLE
⊙	WATER VALVE
⊙ <sup>SSMH</sup>	SANITARY SEWER MANHOLE
⊙	FIRE HYDRANT
⊙ <sup>WM</sup>	WATER METER

**DEVELOPER**  
 ROWLETT HOMES AND INVESTMENTS, LLC  
 614 FOREST HILL DRIVE  
 MURPHY, TEXAS 75094  
 CONTACT: SURYA BODDU  
 PHONE: 214-505-0269

**ENGINEER**  
 HOMEYER ENGINEERING, INC  
 P.O. BOX 294527  
 LEWISVILLE, TEXAS 75029  
 CONTACT: STEVEN R. HOMEYER, PE  
 PHONE: 972-906-9985

**ARCHITECT**  
 EAST STAR DESIGN  
 P.O. BOX 53  
 FORNEY, TEXAS 75126  
 CONTACT: GREG GUERIN  
 PHONE: 972-200-7340

**PRELIMINARY PLANS**  
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
 STEVEN R. HOMEYER, PE # 86942  
 DATE: 06/05/2023

CASE NUMBER 210401-2

H:\s\1306 & 1314 ROWLETT RD\1306 & 1314 ROWLETT RD.dwg, 07/20/2021, 10:48 AM, SRH



EXHIBIT D

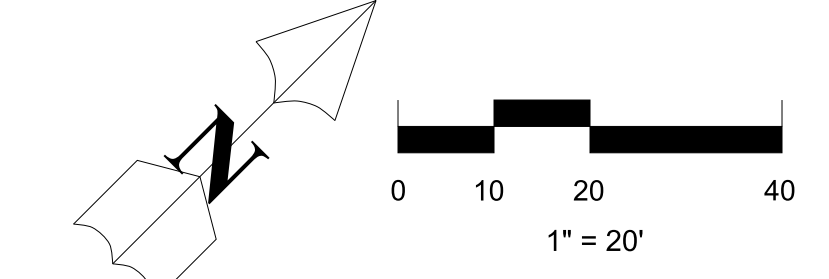
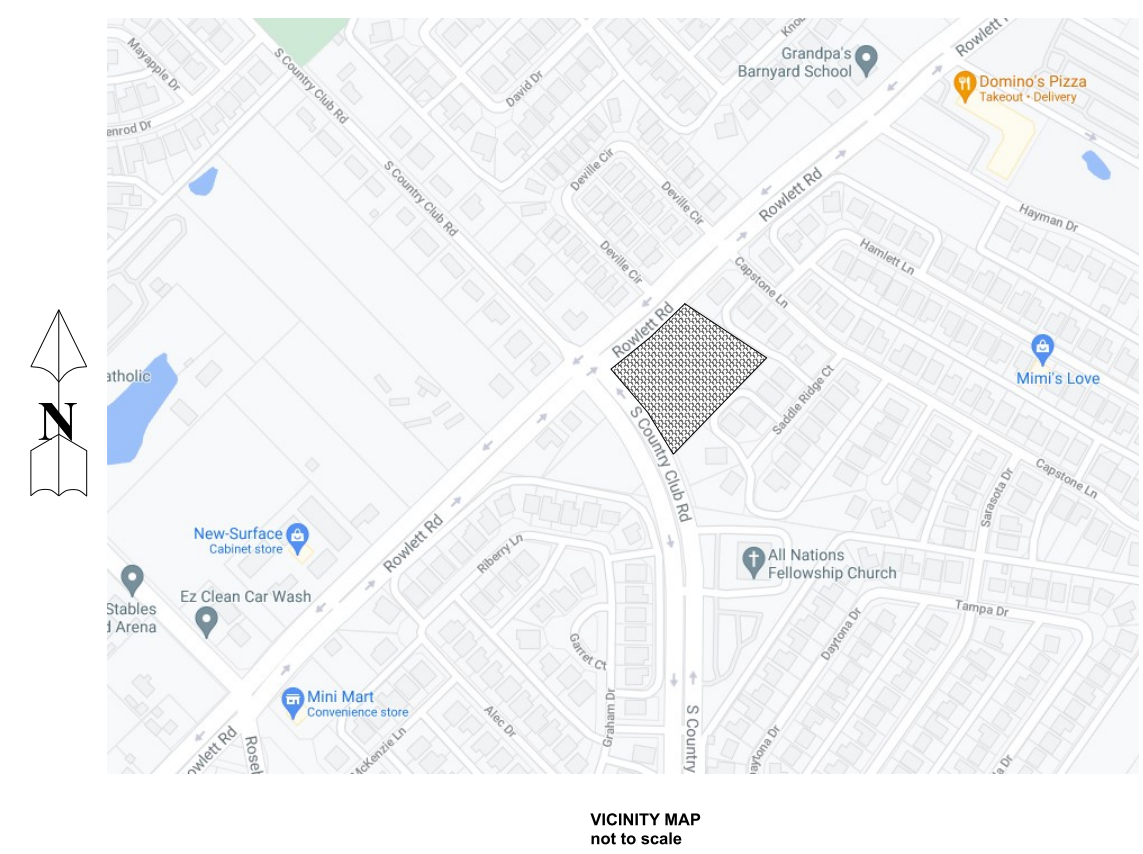
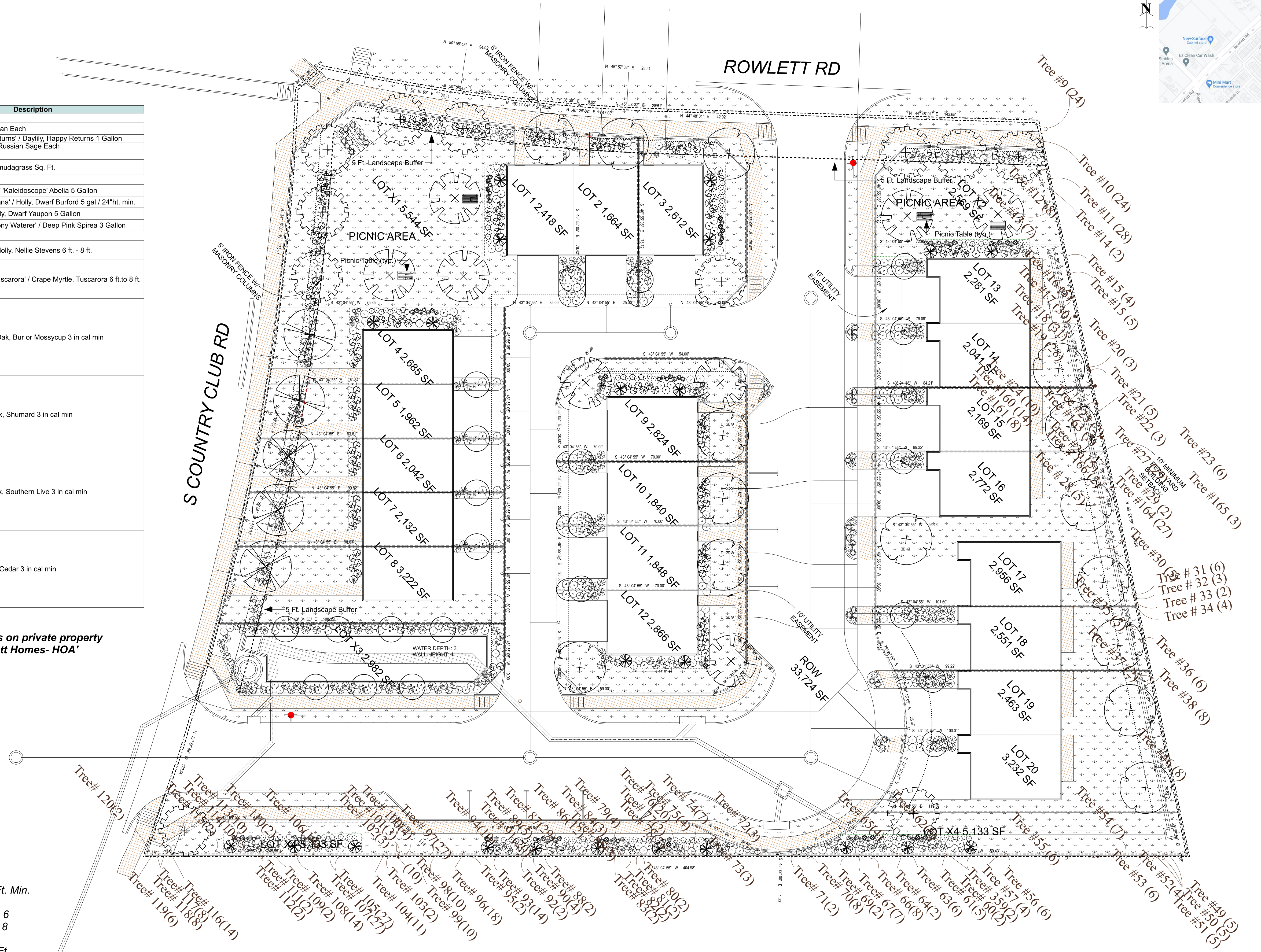
Quantity	Symbol	Description
<b>Annuals-Perennials</b>		
28	☼	Diets vegeta / Iris, African Each
137	⊙	Hemerocallis 'Happy Returns' / Daylily, Happy Returns 1 Gallon
147	⊙	Perovskia atriplicifolia / Russian Sage Each
<b>Ground Cover-Vines</b>		
34409	—	Cynodon dactylon / Bermudagrass Sq. Ft.
<b>Shrubs Under 4 Feet</b>		
272	⊙	Abelia x 'Kaleidoscope' / 'Kaleidoscope' Abelia 5 Gallon
4	⊙	Ilex cornuta 'Burfordii Nana' / Holly, Dwarf Burford 5 gal / 24"ht. min.
315	⊙	Ilex vomitoria nana / Holly, Dwarf Yaupon 5 Gallon
268	⊙	Spirea x bumalda 'Anthony Waterer' / Deep Pink Spirea 3 Gallon
<b>Trees</b>		
23	⊙	Ilex x 'Nellie Stevens' / Holly, Nellie Stevens 6 ft. - 8 ft.
23	⊙	Lagerstroemia indica 'Tuscarora' / Crape Myrtle, Tuscarora 6 ft to 8 ft.
8	⊙	Quercus macrocarpa / Oak, Bur or Mossycup 3 in cal min
11	⊙	Quercus shumardii / Oak, Shumard 3 in cal min
5	⊙	Quercus virginiana / Oak, Southern Live 3 in cal min
15	⊙	Ulmus crassifolia / Elm, Cedar 3 in cal min

All common landscape areas on private property will be maintained by 'Rowlett Homes- HOA'

Landscape Buffer - 1 Tree per 50 Ft. Min.  
Rowlett Rd - 288 Ft.  
Trees Required - 6  
Trees Provided - 8

S Country Club Rd - 305 Ft.  
Trees Required - 7  
Trees Provided - 9

Common Area - 16921 Sq. Ft. - 1 tree per 2500 Sq. Ft.  
Trees Required - 7 Trees  
Trees Provided - 7 Trees

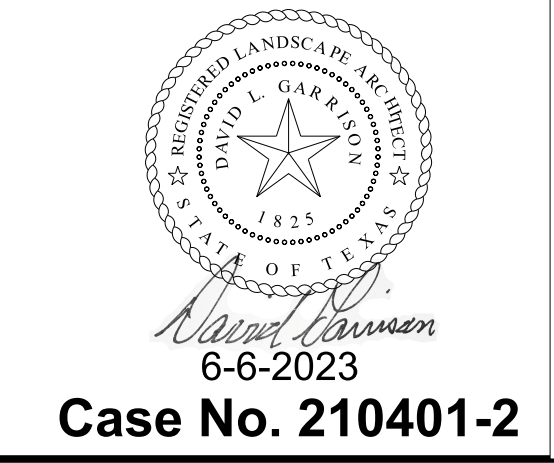


**DAVID L. GARRISON**  
Landscape Design Studio  
4445 Eldorado Drive  
Plano, Texas 75093  
214-668-4163  
david@iplanlandscapes.com

**LANDSCAPE PLAN**

**TOWNHOMES**  
1036 & 1014 Rowlett Rd.  
Garland, TX

<b>REVISIONS:</b>	None
<b>DATE:</b>	12-6-2021
<b>JOB NUMBER:</b>	210731
<b>DRAWN BY:</b>	David G
<b>CHECKED BY:</b>	N/A
<b>SCALE:</b>	1" = 20'
<b>SHEET:</b>	L - 1



Case No. 210401-2



EXHIBIT E



① Front Elevation  
1/4" = 1'-0"

- BR-1 BR-1  
BRICK STACK BOND  
COLOR #1
- BR-2 BR-2  
BRICK STACK BOND  
COLOR #2
- BR-3 BR-3  
BRICK RUNNING BOND  
COLOR #3
- FCB-1 FCB-1  
FIBER CEMENT BOARD  
6" LAP SIDING  
JAMES HARDIE OR EQ.
- FCB-2 FCB-2  
FIBER CEMENT BOARD  
VERTICAL SIDING  
JAMES HARDIE OR EQ.
- FCB-3 FCB-3  
FIBER CEMENT BOARD  
4" LAP SIDING  
JAMES HARDIE OR EQ.
- P-1 P-1  
PAINT  
TRIM COLOR
- R-1 R-1  
ROOFING  
COMPOSITION SHINGLE  
ARCHITECTURAL  
GAF TIMBERLINE HDZ  
HIGH DEFINITION SHINGLES

○ Material Legend  
1/4" = 1'-0"

Owner: Rowlett Homes & Investment, LLC Surya Boddur 214-505-0269 GarlandRH@gmail.com	Engineer:	Architect:  EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA (972) 200-7340 www.EastStarDesign.com Architect@EastStarDesign.com TX Firm Reg. # BR 1785																		
<b>Townhomes (Alley)</b> 1306 & 1314 Rowlett Rd Garland, TX																				
<b>Front Elevation</b>																				
Revisions: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date																Seal: <b>NOT FOR CONSTRUCTION</b>  THIS DOCUMENT MAY NOT BE USED FOR CONSTRUCTION, PERMITTING, OR REGULATORY APPROVAL  <small>Greg Guerin Architect TX License # 22011</small>	Project number: <b>21024</b> Date: 5/9/2023 10:26:08 PM Drawn by: <b>GG</b> Checked by: <b>-</b>  <div style="font-size: 24px; font-weight: bold; text-align: center;">A14</div> Scale: 1/4" = 1'-0"
No.	Description	Date																		



1 Rear Alley Elevation  
1/4" = 1'-0"

GDC Section 4.84 Residential Design

MINIMUM OF (5) ARCHITECTURAL ELEMENTS

- i. Multiple pane windows featuring either divided light or simulated divided light;
- ii. A front porch area enclosed by a railing at least thirty inches in height, and containing decorative columns at least six inches in diameter;
- iii. Gable(s) with window(s);
- iv. Dormer(s);
- v. Bay windows with a minimum projection of twenty-four inches;
- vi. Minimum 8:12 roof pitch;
- vii. Split garage doors with a separate door for each vehicle bay; or
- viii. Front covered porch with at least forty square feet of usable space, and a minimum depth of five feet.

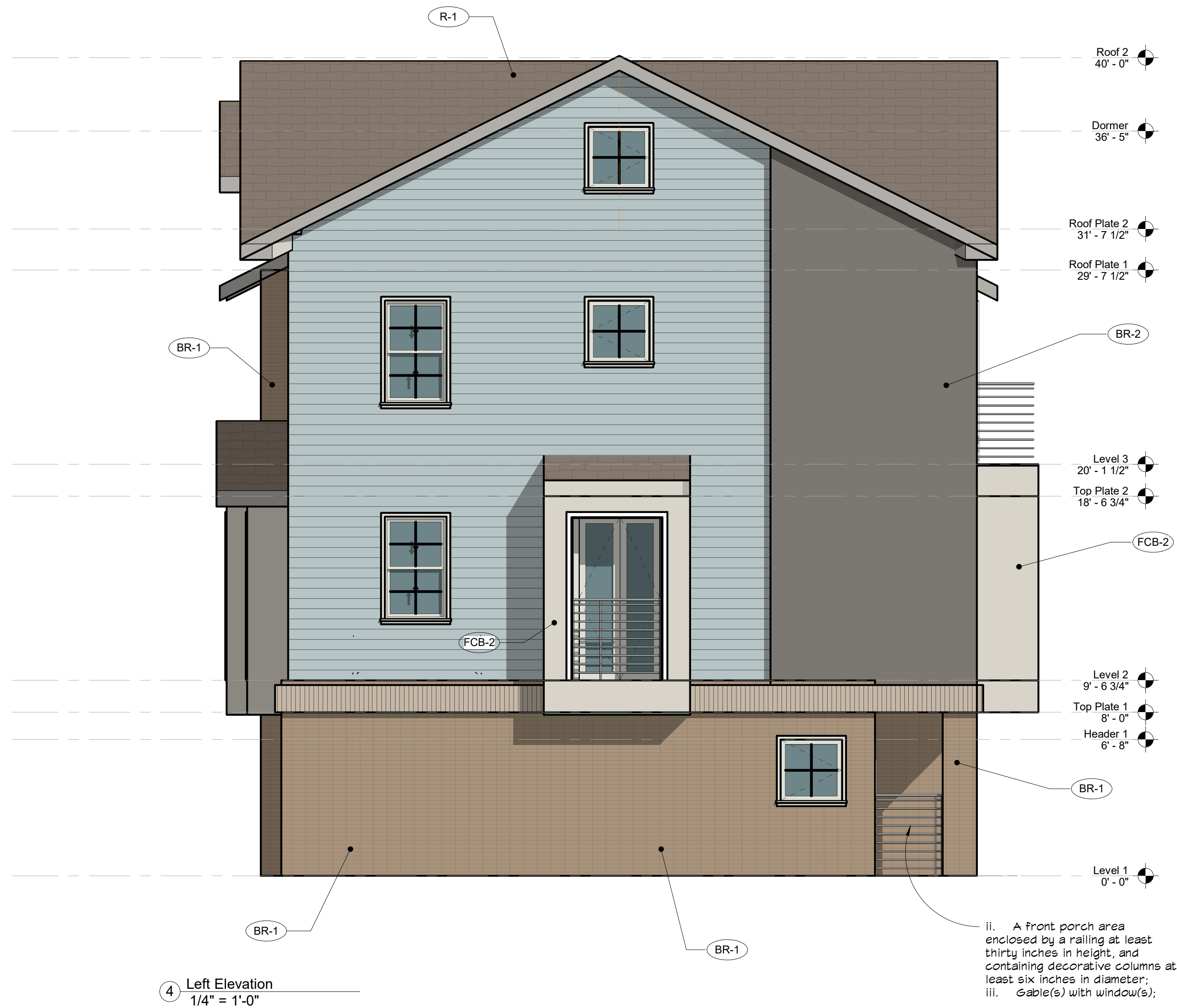
- (d) Walls & Windows. Windows and doors must comprise at least twenty-five percent of the wall area of the front building face of a dwelling.
- (e) Roof Design.
  - i. A roof pitch of at least 8:12 is required for each dwelling unit.
  - ii. Each dwelling unit must be constructed with a roof overhang of not less than eighteen inches, as measured from the finished exterior building facade to the soffit.

- BR-1 BR-1 BRICK STACK BOND COLOR #1
- BR-2 BR-2 BRICK STACK BOND COLOR #2
- BR-3 BR-2 BRICK RUNNING BOND COLOR #3
- FCB-1 FCB-1 FIBER CEMENT BOARD 6" LAP SIDING JAMES HARDIE OR EQ.
- FCB-2 FCB-2 FIBER CEMENT BOARD VERTICAL SIDING JAMES HARDIE OR EQ.
- FCB-3 FCB-2 FIBER CEMENT BOARD 4" LAP SIDING JAMES HARDIE OR EQ.
- P-1 P-1 PAINT TRIM COLOR
- R-1 R-1 ROOFING COMPOSITION SHINGLE ARCHITECTURAL GAF TIMBERLINE HDZ HIGH DEFINITION SHINGLES

Material Legend  
1/4" = 1'-0"

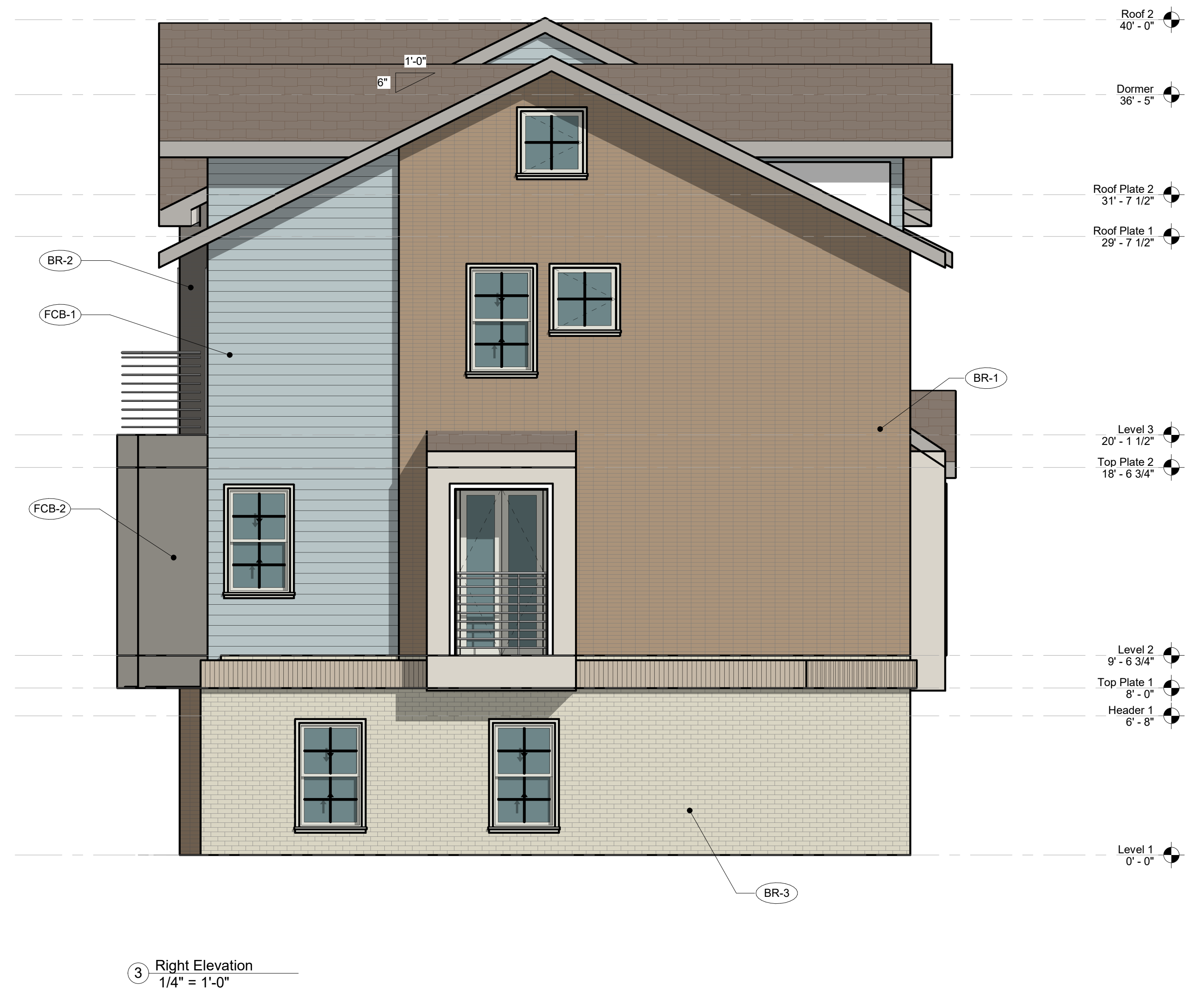
Owner: Rowlett Homes & Investment, LLC Surya Boddu 214-505-0269 GarlandRH@gmail.com	Engineer:	Architect:  EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA (972) 200-7340 www.EastStarDesign.com Architect@EastStarDesign.com TX Firm Reg. # BR 1785																		
<b>Townhomes (Alley)</b> 1306 & 1314 Rowlett Rd Garland, TX																				
<b>Rear Alley Elevation</b>																				
Revisions: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date																Seal: <b>NOT FOR CONSTRUCTION</b>  THIS DOCUMENT MAY NOT BE USED FOR CONSTRUCTION, PERMITTING, OR REGULATORY APPROVAL Greg Guerin Architect TX License # 22011	Project number: 21024 Date: 5/9/2023 10:26:14 PM Drawn by: GG Checked by: - <div style="font-size: 24px; font-weight: bold; text-align: center;">A15</div> Scale 1/4" = 1'-0"
No.	Description	Date																		





④ Left Elevation  
1/4" = 1'-0"

ii. A front porch area enclosed by a railing at least thirty inches in height, and containing decorative columns at least six inches in diameter;  
iii. Gable(s) with window(s);



③ Right Elevation  
1/4" = 1'-0"

- BR-1 BR-1 BRICK STACK BOND COLOR #1
- BR-2 BR-2 BRICK STACK BOND COLOR #2
- BR-3 BR-2 BRICK RUNNING BOND COLOR #3
- FCB-1 FCB-1 FIBER CEMENT BOARD 6" LAP SIDING JAMES HARDIE OR EQ.
- FCB-2 FCB-2 FIBER CEMENT BOARD VERTICAL SIDING JAMES HARDIE OR EQ.
- FCB-3 FCB-2 FIBER CEMENT BOARD 4" LAP SIDING JAMES HARDIE OR EQ.
- P-1 P-1 PAINT TRIM COLOR
- R-1 R-1 ROOFING COMPOSITION SHINGLE ARCHITECTURAL GAF TIMBERLINE HDZ HIGH DEFINITION SHINGLES

Material Legend  
1/4" = 1'-0"

Owner: Rowlett Homes & Investment, LLC Surya Boddu 214-505-0269 GarlandRH@gmail.com	Engineer:	Architect:  EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA (972) 200-7340 www.EastStarDesign.com Architect@EastStarDesign.com TX Firm Reg. # BR 1785
<b>Townhomes (Alley)</b> 1306 & 1314 Rowlett Rd Garland, TX		
<b>Side Elevations</b>		
Revisions:	Seal:	Project number: 21024
No. Description Date	<b>NOT FOR CONSTRUCTION</b>	Date: 5/9/2023 10:26:23 PM
	THIS DOCUMENT MAY NOT BE USED FOR CONSTRUCTION, PERMITTING, OR REGULATORY APPROVAL	Drawn by: GG
		Checked by: -
	Greg Guerin Architect TX License # 22011	<b>A16</b>
		Scale 1/4" = 1'-0"



1 Front Elevation  
1/4" = 1'-0"

ii. A front porch area enclosed by a railing at least thirty inches in height, and containing decorative columns at least six inches in diameter;  
iii. Gable(s) with window(s);

GDC Section 4.84 Residential Design

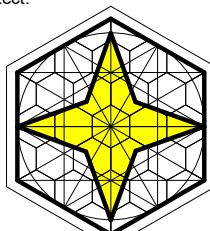
MINIMUM OF (3) ARCHITECTURAL ELEMENTS

- i. Multiple pane windows featuring either divided light or simulated divided light;
- ii. A front porch area enclosed by a railing at least thirty inches in height, and containing decorative columns at least six inches in diameter;
- iii. Gable(s) with window(s);
- iv. Dormer(s);
- v. Bay windows with a minimum projection of twenty-four inches;
- vi. Minimum 8:12 roof pitch;
- vii. Split garage doors with a separate door for each vehicle bay; or
- viii. Front covered porch with at least forty square feet of usable space, and a minimum depth of five feet.

- (d) Walls & Windows. Windows and doors must comprise at least twenty-five percent of the wall area of the front building face of a dwelling.
- (e) Roof Design.
  - i. A roof pitch of at least 8:12 is required for each dwelling unit.
  - ii. Each dwelling unit must be constructed with a roof overhang of not less than eighteen inches, as measured from the finished exterior building facade to the soffit.

- (BR-1) BR-1 BRICK STACK BOND COLOR #1
- (BR-2) BR-2 BRICK STACK BOND COLOR #2
- (BR-3) BR-2 BRICK RUNNING BOND COLOR #3
- (FCB-1) FCB-1 FIBER CEMENT BOARD 6" LAP SIDING JAMES HARDIE OR EQ.
- (FCB-2) FCB-2 FIBER CEMENT BOARD VERTICAL SIDING JAMES HARDIE OR EQ.
- (FCB-3) FCB-2 FIBER CEMENT BOARD 4" LAP SIDING JAMES HARDIE OR EQ.
- (P-1) P-1 PAINT TRIM COLOR
- (R-1) R-1 ROOFING COMPOSITION SHINGLE ARCHITECTURAL GAF TIMBERLINE HDZ HIGH DEFINITION SHINGLES

Material Legend  
1/4" = 1'-0"

Owner: Rowlett Homes & Investment, LLC Surya Boddu 214-505-0269 GarlandRH@gmail.com	Engineer:	Architect:  EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA (972) 200-7340 www.EastStarDesign.com Architect@EastStarDesign.com TX Firm Reg. # BR 1785																		
<b>Townhomes</b> 1306 & 1314 Rowlett Rd Garland, TX																				
<b>Front Elevation</b>																				
Revisions:	Seal: <b>NOT FOR CONSTRUCTION</b>	Project number: 21024 Date: 4/24/2023 9:18:01 PM																		
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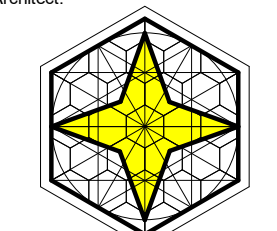


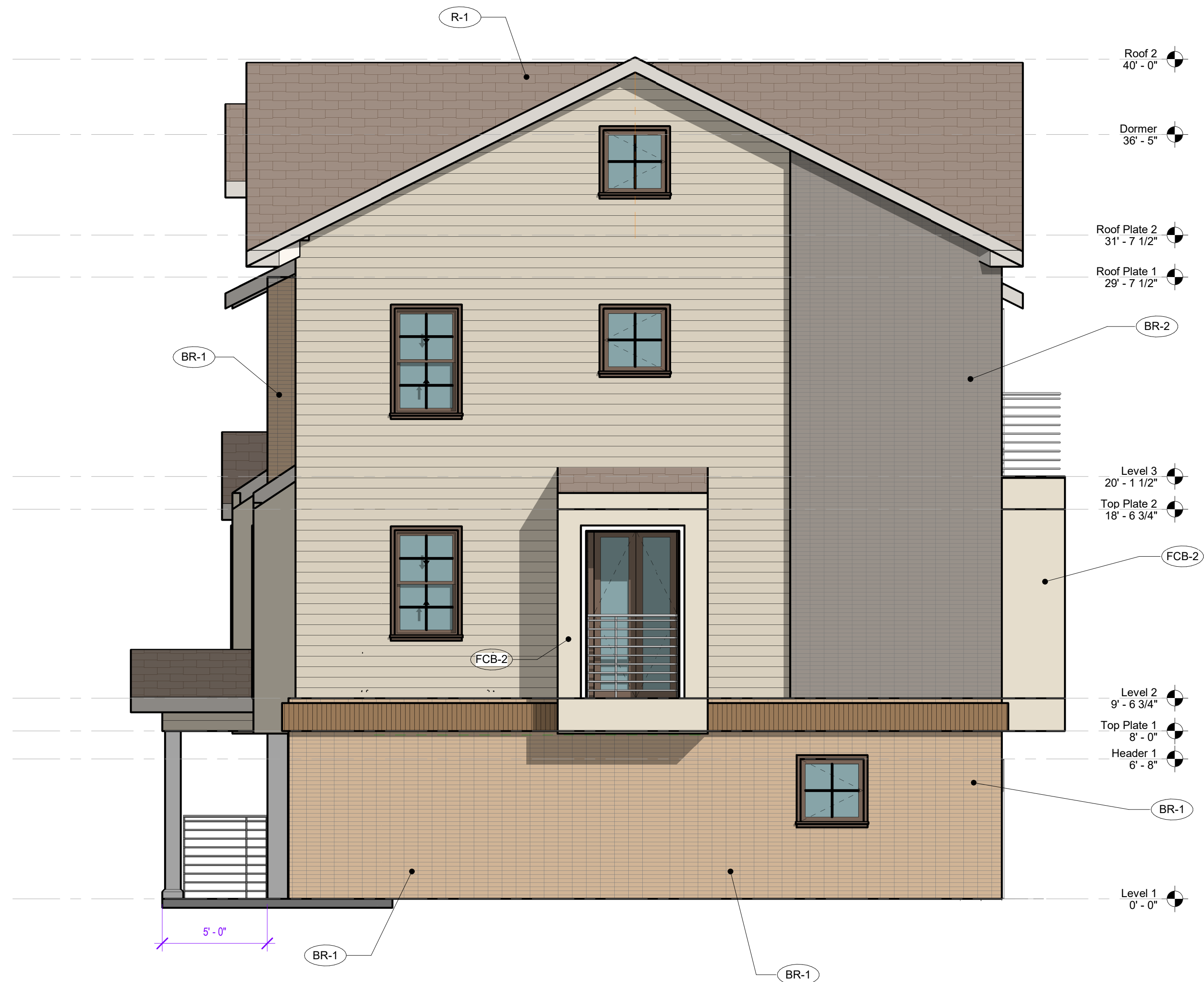


1 Rear Elevation  
1/4" = 1'-0"

- BR-1** BR-1 BRICK STACK BOND COLOR #1
- BR-2** BR-2 BRICK STACK BOND COLOR #2
- BR-3** BR-2 BRICK RUNNING BOND COLOR #3
- FCB-1** FCB-1 FIBER CEMENT BOARD 6" LAP SIDING JAMES HARDIE OR EQ.
- FCB-2** FCB-2 FIBER CEMENT BOARD VERTICAL SIDING JAMES HARDIE OR EQ.
- FCB-3** FCB-2 FIBER CEMENT BOARD 4" LAP SIDING JAMES HARDIE OR EQ.
- P-1** P-1 PAINT TRIM COLOR
- R-1** R-1 ROOFING COMPOSITION SHINGLE ARCHITECTURAL GAF TIMBERLINE HDZ HIGH DEFINITION SHINGLES

Material Legend  
1/4" = 1'-0"

Owner: Rowlett Homes & Investment, LLC Surya Boddu 214-505-0269 GarlandRH@gmail.com	Engineer:	Architect:  EAST STAR DESIGN P.O. BOX 53 FORNEY, TX 75126 USA (972) 200-7340 www.EastStarDesign.com Architect@EastStarDesign.com TX Firm Reg. # BR 1785																		
<b>Townhomes</b> 1306 & 1314 Rowlett Rd Garland, TX																				
<b>Rear Elevation</b>																				
Revisions:	Seal: <b>NOT FOR CONSTRUCTION</b>	Project number: 21024 Date: 4/24/2023 9:18:06 PM																		
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No.	Description	Date																		
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4 Left Elevation  
1/4" = 1'-0"



3 Right Elevation  
1/4" = 1'-0"

- BR-1 BR-1 BRICK STACK BOND COLOR #1
- BR-2 BR-2 BRICK STACK BOND COLOR #2
- BR-3 BR-2 BRICK RUNNING BOND COLOR #3
- FCB-1 FCB-1 FIBER CEMENT BOARD 6" LAP SIDING JAMES HARDIE OR EQ.
- FCB-2 FCB-2 FIBER CEMENT BOARD VERTICAL SIDING JAMES HARDIE OR EQ.
- FCB-3 FCB-2 FIBER CEMENT BOARD 4" LAP SIDING JAMES HARDIE OR EQ.
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	Greg Guerin Architect TX License # 22011	<b>A16</b> Scale 1/4" = 1'-0"



**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**3. c.**

**Meeting Date:** 08/01/2023

**Item Title:** Z 23-12 Manhard Consulting (District 5)

**Submitted By:** Will Guerin, Planning Director

---

**Summary of Request/Problem**

Zoning Ordinance Z 23-12 Manhard Consulting

**Recommendation/Action Requested and Justification**

Consider adoption of the attached ordinance.

---

**Attachments**

Z 23-12 Ordinance

Z 23-12 Exhibit A

Z 23-12 Exhibit B

Z 23-12 Exhibits C-E

---



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A CHANGE IN ZONING FROM MULTI-FAMILY-1 (MF-1) DISTRICT AND COMMUNITY RETAIL (CR) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR MULTI-FAMILY-2 (MF-2) USES AND 2) A DETAIL PLAN FOR MULTI-FAMILY DEVELOPMENT ON A 2.2875-ACRE AREA OF LAND LOCATED AT 1214 & 1302 WEST MILLER ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on the 26th day of June, 2023, the Plan Commission did consider and make recommendations on a certain request for 1) a Change in Zoning from Multi-Family-1 (MF-1) District and Community Retail (CR) District to a Planned Development (PD) District for Multi-Family-2 (MF-2) Uses and 2) a Detail Plan for Multi-Family development by **Manhard Consulting**; and

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

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

**Section 1**

The Garland Development Code is hereby amended by approving for 1) a Change in Zoning from Multi-Family-1 (MF-1) District and Community Retail (CR) District to a Planned Development (PD) District for Multi-Family-2 (MF-2) Uses and 2) a Detail Plan for Multi-Family development on a 2.2875-acre area of land located at 1214 & 1302 West Miller Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

**Section 3**

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

**Section 4**

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

**Section 5**

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

**Section 6**

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

**Section 7**

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

FILE NO. Z 23-12

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 23-12**

Being all that certain lot, tract or parcel of land situated in the W. H. Keen Survey, Abstract No. 734, City of Garland, Dallas County, Texas, and being the same property described in deed to Garland Housing Finance Corporation as recorded under county clerks file No. 200900256292 of the official public records of Dallas County, Texas described more particularly as follows:

Commencing at the intersection of the South right-of-way of Miller Road (variable width right-of-way) with the East right-of-way of Saturn Road (called 80' right-of-way), said point also being the Northwest corner of Gulf Oil No. 1, an addition to the City of Garland, according to the plat thereof recorded in Volume 70052, page 1908, Deed Records, Dallas County, Texas;

THENCE East and following along the South right-of-way of said Miller Road for a distance of 336.17' (335.78' from an "X" found in concrete) to the Northeast corner of a tract of land described in Deed to State Board of Trustees, AKA the Church of God, as recorded under county clerks file number 201000249936 of the official public records of Dallas County, Texas;

THENCE South 00°46'00" East and following along the East line of said State Board of Trustees tract, for a distance of 15.00' to a 5/8" iron rod with yellow plastic stamped "RPLS1890" for the PLACE OF BEGINNING and the Northwest corner of the property described hereon;

THENCE East (basis of bearings per deed recorded under county clerks File No. 200900256292 of the official public records of Dallas County) and continuing along the South right-of-way line of Miller Road for a distance of 211.42' to a 5/8" iron rod with yellow plastic cap stamped "RPLS1890" set for corner, said point being the Northwest corner of the Miller-Glenbrook Addition, an addition to the City of Garland, according to the plat thereof recorded in volume 74180, page 1886, Deed Records, Dallas County Texas;

ZONING FILE NUMBER Z 23-12

Thence South 00°46'00" East and following along the West line of said Miller-Glenbrook Addition and continuing along the West line of Centron II, and addition to the City of Garland, according to the plat thereof recorded in volume 83119, page 2015, Deed Records, Dallas County, Texas, for a total distance of 329.00' to a 2" metal fence post found for corner;

THENCE South 44°11'30" West and continuing along the West line of said Centron II for a distance of 91.79' to a 5/8" iron rod with yellow plastic cap stamped "RPLS1890" set for corner, said point also being the Northeast corner of St. David's Episcopal Church Addition, and addition to the City of Garland, according to the plat thereof recorded in volume 92209, page 367, Deed Records, Dallas County, Texas; Thence South 89°41'00" West following along the North line of said St. David's Episcopal Church Addition for a distance of 146.55' to a 5/8" iron rod with yellow plastic cap stamped "RPLS1890" set for corner, said point being witnessed by a railroad spike found bearing North 43°26' West at a distance of 3.11' marking the Southeast corner of a called 1.578 acre tract of land described in Deed to Tighe Merelli as recorded under County Clerks File Number 201600260534 of the official public records of Dallas County, Texas;

THENCE North 00°46'00" West and following along the West line of the aforesaid Garland Housing Finance Corporation for a total distance of 395.63' to the PLACE OF BEGINNING and containing 1.8685 acres of land, more or less.

Being all that lot, tract, or parcel of land located in the WILLIAM H. KEEN SURVEY, ABSTRACT No. 734, City of Garland, Dallas County, Texas, and being the same tract of land described in deed to State Board of Trustees of the Church of God, recorded in instrument No. 201000249936, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at ½" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the South line of West Miller Road, a variable width right-of-way, at the Northeast corner of Tract A, of Gulf Oil No. 1, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof, recorded in Volume 70052, Page 1908, Deed Records, Dallas County, Texas;

**EXHIBIT A**

ZONING FILE NUMBER Z 23-12

THENCE East, along said South line, a distance of 85.74' to a ½" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

THENCE South 00°31'32" East, passing at distance of 17.00' the Northwest corner of a tract of land described in deed to the Garland Housing Finance Corporation, recorded in Instrument No. 200900256929, Official Public Records, Dallas County, Texas, and continuing a total distance of 213.00' to a ½" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the West line of said Garland tract, at the Northeast corner of a tract of land described in deed Joetex Holdings, LLC, recorded in Instrument No. 201200342351, Official Public Records, Dallas County, Texas;

THENCE West, along the North line of said Joetex tract, a distance of 85.74' to a ½" Iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Southeast corner of said Gulf Oil Addition;

THENCE North 00°31'32" West, a distance of 213.00' to the PLACE OF BEGINNING and containing 18,261 square feet or 0.419 of an acre of land.

**PLANNED DEVELOPMENT CONDITIONS**

**ZONING FILE Z 23-12**

**1214 & 1302 West Miller Road**

**I. Statement of Purpose:** The purpose of this Planned Development is to approve a multi-family development.

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

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

**IV. Development Plans:**

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

**V. Specific Conditions:**

A. Permitted Uses: Land Uses are only permitted as in the Multi-Family-2 (MF-2) District.

B. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.

C. Dwelling Units: A total of sixty-three (63) dwelling units shall be permitted.

D. Amenities: Amenities shall be provided as shown on the Exhibits C and D.

E. Landscape Plan: Screening and landscaping shall be in

general conformance with the landscape plan labeled Exhibit D.

1. Landscaping must be regularly maintained in a healthy, growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.
2. Any plant or vegetation that dies must be replaced with another approved plant variety that complies with the approved landscape plan within sixty (60) days after receipt of written notification from the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.
3. Screening and paving must be regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.



- F. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.
- G. Signage: All signage shall comply with the standards in the Garland Development Code.



EXHIBIT C

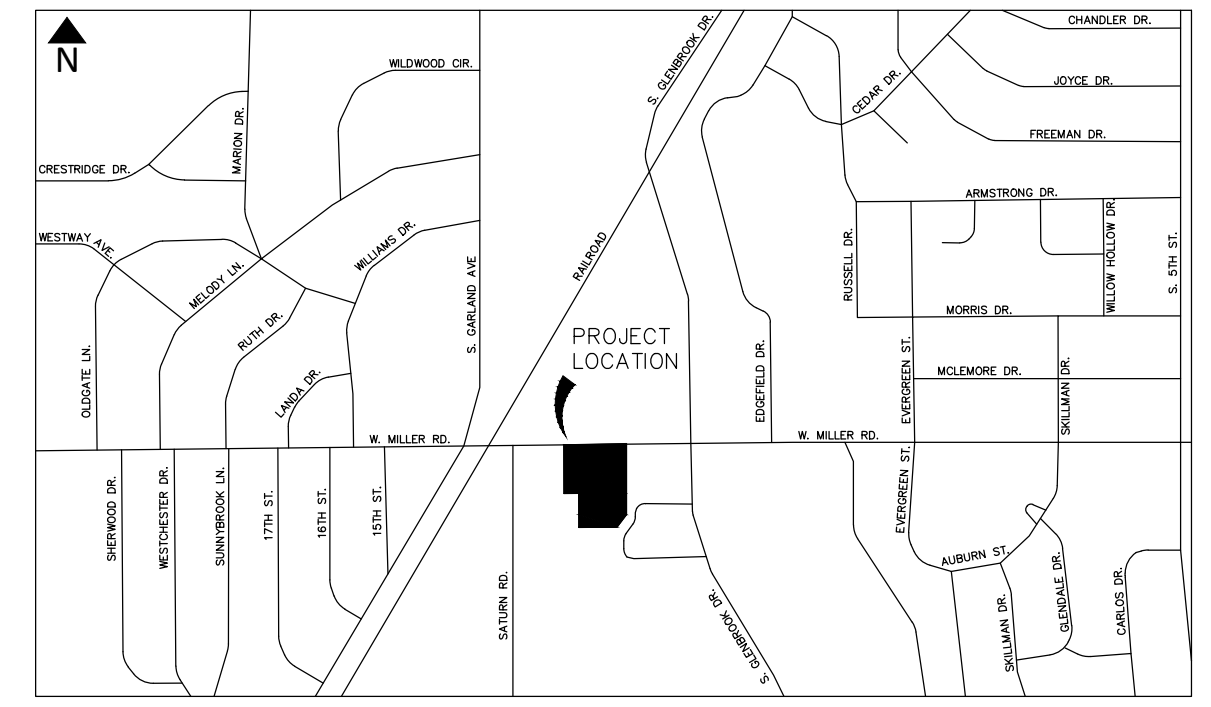
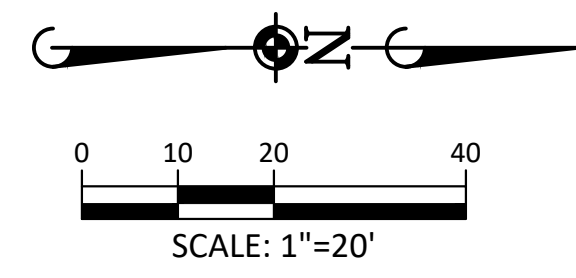
**LEGEND**

- DOUBLE CLEANOUT
- SANITARY MANHOLE
- GRATE INLET
- CURB INLET
- FDC
- FIRE HYDRANT
- FIRE LANE
- HEAVY DUTY FIRE LANE PAVING
- TRANSFORMER BOX

- NOTES**
- REFER TO SHEETS C0.0-C0.1 GENERAL NOTES FOR GENERAL NOTES, PAVING NOTES, AND A COMPLETE LEGEND.
  - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.
  - REFER TO LANDSCAPE PLANS FOR HARDSCAPE IMPROVEMENTS AND IRRIGATION SLEEVES CROSSING PAVED AREAS.
  - REFER TO STRUCTURAL PLANS FOR ALL BUILDING, DETACHED GARAGE, AND DUMPSTER ENCLOSURE FOUNDATION DESIGNS AND DETAILS.
  - FIRELANE STRIPING SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO CITY DETAIL AND SPECIFICATIONS FOR EXACT LOCATION.
  - ALL PARKING AREAS ARE TO BE COMPOSED OF CONCRETE PAVING

**SIGN LEGEND**

- ONLY R3-5R
- DO NOT ENTER R5-1



VICINITY MAP  
NTS

**SITE DATA**

SIZE	2.26 AC (98,446 SF)
EXISTING ZONING	MF/CR
PROPOSED ZONING	MF-2
BUILDING AREAS:	
BUILDING 1	12,155 SF/STORY
BUILDING 2	7,080 SF/STORY
CLUBHOUSE	4,280 SF
FAR	0.63
BUILDING COVERAGE	23,515 SF (23.9%)
IMPERVIOUS SURFACE	27,060 SF (27.5%)
MAX. BUILDING HEIGHT	40'
PROVIDED BUILDING HEIGHT	30'-6"
UNITS	63
DENSITY (UNIT/ACRE)	27.88
LOT COVERAGE (60% MAX.)	60%
LEISURE AREA	5,400 SF

**PARKING REQUIRED**

UNIT TYPE	UNIT QUANTITY	RATIO	SPACES REQUIRED
EFFICIENCY	6	1	6
1 BEDROOM	39	1.5	59
2 BEDROOM	18	2	36
<b>TOTAL REQUIRED PARKING</b>			<b>101</b>

**PARKING PROVIDED**

TYPE	QUANTITY
STANDARD	101
<b>PARKING TO UNIT RATIO</b>	<b>1.60</b>
CLUB HOUSE PARKING	18
ACCESSIBLE PARKING PROVIDED	5
<b>TOTAL PARKING PROVIDED</b>	<b>101</b>

	USE	FLOOR AREA	HEIGHT	NUMBER OF STORIES	FFE
CLUBHOUSE	CLUBHOUSE/ AMENITY	4,280 SF	NOT KNOWN	1	543.48'
BUILDING 1	MULTIFAMILY	12,155 SF	30'-6"	3	540.55'
BUILDING 2	MULTIFAMILY	7,080 SF	30'-6"	3	541.65'

**UNIT TABULATION**

Unit Type	Square Footage	Quantity	Percentage	Total Net SF
E1	530	6	9.52%	3,180
A1	652	15	23.81%	9,780
A2	691	6	9.52%	4,146
A3	793	6	9.52%	4,218
A4	771	6	9.52%	4,626
A5	802	6	9.52%	4,812
B1	1,028	12	19.05%	12,336
B2	1,101	6	9.52%	6,606
<b>Totals</b>	<b>Average SF</b>	<b>Quantity</b>	<b>Percentage</b>	<b>Net SF</b>
	789	63	100.00%	49,704

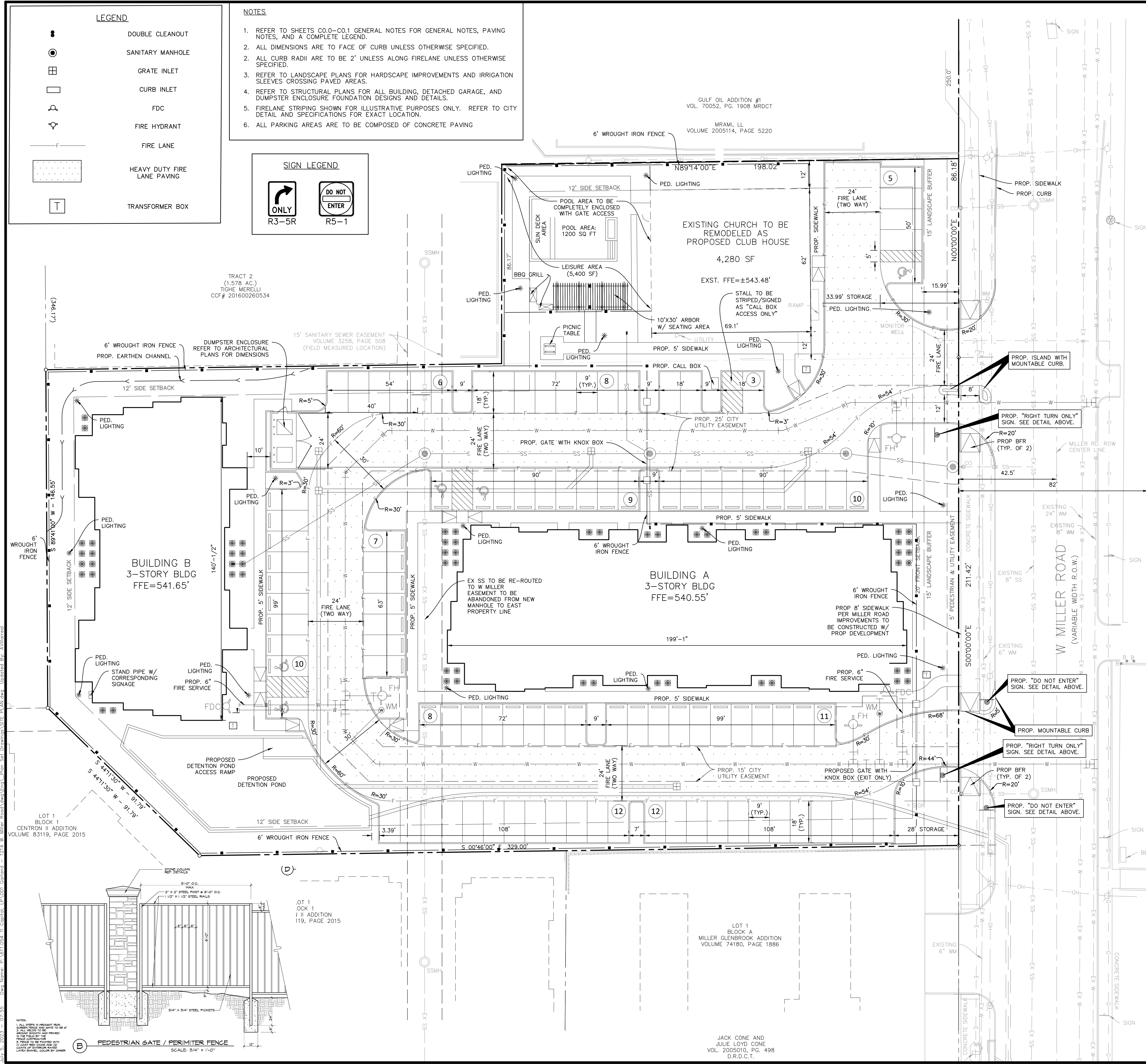
Total % of Efficiency Units	9.52%	6
Total % of One BR Units	61.90%	39
Total % of Two BR Units	28.57%	18
		63

**BUILDING TABULATION**

Building Type	Units Per Bldg	Number of Bldgs	Net SF Per Bldg	Net SF of Bldgs
<b>Building Type - 'A' - 3 Story</b>				
E1 A1 A2 A3 A4 A5 B1 B2	6	15	29,880	29,880
<b>Building Type - 'B' - 3 Story</b>				
E1 A1 A2 A3 A4 A5 B1 B2	0	24	19,824	19,824
<b>Total Units</b>				
E1 A1 A2 A3 A4 A5 B1 B2	6	2	49,704	

**ENGINEER**  
MANHARD CONSULTING  
12225 GREENVILLE AVE SUITE 1000  
DALLAS, TEXAS 75243  
972.972.4276 PH  
EMILY.ZOELLNER@MANHARD.COM

**OWNER/DEVELOPER**  
TI CAPITAL, LP  
125 E. JOHN CARPENTER FWY  
IRVING, TX 75062  
817.307.9251 PH  
RAVI MEHTA  
MEHTAR36@GMAIL.COM



**Manhard CONSULTING**  
12225 Greenville Avenue, Suite 1000, Dallas, TX 75243, ph: 972.972.4250, manhard.com  
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers  
Construction Managers | Environmental Scientists | Landscape Architects | Planners  
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21792 (Eng)

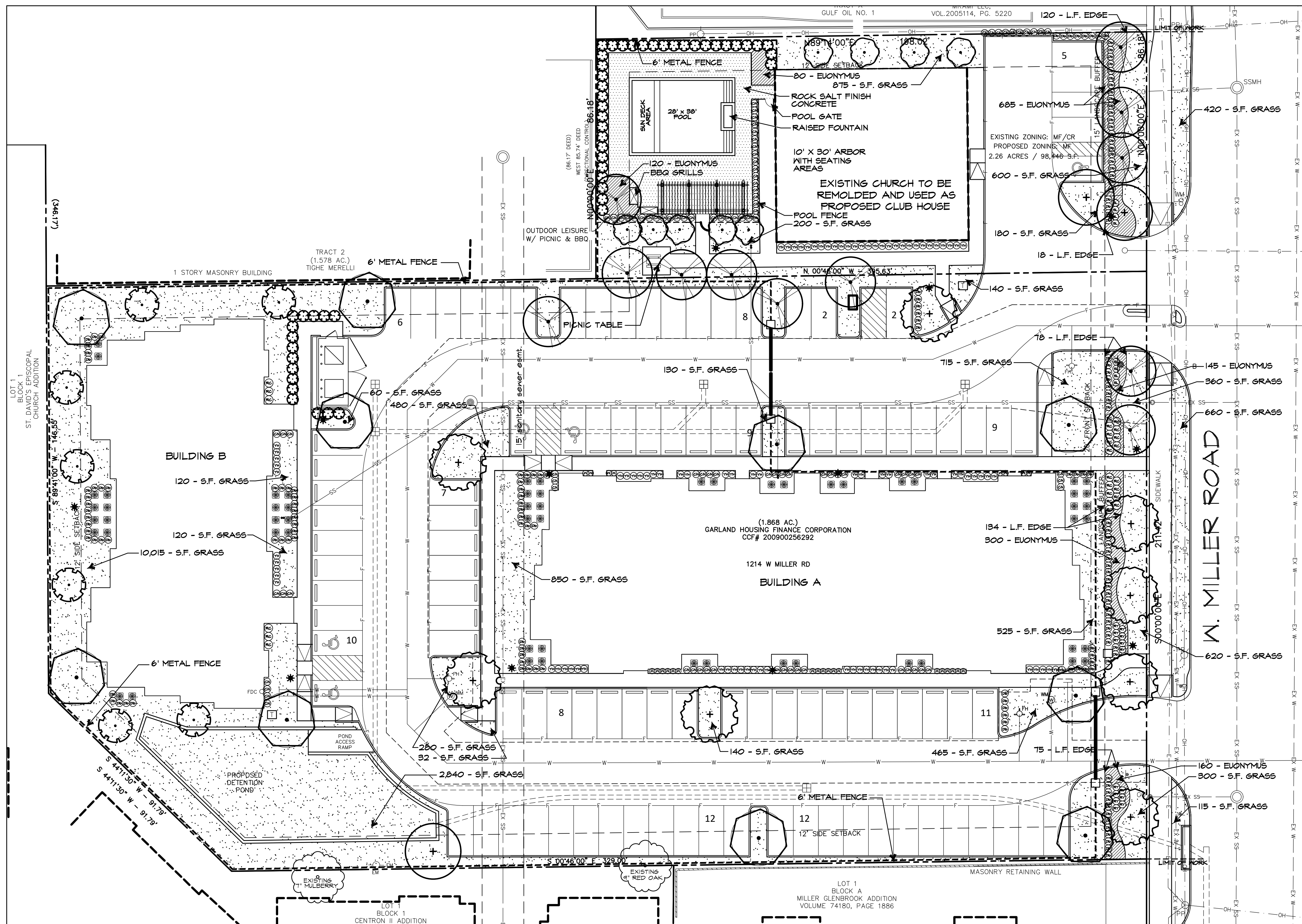
**RESIDENCIES AT 1214 & 1302 W. MILLER ROAD**  
1214 W. MILLER ROAD, GARLAND, TX  
SITE PLAN

FOR INTERIM REVIEW ONLY  
THIS DOCUMENT IS NOT  
ISSUED FOR CONSTRUCTION  
OR PERMITTING PURPOSES  
EMILY M. ZOELLNER, P.E.  
TEXAS P.E. No. 123461  
ISSUED THIS DATE:  
05/31/2023

PROJ. MGR.: EMZ  
PROJ. ASSOC.: ANV  
DRAWN BY: ANV  
DATE: 05/31/2023

SHEET  
**C2.0**  
CASE NUMBER: 230216-1





### LANDSCAPE TABULATIONS

**SITE AREA**  
 REQUIRED LANDSCAPE AREA 40%  
 OVERALL SITE AREA (2.26 ACRES) 98,446 S.F.  
 REQUIRED LANDSCAPE AREA (1.13 ACRES) 39,319 S.F.  
 PROVIDED LANDSCAPE (45.5%) (+1.30 ACRES) +45,000 S.F.

**BUFFER PLANT MATERIALS REQUIRED:**  
 1-3" CAL. TREE AND 1 ORNAMENTAL SHRUBS PER 30 L.F. OF  
 REQUIRED LANDSCAPE BUFFER. MAX. 75% GRASS COVERAGE.

FRONTAGE L.F. (246.33' - N. MILLER ROAD) = 247 L.F.  
 REQUIRED STREET TREES (247/ 30 = ) 9.9 TREES  
 STREET TREES PROVIDED 10 TREES  
 REQUIRED ORNAMENTAL SHRUBS (247/ 30 x 7 = ) 64.3 SHRUBS  
 ORNAMENTAL SHRUBS PROVIDED 71 SHRUBS  
 MAX. ALLOWED GRASS COVERAGE (4.455 x 75% = ) 3.341 S.F.  
 GRASS AREA PROVIDED IN BUFFER (44%) 1.910 S.F.

**PARKING LOT TREES AND LANDSCAPE REQUIRED:**  
 1-3" CAL. PARKING TREE PER 10 PARKING SPACES AND NO  
 PARKING TREE MORE THAN 65 FEET TO ANY PARKING SPACE.  
 PARKING TREE MORE THAN 65 FEET TO ANY PARKING SPACE.

PARKING SPACES (SURFACE+CARPORT) 101  
 REQUIRED PARKING TREES (101/ 10 = ) 10.1 TREES  
 PARKING TREES PROVIDED 14 TREES  
 PARKING AREA (101 x 162 = ) 16,362 S.F.  
 REQUIRED PARKING LANDS. AREA (16,362 x 5% = ) 819 S.F.  
 PARKING LANDSCAPE AREA PROVIDED +2,780 S.F.

**NOTE:**  
 ALL SIGNAGE MUST BE APPROVED BY BUILDING INSPECTION.  
 LOCATIONS SHOWN ON THIS PLAN DO NOT INDICATE APPROVAL.  
 ALL LANDSCAPE AREAS TO RECEIVE UNDERGROUND  
 AUTOMATIC IRRIGATION

### LARGE TREES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
8	(Symbol)	RED OAK	<i>Quercus shumardii</i>	8" caliper, 10' Ht./ 5'-6" spread, B4B, straight trunk
10	(Symbol)	CEDAR ELM	<i>Ulmus crassifolia</i>	5" caliper, 10' Ht./ 5'-6" spread, B4B, straight trunk
12	(Symbol)	PISTACHE	<i>Pistacia chinensis</i>	5" caliper, 10' Ht./ 5'-6" spread, B4B, straight trunk
3	(Symbol)	LIVE OAK	<i>Quercus virginiana</i>	5" caliper, 10' Ht./ 5'-6" spread, B4B, straight trunk

### ORNAMENTAL TREES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
4	(Symbol)	MUSKOGEE CRAPE MYRTLE	<i>Lagerstroemia indica 'Muskogee'</i>	8" Ht./ 5' spread min., 30 gallon, 3 Trunk Min., full, bushy tree formed, specimen.
52	(Symbol)	NELLIE R. STEVENS HOLLY	<i>Ilex cornuta 'Nellie R. Stevens'</i>	5" Ht./ 3' spread min., B4B, full, bushy specimen.
7	(Symbol)	VITEX	<i>Vitex agnus-castus</i>	8" Ht./ 5' spread min., 30 gallon, 3 Trunk Min.,

### GROUNDCOVER / MISCELLANEOUS

1,330	(Symbol)	EUONYMUS WINTERCREEPER	<i>Euonymus fortunei 'Coloratus'</i>	4" pots (Quantity as shown on plan)
425 L.F.	(Symbol)	RYERSON STEEL EDGE		

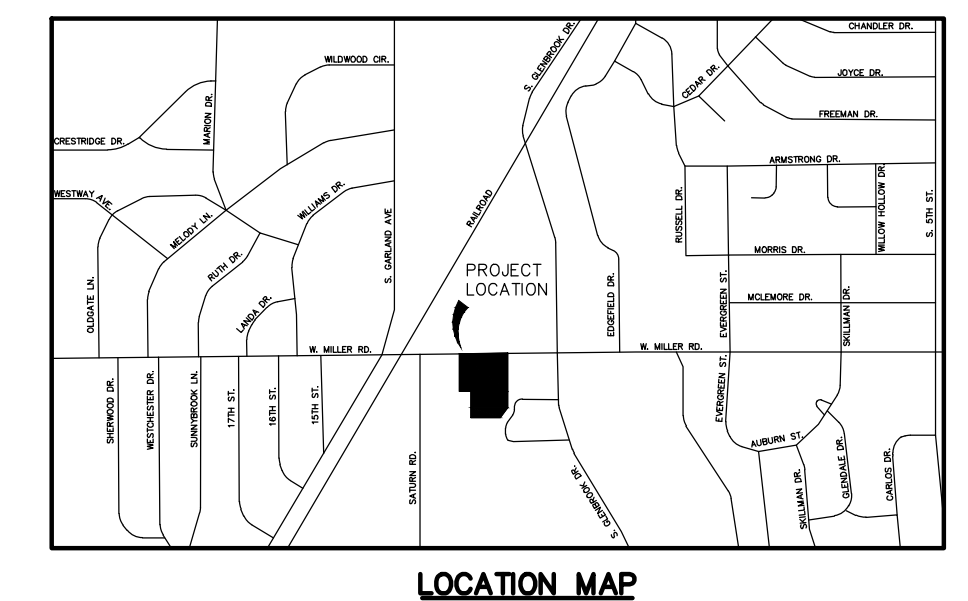
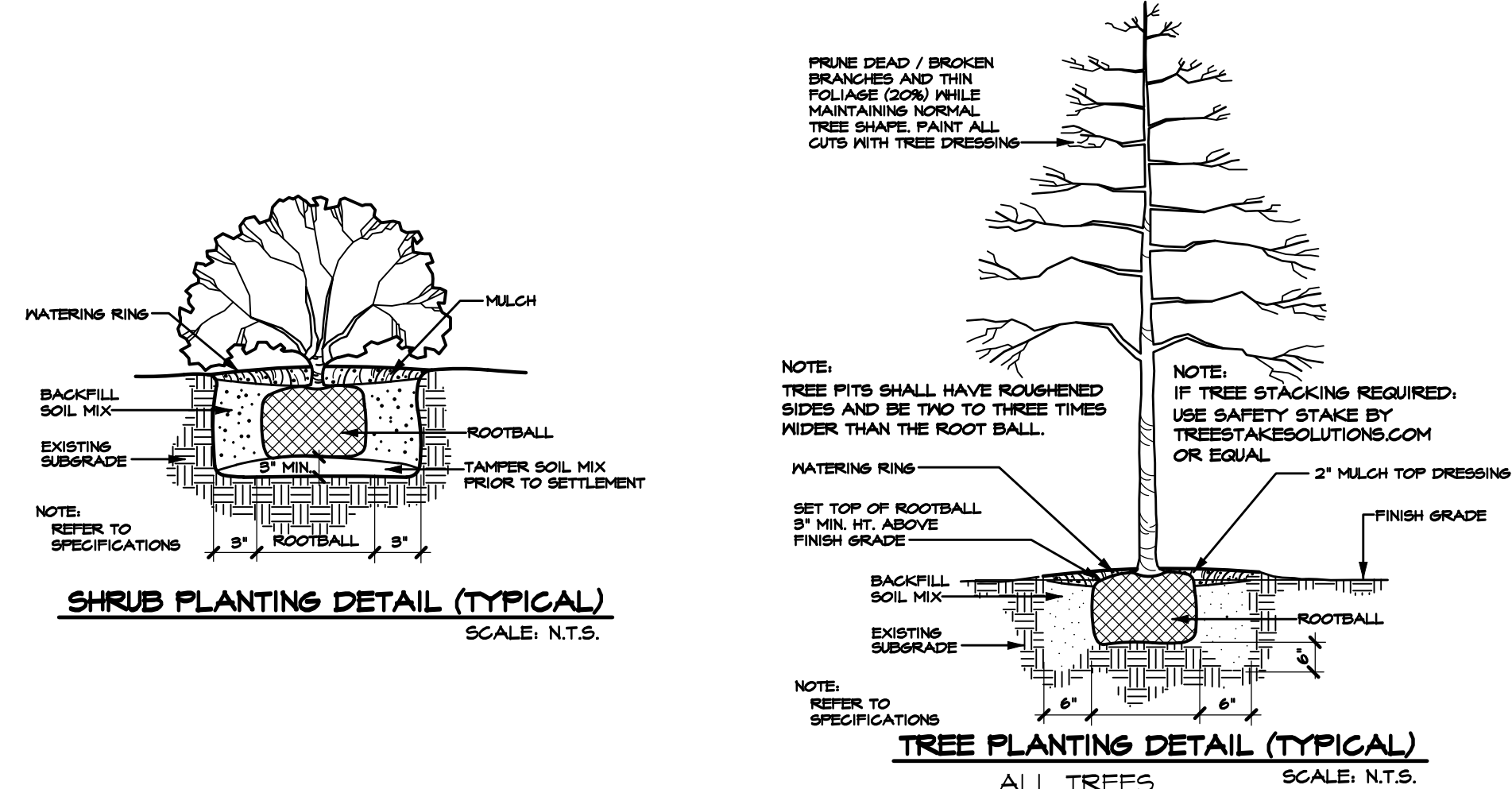
ALL LANDSCAPE BEDS SHALL BE EXCAVATED 2" IN DEPTH AND SOIL REMOVED. THEN FILLED WITH 2" OF "PROFESSIONAL BEDDING SOIL" FROM LIVING EARTH TECHNOLOGY AND TILLED TO THE DEPTH OF 4".  
 ALL LANDSCAPE BEDS AND TREE WELLS SHALL RECEIVE A TOP DRESSING OF 2" DEEP "FINE SHREDDED HARDWOOD MULCH" FROM LIVING EARTH TECHNOLOGY.  
 LANDSCAPE CONTRACTOR TO VERIFY ALL QUANTITIES

### SHRUBS

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
24	(Symbol)	ROSE CREEK ABELIA	<i>Abelia grandiflora 'Rose Creek'</i>	5 gallon, 20"-24" Ht./ 18"-20" spread, full, bushy, specimen
26	(Symbol)	WINTERGREEN BOXWOOD	<i>Buxus sinica var. insularis 'Wintergreen'</i>	3 gallon, 14" Ht./ 12"-14" spread, bushy, full to ground
154	(Symbol)	DWARF BURFORD HOLLY	<i>Ilex cornuta 'Burfordii nana'</i>	5 gallon, 24"-26" Ht./ 18"-20" spread, full, bushy, specimen
93	(Symbol)	GULF STREAM NANDINA	<i>Nandina domestica 'Gulf Stream'</i>	5 gallon, 24" Ht./ 18"-20" spread, bushy, full to ground
91	(Symbol)	DWARF YAUPON HOLLY	<i>Ilex vomitoria 'Nana'</i>	3 gallon, 14" Ht./ 12"-14" spread, bushy, full to ground
8	(Symbol)	SUN SHINE LIGISTRUM	<i>Ligustrum sinense 'Sun Shine'</i>	3 gallon, 14" Ht./ 12"-14" spread, bushy, full to ground
14	(Symbol)	RED YUCCA	<i>Hesperaloe parviflora</i>	3 gallon, 14" Ht./ 12"-14" spread, bushy, full to ground

### TURF GRASS

21,062 S.F.	(Symbol)	S.F. GRASS	<i>Cynodon dactylon</i>	Solid sod
	(Symbol)	BERMUDA GRASS		



OWNER / DEVELOPER:  
 TI CAPITAL, LP  
 125 E. JOHN CARPENTER FAY,  
 IRVING TEXAS 75012  
 PHONE 817.307.9251  
 RAVI MEHTA  
 MEHTARF3@GMAIL.COM

LANDSCAPE PLAN  
 CASE NUMBER: 230216-1

Date: \_\_\_\_\_  
 Revisions: \_\_\_\_\_  
 Issued For: SUBMITTAL  
 Job No. 20149  
 Scale 1" = 20'-0"  
 Drawn By: JDG  
 Date 07-05-2023

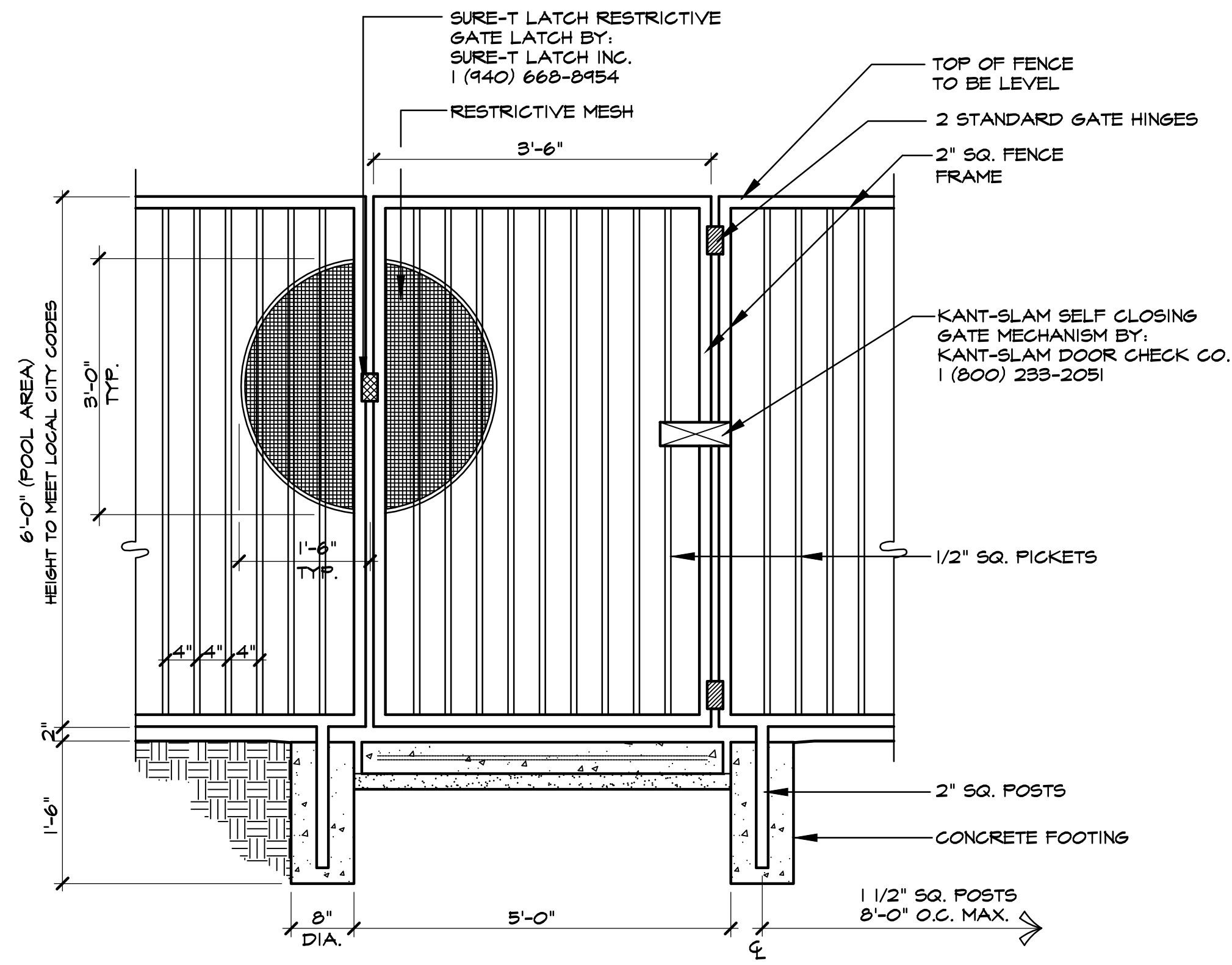
**Miller Road Multifamily**  
 1214 W. Miller Road  
 Garland Texas

STATE OF TEXAS  
 JOE D. GRUBBS  
 1713  
 REGISTERED LANDSCAPE ARCHITECT

Sheet Title: **Landscape Plan**  
 Sheet Number: **L1**  
 of L3 Sheets



EXHIBIT D



**A** 6'-0" POOL FENCE/GATE  
SCALE: 1/2" = 1'-0"

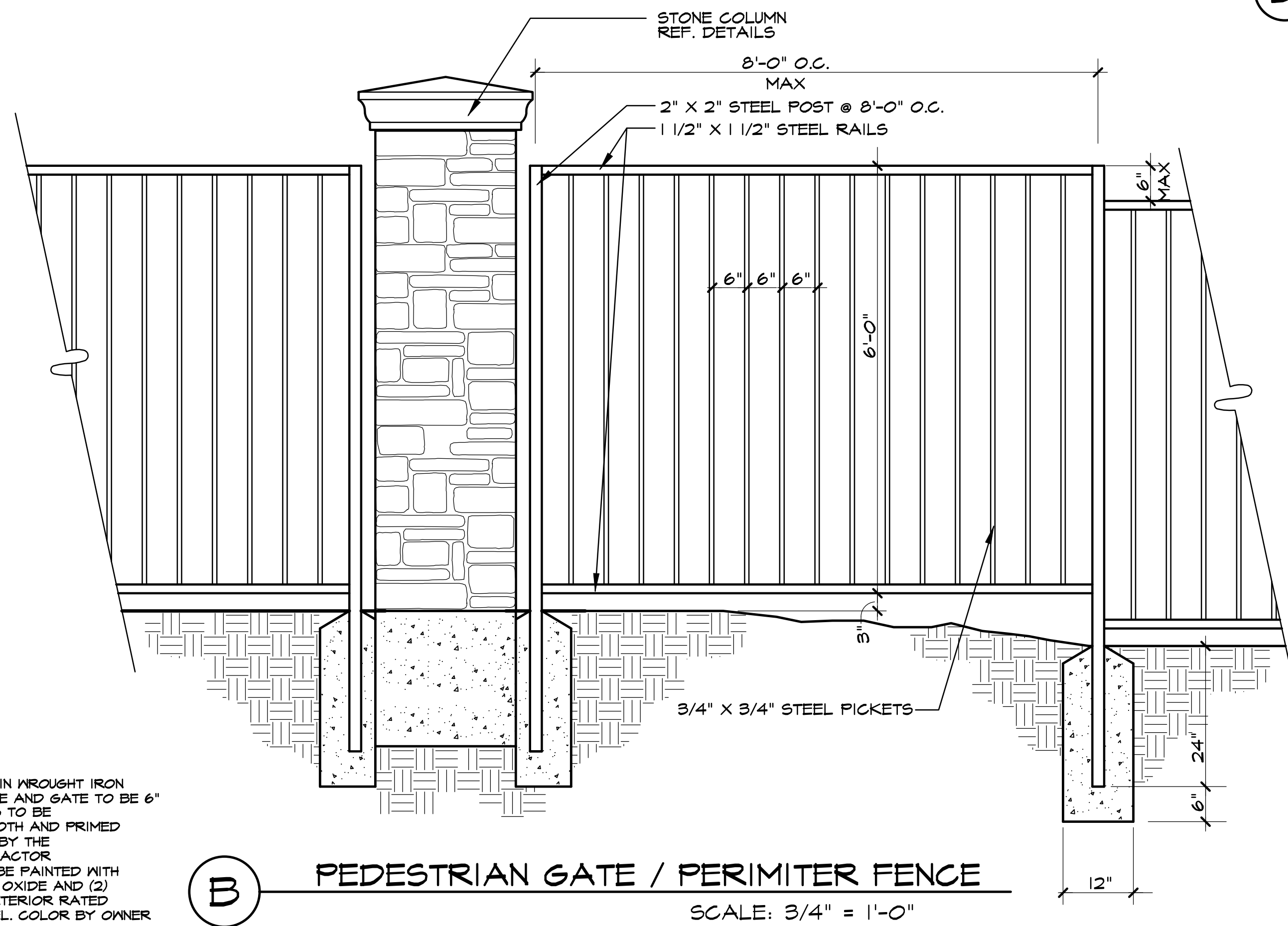
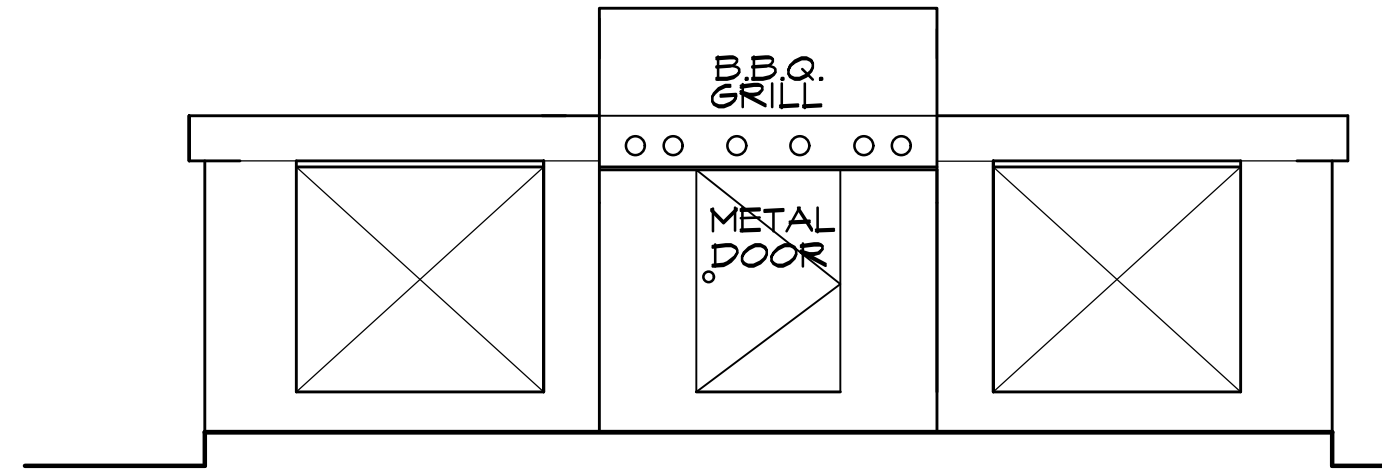
- NOTES:
1. ALL POOL GATE LATCHES MUST BE INSTALLED ON THE POOL YARD SIDE OF THE GATE AND SHALL BE 3" MIN. BELOW TOP OF GATE (48" HT GATES)
  2. THE GATE OR ENCLOSURE SHALL HAVE NO OPENING GREATER THAN ONE-HALF INCH IN ANY DIRECTION WITHIN 18 INCHES FROM THE LATCH, INCLUDING THE SPACE BETWEEN THE GATE AND THE GATE POST TO WHICH THE GATE LATCHES.
  3. AT HANDICAP GATE LOCATIONS OMIT SURE-T LATCH AND SUPPLY KEY PAD LOCK. REF PLAN FOR LOCATION.



GRILL BRAND: FIRE MAJIC BY RH PETERSON  
MODEL: 11-5151-A  
ALL STAINLESS STEEL CONSTRUCTION

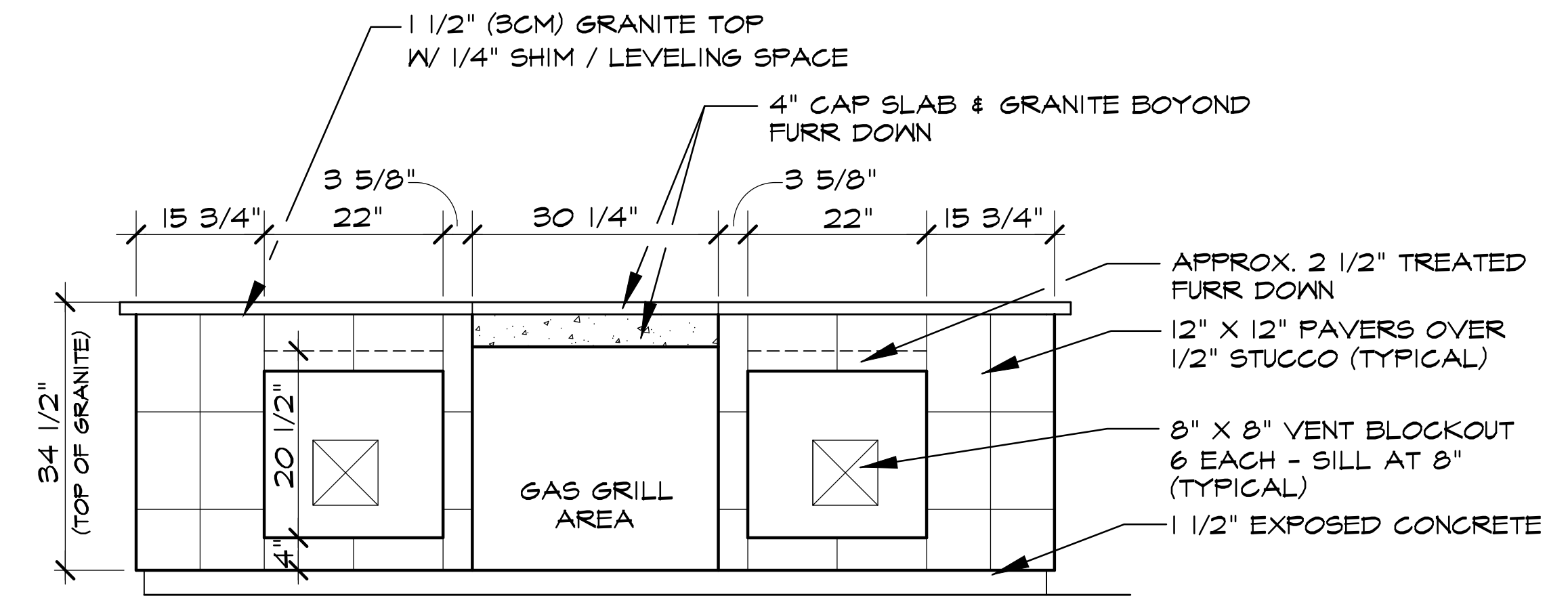


DOOR BRAND: FIRE MAJIC BY RH PETERSON  
MODEL: 33920-SR  
ALL STAINLESS STEEL CONSTRUCTION

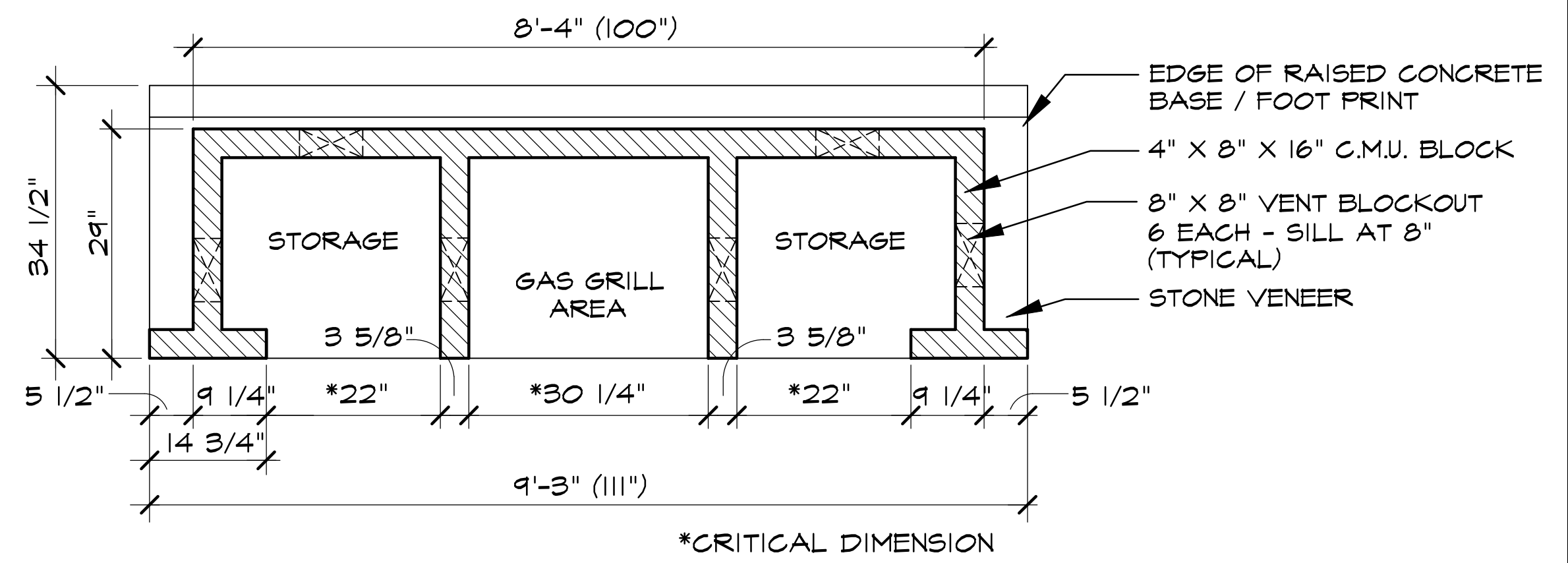


- NOTES:
1. ALL STEPS IN WROUGHT IRON SCREEN FENCE AND GATE TO BE 6"
  2. ALL WELDS TO BE GROUND SMOOTH AND PRIMED IN THE FIELD BY THE FENCE CONTRACTOR
  3. FENCE TO BE PAINTED WITH (1) COAT RED OXIDE AND (2) COATS OF EXTERIOR RATED LATEX ENAMEL. COLOR BY OWNER

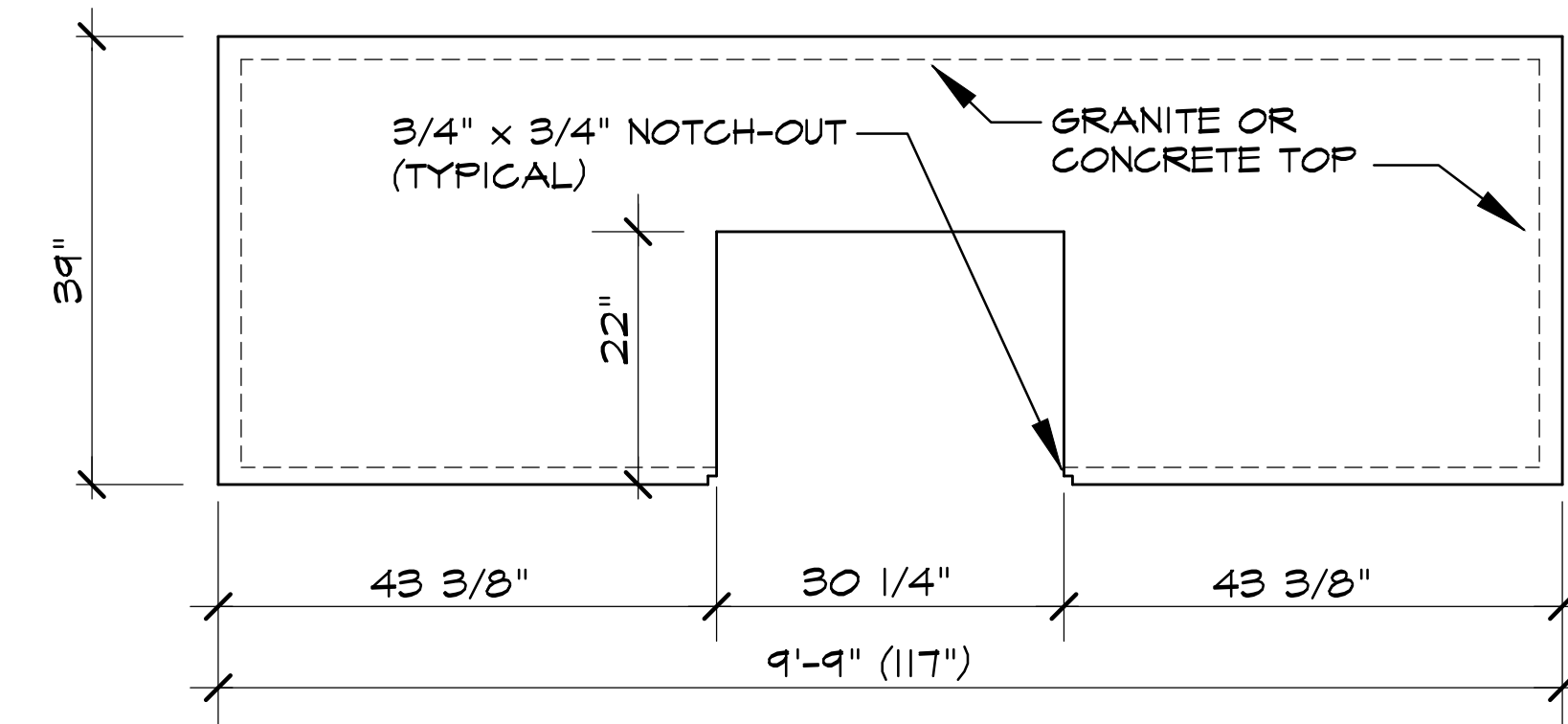
**B** PEDESTRIAN GATE / PERIMETER FENCE  
SCALE: 3/4" = 1'-0"



**C** B.B.Q. / COUNTER - FINISHED ELEVATION  
SCALE: 3/4" = 1'-0"



**D** B.B.Q. / COUNTER - PLAN VIEW  
SCALE: 3/4" = 1'-0"

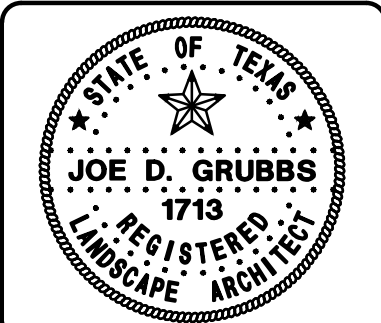


**E** GRANITE OR CONCRETE COUNTER TOP  
SCALE: 3/4" = 1'-0"

Date:	
Revisions:	
#	

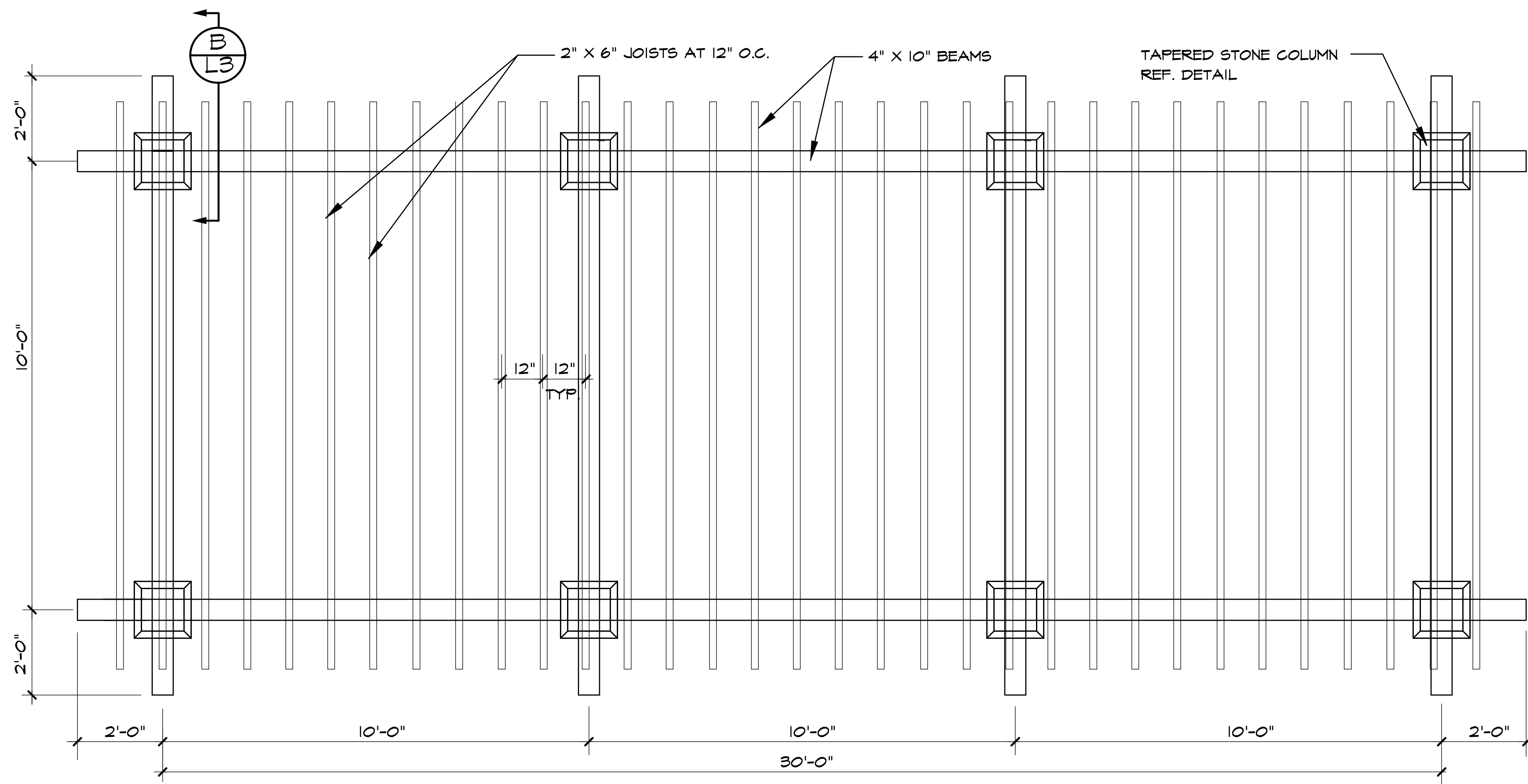
Issued For:  
SUBMITTAL  
Job No.  
20149  
Scale  
Drawn By:  
JDG  
Date  
05-27-2023

Miller Road Multifamily  
1214 W. Miller Road  
Garland Texas

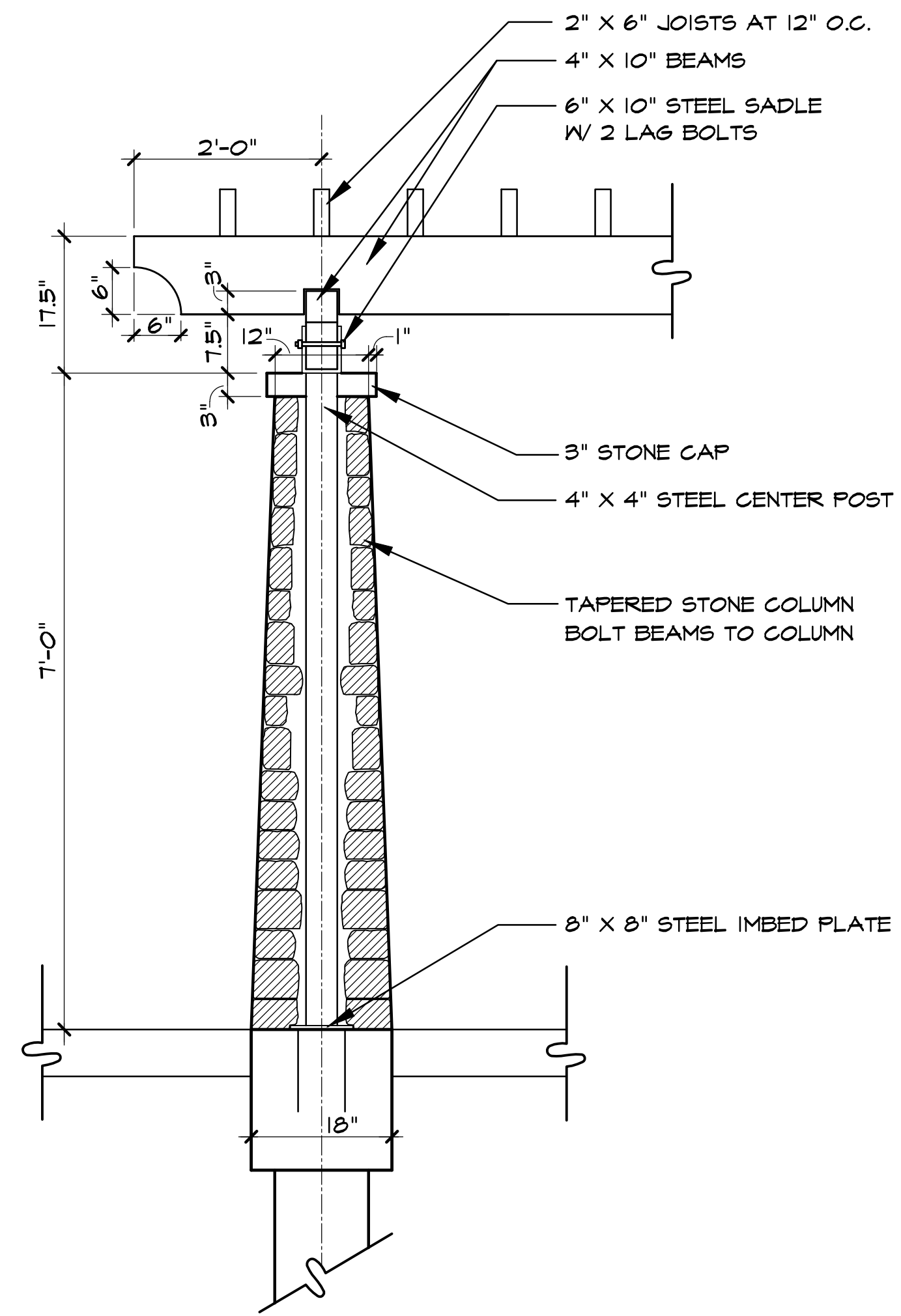


Sheet Title:  
Hardscape  
Construction Details

Sheet Number:  
L2  
of L3 Sheets



**A** SHADE STRUCTURE PLAN  
SCALE: 1/2" = 1'-0"



**B** ARBOR STONE COLUMN  
SCALE: 3/4" = 1'-0"

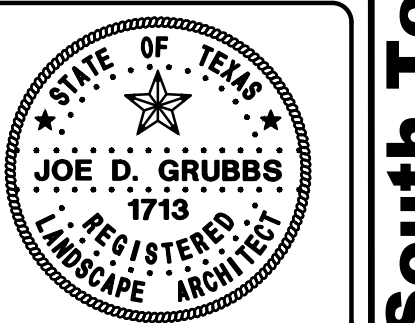


PICNIC TABLE BRAND: BELSON OUTDOORS  
MODEL: 238-EP6  
ALL BLACK POWDER COAT FINISH

Revisions:	Date:
#	

Issued For:  
SUBMITTAL  
Job No.  
20149  
Scale  
Drawn By:  
JDG  
Date  
05-27-2023

**Miller Road Multifamily**  
1214 W. Miller Road  
Garland Texas



Sheet Title:  
**Hardscape  
Construction Details**

Sheet Number:  
**L3**  
of L3 Sheets

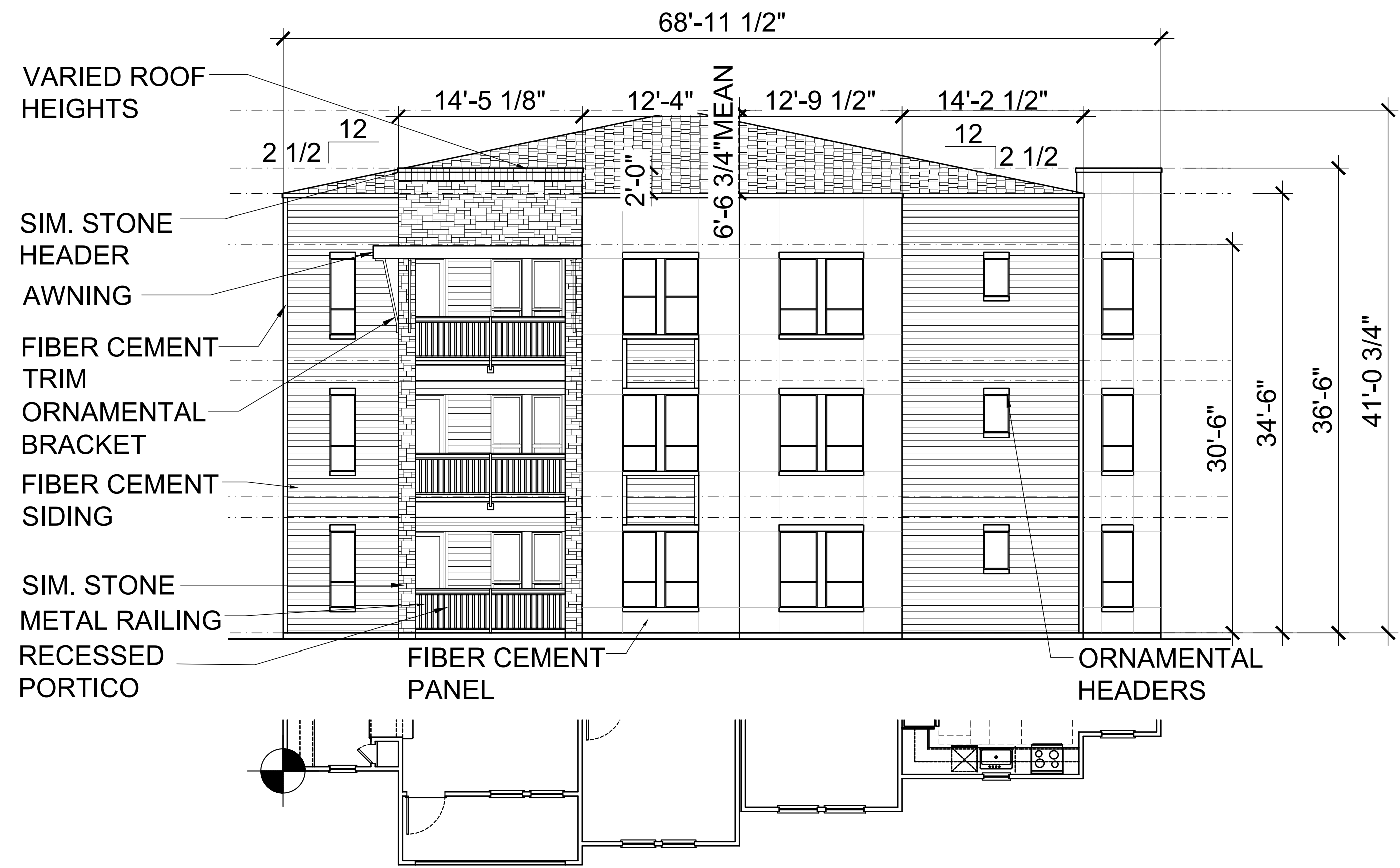


ELEMENTS PROVIDED	
1. AWNINGS/CANOPIES	
2. ALCOVES/PORTICOS	
3. RECESSED ENTRIES	
4. ORNAMENTAL WINDOW HEADERS/LINTELS	
5. VARIED ROOF HEIGHTS	
6. DIVIDED LIGHT WINOWS	
7. PLANTERS	

VERTICAL ARTICULATION					
	FACADE LENGTH	VERTICAL ARTICULATION		HEIGHT ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	68'-11 1/2"	N/A-NOT A STREET FACING FACADE	23'-4"	N/A-NOT A STREET FACING FACADE	4'-0"
NORTH ELEVATION (MILLER RD.)	68'-11 1/2"	13'-9" MIN (69'-0" X 20%)	23'-4"	4'-6" MIN (69'-0" / 50'=1.38) (1.36 x 3 = 4.14)	4'-0"
WEST ELEVATION	199'-1"	N/A NOT A STREET FACING FACADE	63'-10"	N/A-NOT A STREET FACING FACADE	20'-0"
EAST ELEVATION	178'-10"	N/A-NOT A STREET FACING FACADE	57'-2"	N/A-NOT A STREET FACING FACADE	20'-0"

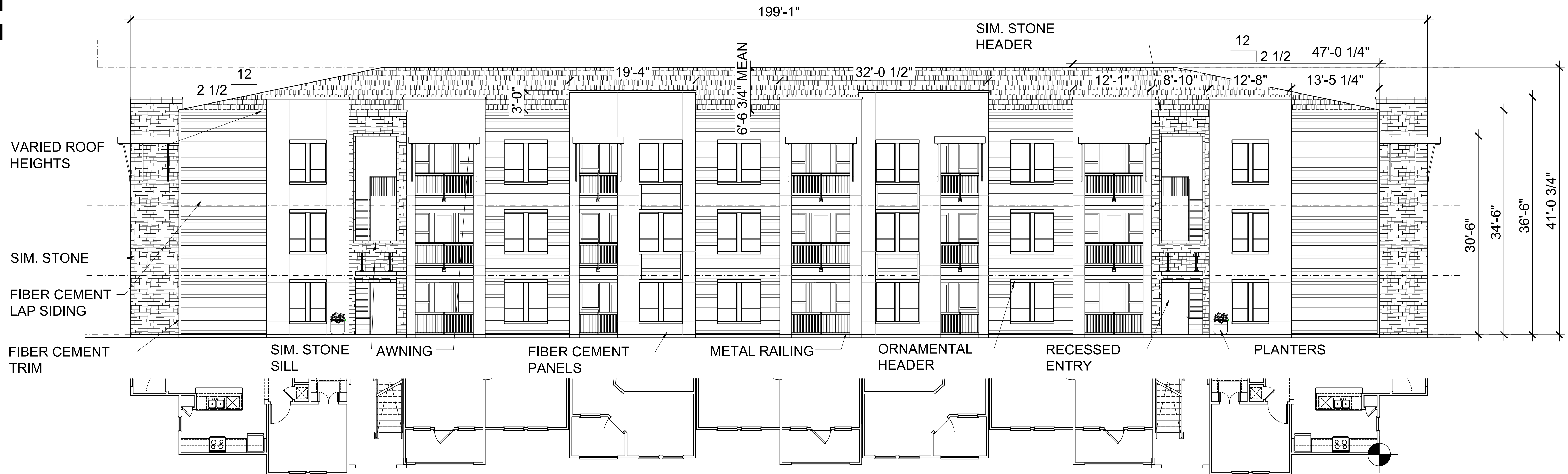
HORIZONTAL ARTICULATION					
	FACADE LENGTH	HORIZONTAL ARTICULATION		DEPTH ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	68'-11 1/2"	N/A-NOT A STREET FACING FACADE	52'-5 1/2"	N/A-NOT A STREET FACING FACADE	14'-8 1/4"
NORTH ELEVATION (MILLER ROAD)	68'-11 1/2"	21' MIN (69'-0" X 30%)	52'-5 1/2"	9'-6" MIN (69'-0" / 30'=2.3) (2.3 x 4 = 9.2)	14'-8 1/4"
WEST ELEVATION	199'-1"	N/A-NOT A STREET FACING FACADE	145'-5"	N/A-NOT A STREET FACING FACADE	40'-7"
EAST ELEVATION	178'-10"	N/A-NOT A STREET FACING FACADE	133'-11"	N/A-NOT A STREET FACING FACADE	25'-8"



02

**BUILDING 'A' - ELEVATION - NORTH**

SCALE: 1/16" = 1'-0"



01

**BUILDING 'A' - ELEVATION - WEST**

SCALE: 1/16" = 1'-0"

**ELEMENTS PROVIDED**

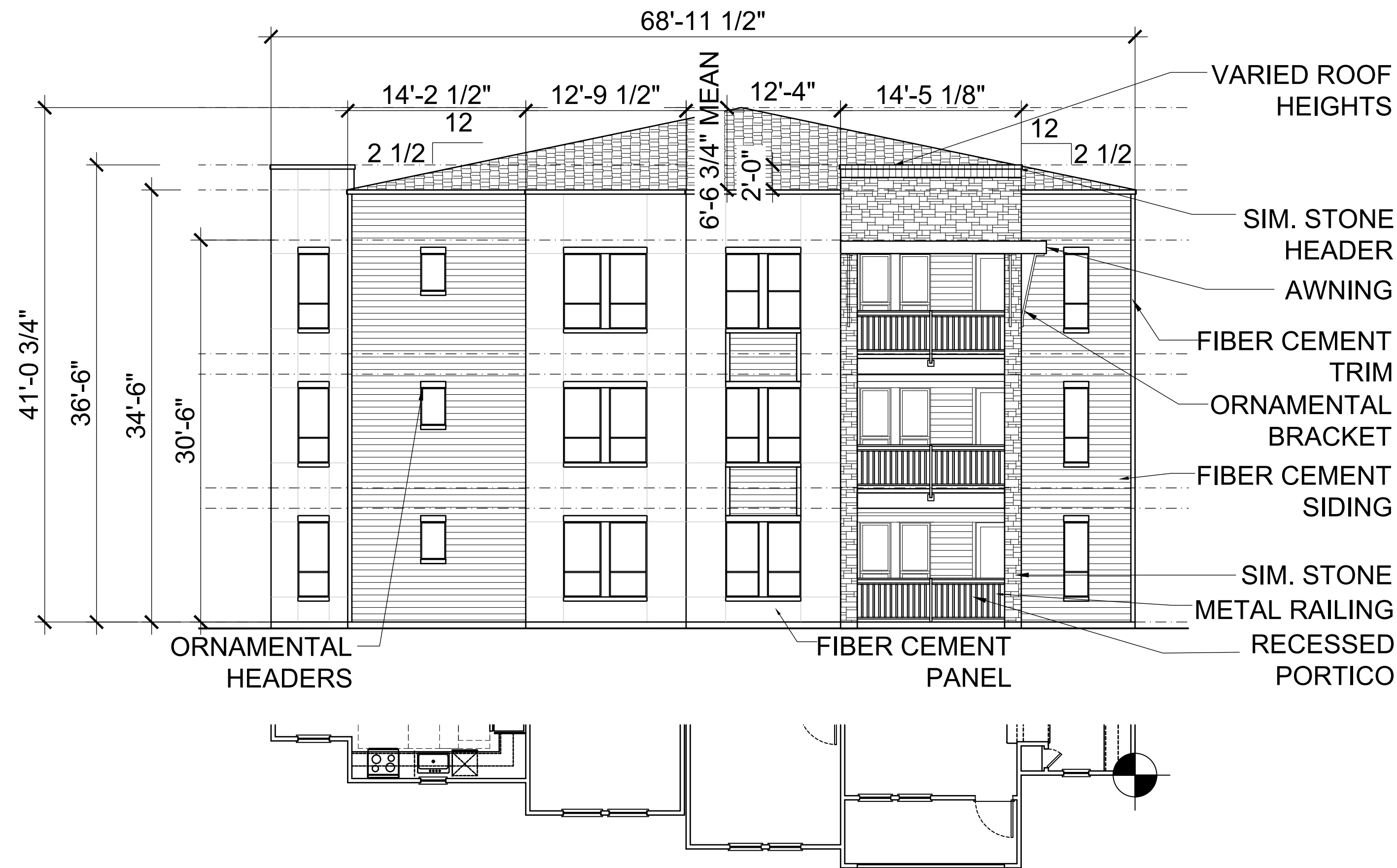
1. AWNINGS/CANOPIES
2. ALCOVES/PORVICOS
3. RECESSED ENTRIES
4. ORNAMENTAL WINDOW HEADERS/LINTELS
5. VARIED ROOF HEIGHTS
6. DIVIDED LIGHT WINOWS
7. PLANTERS

**VERTICAL ARTICULATION**

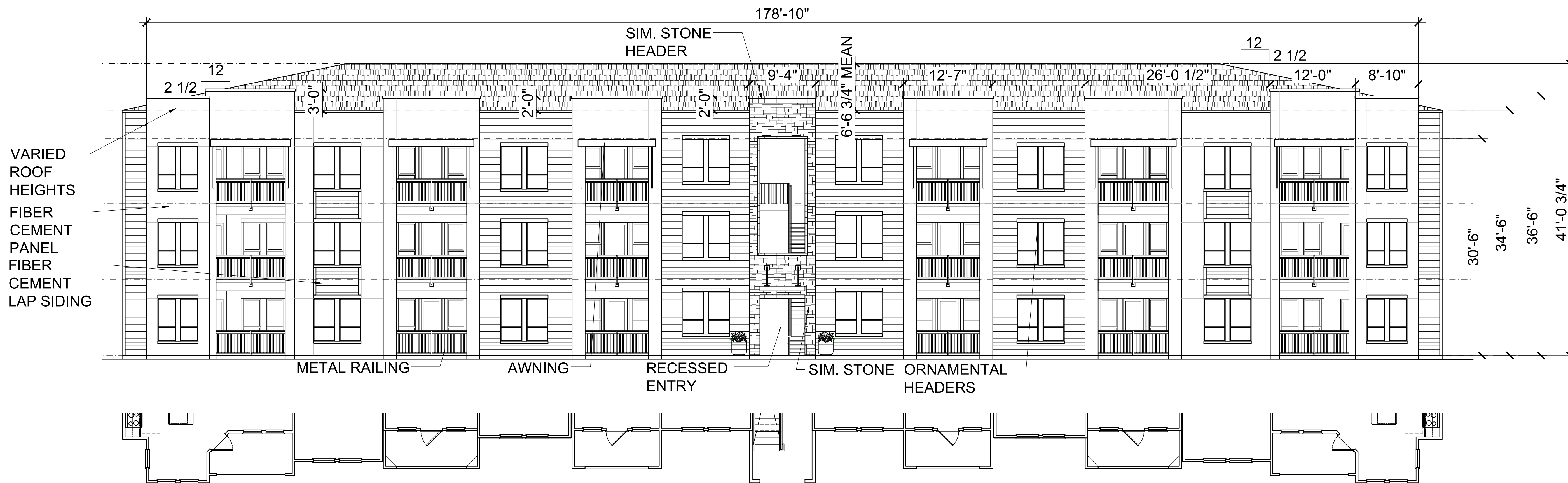
	FACADE LENGTH	VERTICAL ARTICULATION		HEIGHT ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	68'-11 1/2"	N/A-NOT A STREET FACING FACADE	23'-4"	N/A-NOT A STREET FACING FACADE	4'-0"
NORTH ELEVATION (MILLER RD.)	68'-11 1/2"	13'-9" MIN (69'-0" X 20%)	23'-4"	4'-6" MIN (69'-0" / 50'=1.38) (1.36 x 3 = 4.14)	4'-0"
WEST ELEVATION	199'-1"	N/A NOT A STREET FACING FACADE	63'-10"	N/A-NOT A STREET FACING FACADE	20'-0"
EAST ELEVATION	178'-10"	N/A-NOT A STREET FACING FACADE	57'-2"	N/A-NOT A STREET FACING FACADE	20'-0"

**HORIZONTAL ARTICULATION**

	FACADE LENGTH	HORIZONTAL ARTICULATION		DEPTH ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	68'-11 1/2"	N/A-NOT A STREET FACING FACADE	52'-5 1/2"	N/A-NOT A STREET FACING FACADE	14'-8 1/4"
NORTH ELEVATION (MILLER ROAD)	68'-11 1/2"	21' MIN (69'-0" X 30%)	52'-5 1/2"	9'-6" MIN (69'-0" / 30'=2.3) (2.3 x 4 = 9.2)	14'-8 1/4"
WEST ELEVATION	199'-1"	N/A-NOT A STREET FACING FACADE	145'-5"	N/A-NOT A STREET FACING FACADE	40'-7"
EAST ELEVATION	178'-10"	N/A-NOT A STREET FACING FACADE	133'-11"	N/A-NOT A STREET FACING FACADE	25'-8"



**02 BUILDING 'A' - ELEVATION - SOUTH**  
SCALE: 1/16" = 1'-0"



**01 BUILDING 'A' - ELEVATION - EAST**  
SCALE: 1/16" = 1'-0"

DATE: 05.26.23

**A4.1**  
BUILDING A  
ELEVATIONS

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ZONING CASE 230216-1

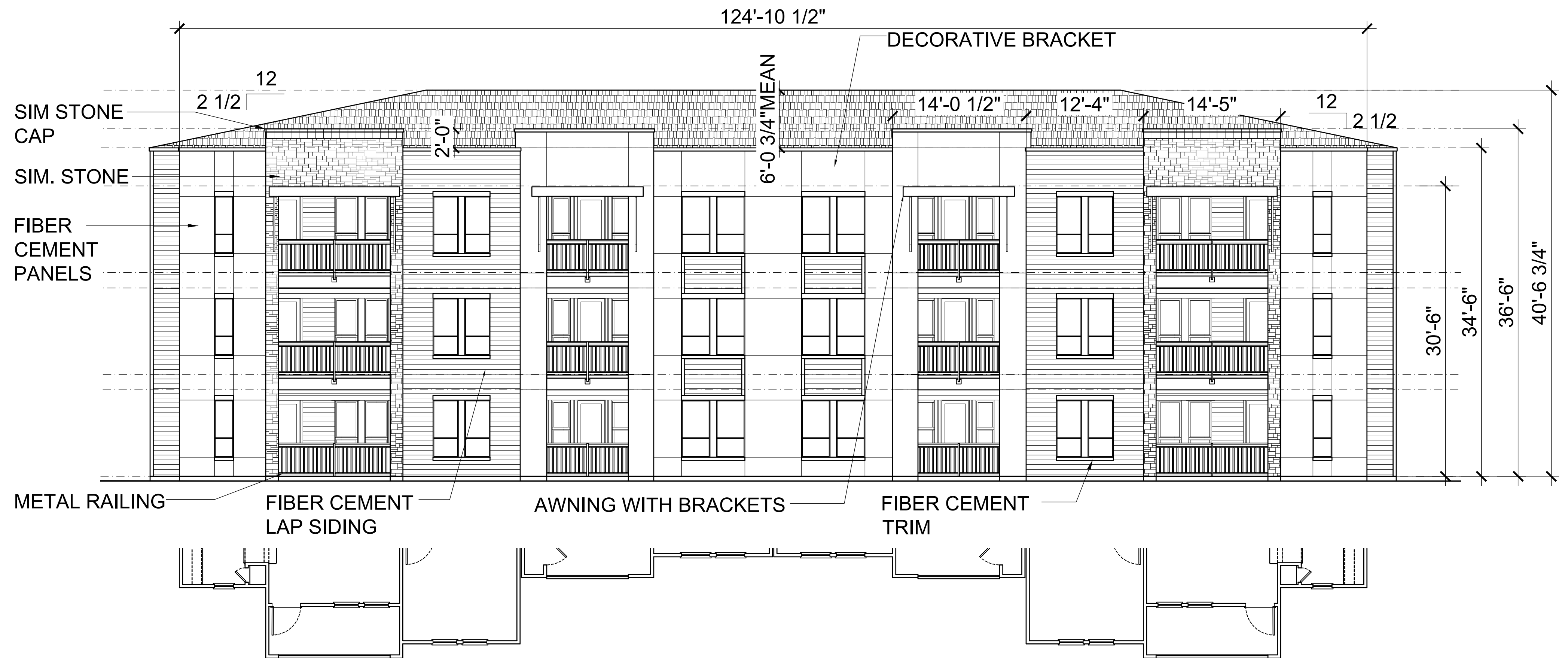
EXHIBIT E



VERTICAL ARTICULATION					
	FACADE LENGTH	VERTICAL ARTICULATION		HEIGHT ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	124'-10 1/2"	N/A-NOT A STREET FACING FACADE	53'-6"	N/A-NOT A STREET FACING FACADE	8'-0"
NORTH ELEVATION	140'-0 1/2"	28' MIN (140'-1" X 20%)	71'-1"	8'-6" MIN (140'-1"/ 50'=2.8) (2.8 x 3 = 8.4)	14'-0"
WEST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	18'-0"	N/A-NOT A STREET FACING FACADE	4'-0"
EAST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	18'-0"	N/A-NOT A STREET FACING FACADE	4'-0"

HORIZONTAL ARTICULATION					
	FACADE LENGTH	HORIZONTAL ARTICULATION		DEPTH ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	124'-10 1/2"	N/A-NOT A STREET FACING FACADE	99'-9"	N/A-NOT A STREET FACING FACADE	18'-0 1/2"
NORTH ELEVATION	140'-0 1/2"	42' MIN (140'-1" X 30%)	71'-1"	10' MIN (140'-1"/ 30'=4.7) (4.7 x 2 = 9.4)	14'-6 3/4"
WEST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	56'-4 3/4"	N/A-NOT A STREET FACING FACADE	7'-7"
EAST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	56'-4 3/4"	N/A-NOT A STREET FACING FACADE	7'-7"

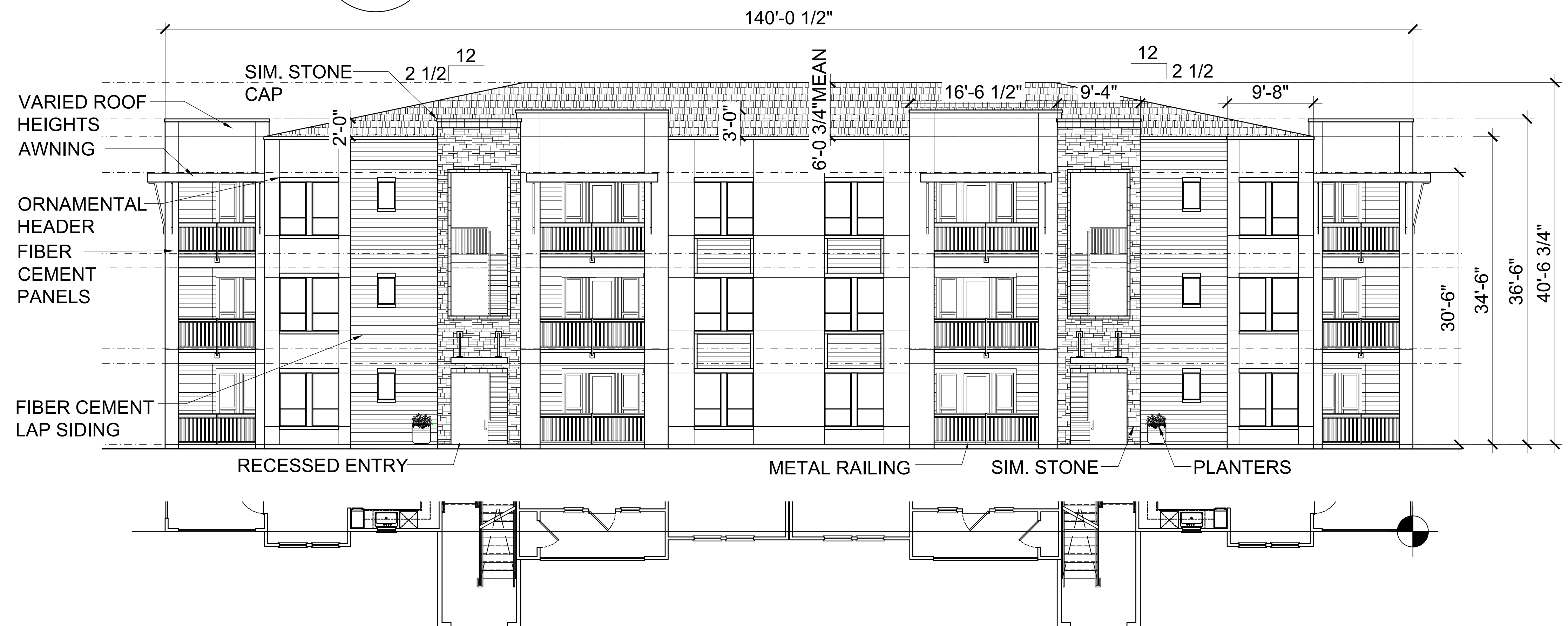


02

**BUILDING TYPE 'B' - ELEVATION - SOUTH**

SCALE: 1/16" = 1'-0"

ELEMENTS PROVIDED
1. AWNINGS/CANOPIES
2. ALCOVES/PORTRICOS
3. RECESSED ENTRIES
4. ORNAMENTAL WINDOW HEADERS/LINTELS
5. VARIED ROOF HEIGHTS
6. DIVIDED LIGHT WINOWS
7. PLANTERS



01

**BUILDING TYPE 'B' - ELEVATION - NORTH**

SCALE: 1/16" = 1'-0"

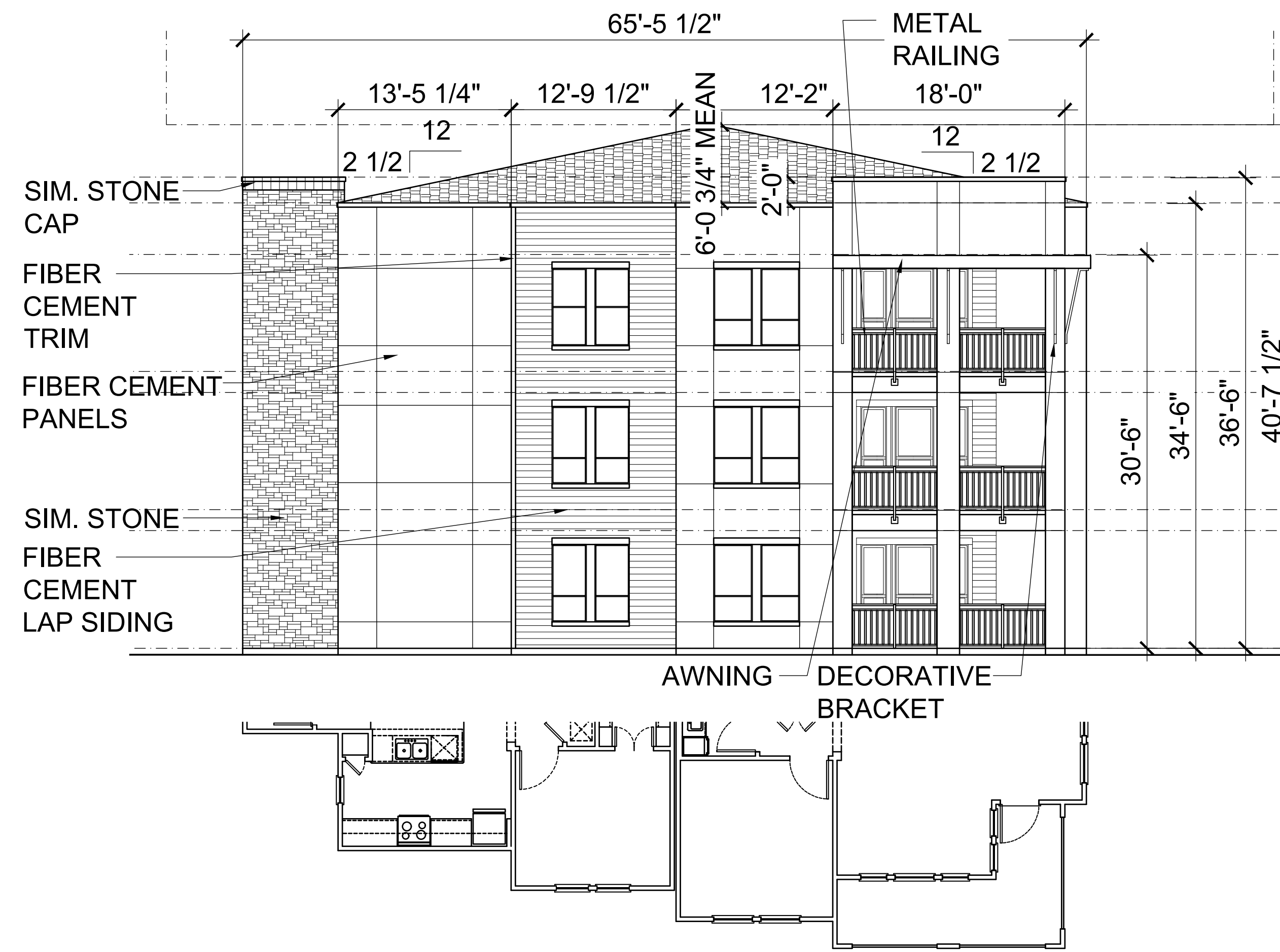


VERTICAL ARTICULATION					
	FACADE LENGTH	VERTICAL ARTICULATION		HEIGHT ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	124'-10 1/2"	N/A-NOT A STREET FACING FACADE	53'-6"	N/A-NOT A STREET FACING FACADE	8'-0"
NORTH ELEVATION	140'-0 1/2"	28' MIN (140'-1" X 20%)	71'-1"	8'-6" MIN (140'-1" / 50'=2.8) (2.8 x 3 = 8.4)	14'-0"
WEST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	18'-0"	N/A-NOT A STREET FACING FACADE	4'-0"
EAST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	18'-0"	N/A-NOT A STREET FACING FACADE	4'-0"

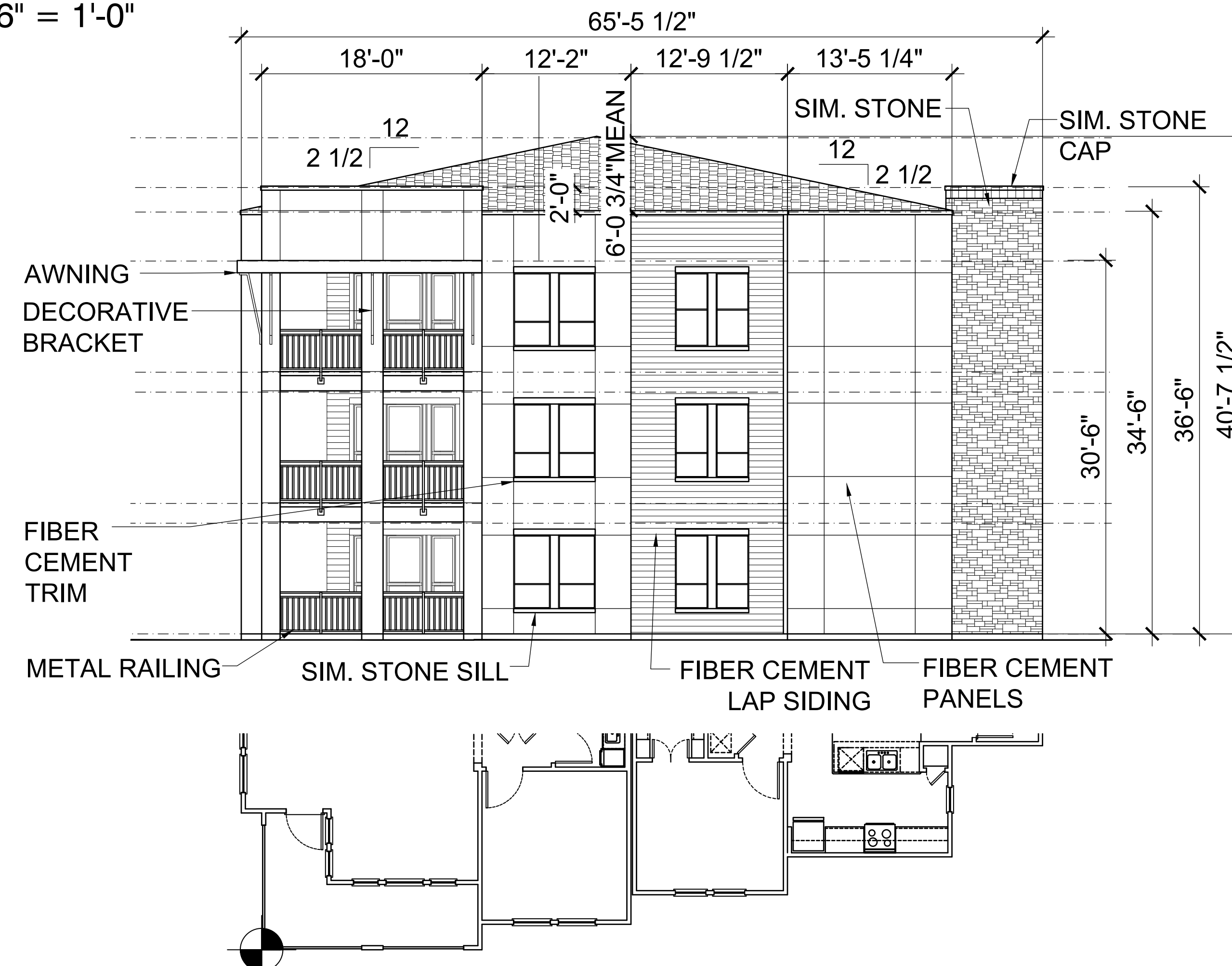
  

HORIZONTAL ARTICULATION					
	FACADE LENGTH	HORIZONTAL ARTICULATION		DEPTH ARTICULATION	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTH ELEVATION	124'-10 1/2"	N/A-NOT A STREET FACING FACADE	99'-9"	N/A-NOT A STREET FACING FACADE	18'-0 1/2"
NORTH ELEVATION	140'-0 1/2"	42' MIN (140'-1" X 30%)	71'-1"	10' MIN (140'-1" / 30'=4.7) (4.7 x 2 = 9.4)	14'-6 3/4"
WEST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	56'-4 3/4"	N/A-NOT A STREET FACING FACADE	7'-7"
EAST ELEVATION	65'-5 1/2"	N/A-NOT A STREET FACING FACADE	56'-4 3/4"	N/A-NOT A STREET FACING FACADE	7'-7"

ELEMENTS PROVIDED
1. AWNINGS/CANOPIES
2. ALCOVES/PORTICOS
3. RECESSED ENTRIES
4. ORNAMENTAL WINDOW HEADERS/LINTELS
5. VARIED ROOF HEIGHTS
6. DIVIDED LIGHT WINOWS
7. PLANTERS

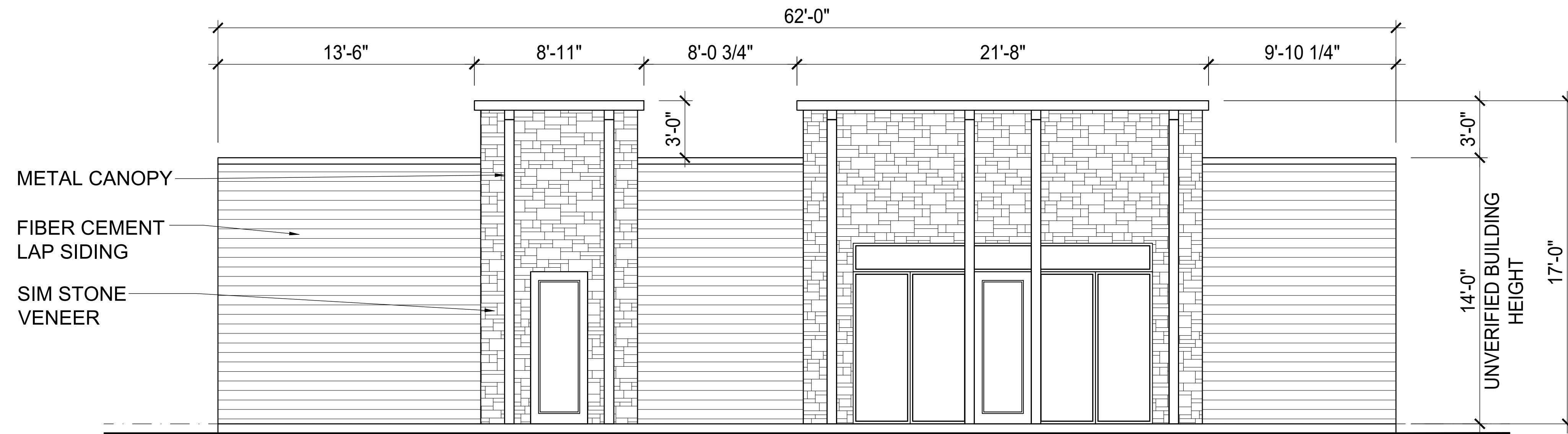


**02** BUILDING TYPE 'B' - ELEVATION - EAST  
SCALE: 1/16" = 1'-0"

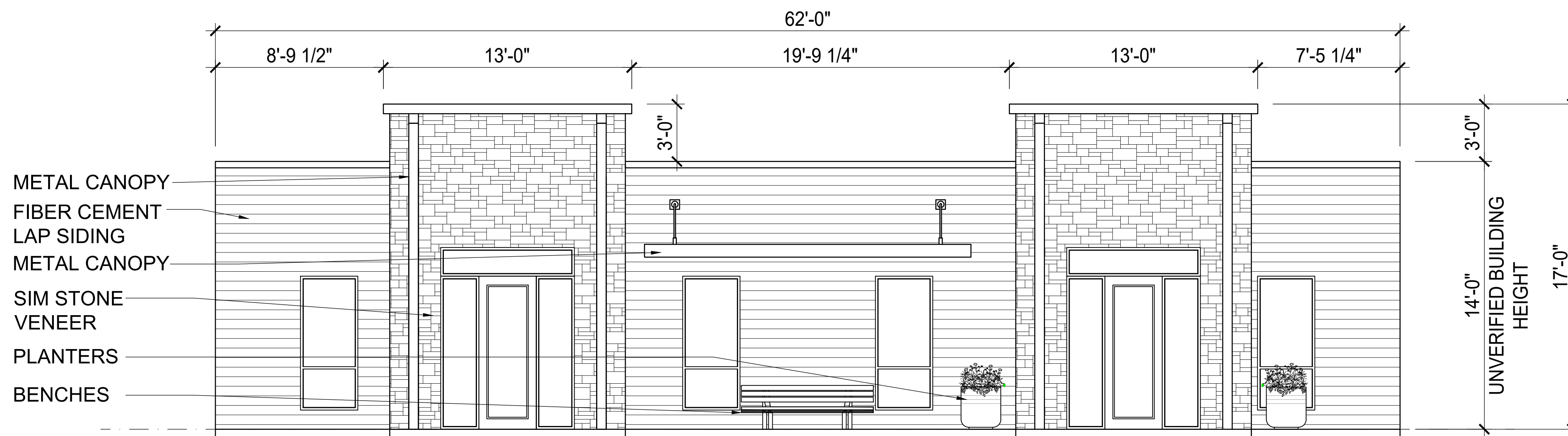


**01** BUILDING TYPE 'B' - ELEVATION - WEST  
SCALE: 1/16" = 1'-0"

ELEMENTS PROVIDED
1. AWNINGS/CANOPIES
2. ALCOVES/PORTICOS
3. ORNAMENTAL WINDOW HEADERS/LINTELS
4. VARIED ROOF HEIGHTS
5. TRANSOMS
6. PLANTERS
7. BENCHES FOR OUTDOOR SEATING
8. DISPLAY WINDOWS



**02 CLUBHOUSE - CONCEPTUAL ELEVATION - SOUTH**  
SCALE: 1/8" = 1'-0"



**01 CLUBHOUSE - CONCEPTUAL ELEVATION - NORTH**  
SCALE: 1/8" = 1'-0"

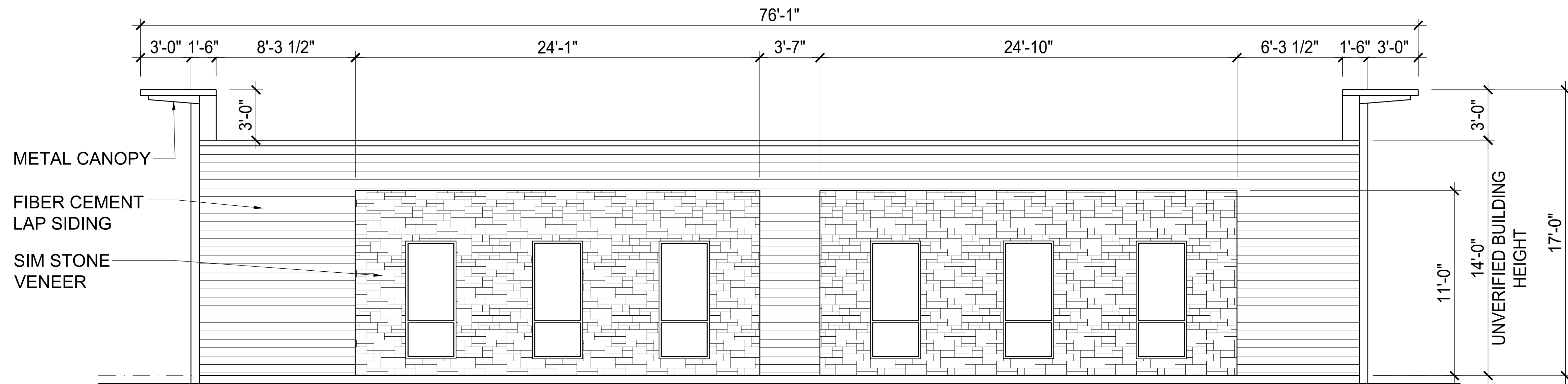
RAVI MEHTA - MULTIFAMILY  
GARLAND, TEXAS

DATE: 05.26.23

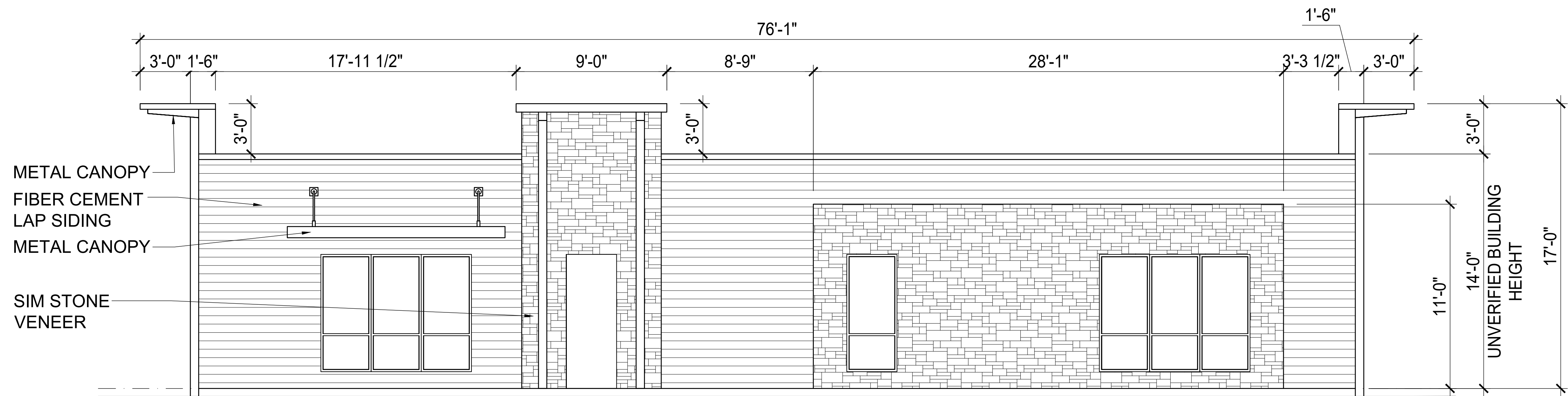
**A5.1**  
CLUBHOUSE  
ELEVATIONS

Copyright © 2021

ELEMENTS PROVIDED
1. AWNINGS/CANOPIES
2. ALCOVES/PORTICOS
3. ORNAMENTAL WINDOW HEADERS/LINTELS
4. VARIED ROOF HEIGHTS
5. TRANSOMS
6. PLANTERS
7. BENCHES FOR OUTDOOR SEATING
8. DISPLAY WINDOWS

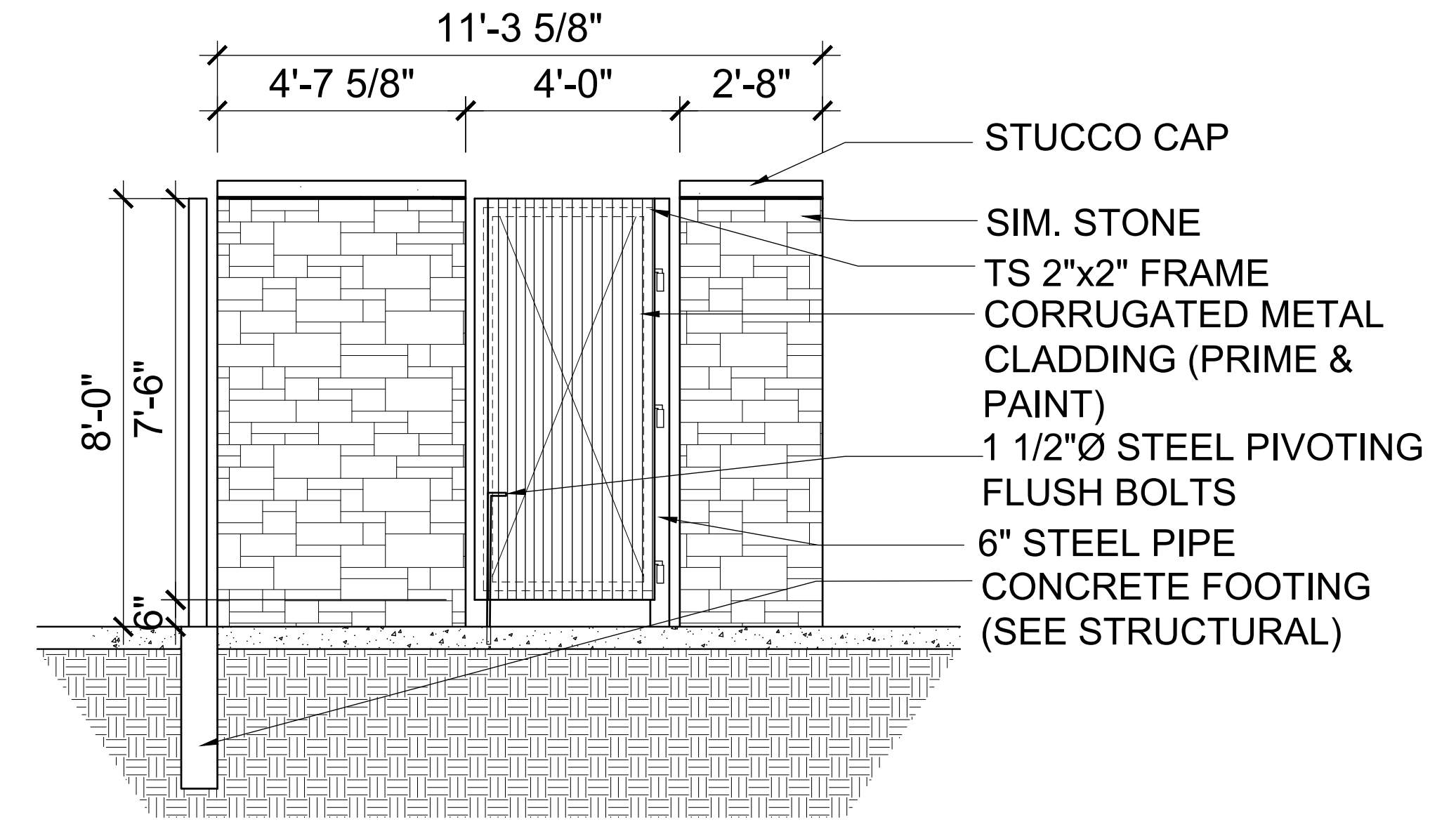


**02 CLUBHOUSE - CONCEPTUAL ELEVATION - WEST**  
SCALE: 1/8" = 1'-0"

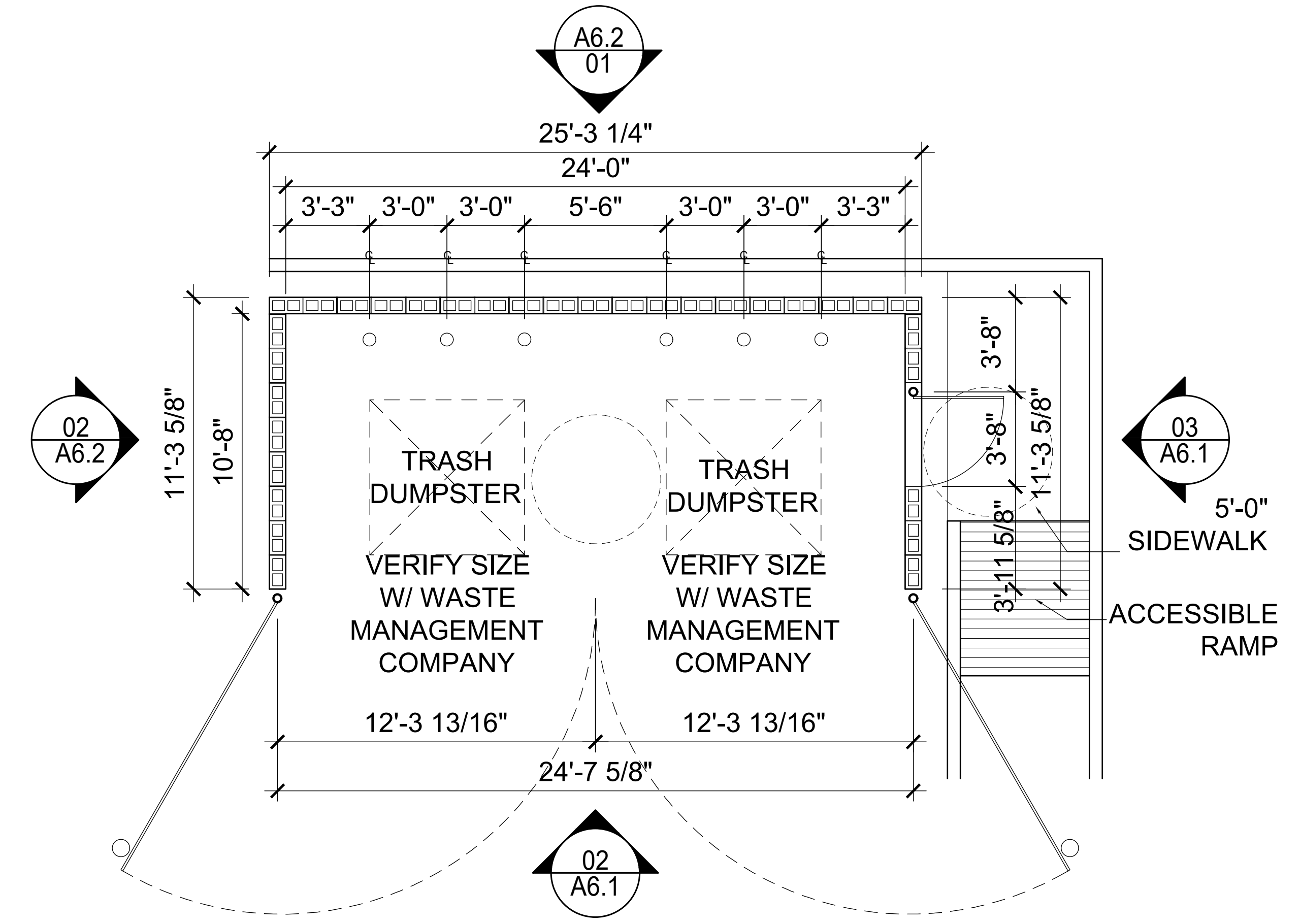


**01 CLUBHOUSE - CONCEPTUAL ELEVATION - EAST**  
SCALE: 1/8" = 1'-0"

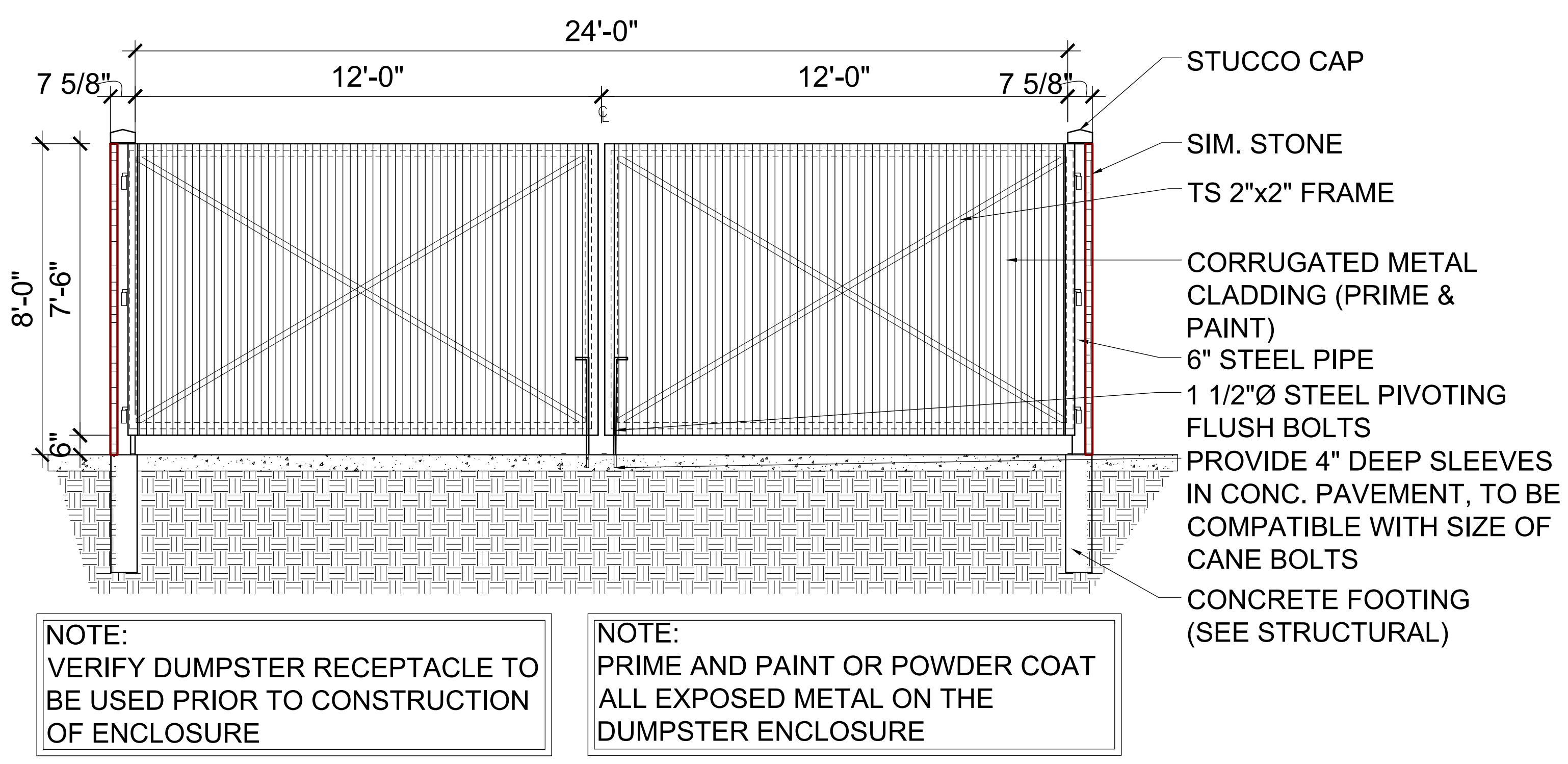




**03 DUMPSTER ENCLOSURE SIDE ELEVATION**  
SCALE: 3/16" = 1'-0"



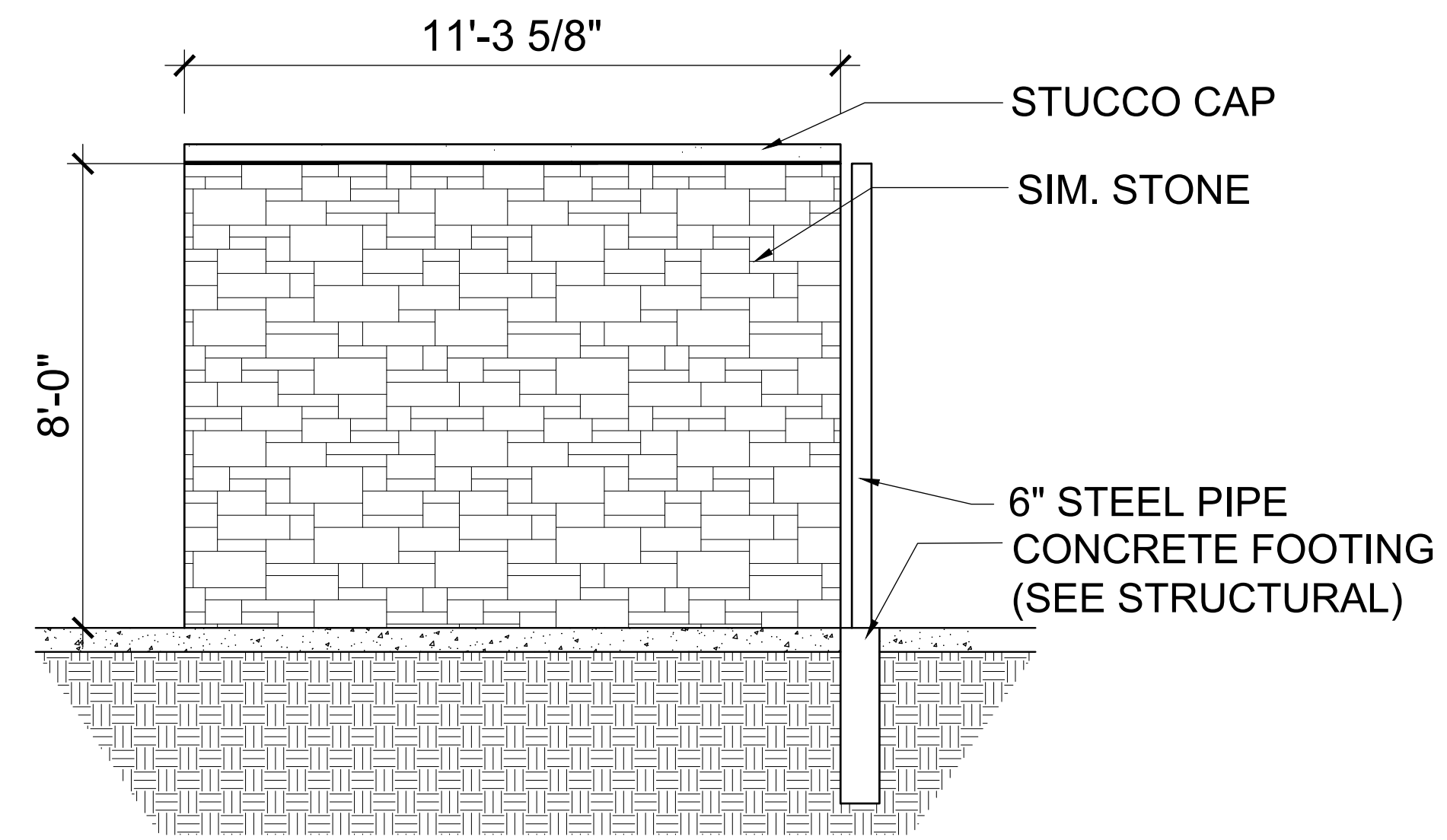
**01 DUMPSTER ENCLOSURE PLAN**  
SCALE: 1/8" = 1'-0"



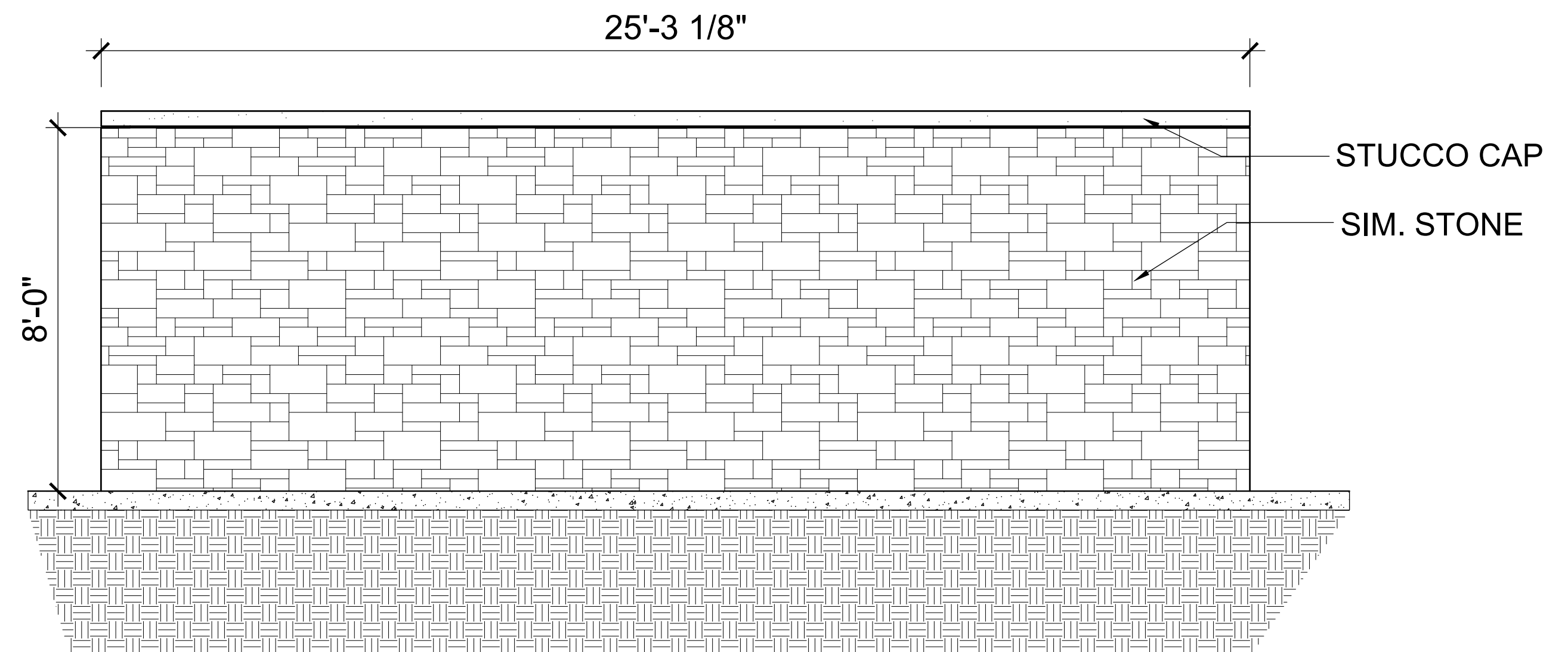
NOTE:  
VERIFY DUMPSTER RECEPTACLE TO  
BE USED PRIOR TO CONSTRUCTION  
OF ENCLOSURE

NOTE:  
PRIME AND PAINT OR POWDER COAT  
ALL EXPOSED METAL ON THE  
DUMPSTER ENCLOSURE

**02 DUMPSTER ENCLOSURE FRONT ELEVATION**  
SCALE: 3/16" = 1'-0"



**02** **DUMPSTER ENCLOSURE SIDE ELEVATION**  
SCALE: 3/16" = 1'-0"



**01** **DUMPSTER ENCLOSURE FRONT ELEVATION**  
SCALE: 3/16" = 1'-0"



**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**3. d.**

**Meeting Date:** 08/01/2023

**Item Title:** Z 23-18 Petit-ECD (District 5)

**Submitted By:** Will Guerin, Planning Director

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**Summary of Request/Problem**

Zoning Ordinance Z 23-18 Petit-ECD

**Recommendation/Action Requested and Justification**

Consider adoption of the attached ordinance.

---

**Attachments**

Z 23-18 Ordinance

Z 23-18 Exhibit A

Z 23-18 Exhibit B

Z 23-18 Exhibits C-E

---

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 03-54 AND 2) A DETAIL PLAN FOR AN AUTOMOBILE REPAIR, MINOR USE ON A 9.488-ACRE TRACT OF LAND LOCATED AT 11511 & 11611 LBJ FREEWAY; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of June, 2023, the Plan Commission did consider and make recommendations on a certain request 1) an Amendment to Planned Development (PD) District 03-54 and 2) a Detail Plan for an Automobile Repair, Minor Use by **Petitt-ECD**; and

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

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

**Section 1**

The Garland Development Code is hereby amended by approving 1) an Amendment to Planned Development (PD) District 03-54 and 2) a Detail Plan for an Automobile Repair, Minor Use and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

**Section 3**

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

**Section 4**

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

**Section 5**

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

**Section 6**

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

**Section 7**

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



FILE NO. Z 23-18

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 23-18**

BEING 413,315 square feet or 9.488 acres of land situated in the City of Garland, Dallas County, Texas, and being part of the HINSON C. DAVIS SURVEY, ABSTRACT No. 410, also being comprised in part by all of that certain tract of land described as REPLAT OF LOT 1, BLOCK 1, JUPITER CHEVROLET GEO ADDITION, recorded in Volume 95126, at page 1254, of the Deed Records of Dallas County, Texas and being part of a called 16.4872 acre tract of land described in deed to Robert M. Brittingham and John G. Brittingham by deed recorded in Volume 90172, at Page 3742, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a plastic yellow cap stamped "R-DELTA ENGRS", said point being in the north right-of-way line of Interstate Highway Number 635, said point also being the southeast corner of the LBJ Jupiter Road Addition No. 2 recorded in Volume 77099, Page 0413 of Dallas County Deed Records;

THENCE North 49 degrees 58 minutes 28 seconds East, leaving said north right-of-way line, with the East line of said LBJ Jupiter Addition No. 2, for a distance of 292.31 feet, to the point of curve of a non-tangent curve to the right, from which a 1/2 inch iron rod found bears north 23 degrees east for a distance of 0.34 feet, said curve having a radius of 50.00 feet, a central angle of 41 degrees 24 minutes 19 seconds, a long chord which bears North 34 degrees 53 minutes 39 seconds West, a distance of 35.35 feet;

THENCE northwesterly, with the arc of said curve to the right, for an arc distance of 36.13 feet to the point of reverse curve, from which a 1/2 inch iron rod found bears north 23 1/4 degrees east for a distance of 0.31 feet, said curve having a radius of 50.00 feet, a central angle of 41 .degrees 24 minutes 14 seconds, a long chord which bears North 34 degrees 53 minutes 37 seconds West a distance of 35.35 feet;

THENCE continuing in a northwesterly direction with the arc of said curve, an arc distance of 36.13 feet to a point for the end of said curve, from which an "X" cut in concrete bears north 25 degrees east for a distance of 0.35 feet;

THENCE North 55 degrees 35 minutes 44 seconds West, for a distance of 679.53 feet to a ½-inch iron rod set with a plastic yellow cap stamped "R-DELTA ENGRS" set on the east line of Jupiter Road (a variable width R.O.W.);

THENCE North 00 degrees 43 minutes 23 seconds West, with the east right-of-way line of Jupiter Road, for a distance of 30.57 feet to a 1/2 inch iron rod set with a plastic yellow cap Stamped "R-DELTA ENGRS" on the south line of the A.T. & S.F. Railroad right-of-way (a variable width right-of-way);

THENCE leaving said east line of Jupiter Road, continuing with said railroad right-of-way line the following courses;

South 55 degrees 35 minutes 44 seconds East, for a distance of .805.69 feet to a point for corner, from which a 1/2 inch iron rod found bears north 37 1/2 degrees east for a distance of 0.19 feet;

South 89 degrees 13 minutes 12 seconds West, for a distance of 43.40 feet to a 2-1/2-inch aluminum disk found for corner;

South 55 degrees 35 minutes 53 seconds East, at a distance of 814.01 feet passing the most easterly corner of said Replat of Jupiter Chevrolet Geo Addition, and continuing for a total distance of 967.96 feet to a 1/2 inch iron rod set with a plastic yellow cap stomped "R-DELTA ENGRS" for corner, from which a 1/2 inch iron rod set with a plastic yellow cap stamped "R-DELTA ENGRS" bears South 55 degrees 23 minutes 36 seconds East for a distance of 4.26 feet and being the point of curve of a curve to the right having a radius of 6800.60 feet, a central angle of 08 degrees 39 minutes 02 seconds and an arc length of 1026.76 feet;

THENCE South 34 degrees 17 minutes 32 seconds West, leaving said railroad right-of-way, for a distance of 397.34 feet to a 1/2 inch iron rod set with a plastic yellow cap stamped "R-DELTA ENGRS" and being the point of curvature of a non-tangent curve to the right, having a radius of 2864.79, a central angle of 20 degrees 04 minutes 51

ZONING FILE NUMBER Z 23-18

seconds, a long chord which bears North 51 degrees 18 minutes 55 seconds West a distance of 998.91 feet; THENCE with said north right-of-way line of I.H. No., 635 the following courses;

Northwesterly with the arc of said curve to the: right, an arc distance of 1004.04 feet to a 1/2 inch iron rod set with a plastic yellow cap stamped "R-DELTA ENGRS" and being the end of said curve;

North 40 degrees 01 minutes 32 seconds West, for a distance of 60.25 feet, to the POINT OF BEGINNING and containing 413,315 square feet or 9.488 acres of land.

**PLANNED DEVELOPMENT CONDITIONS**

**ZONING FILE Z 23-18**

**11511 & 11611 LBJ Freeway**

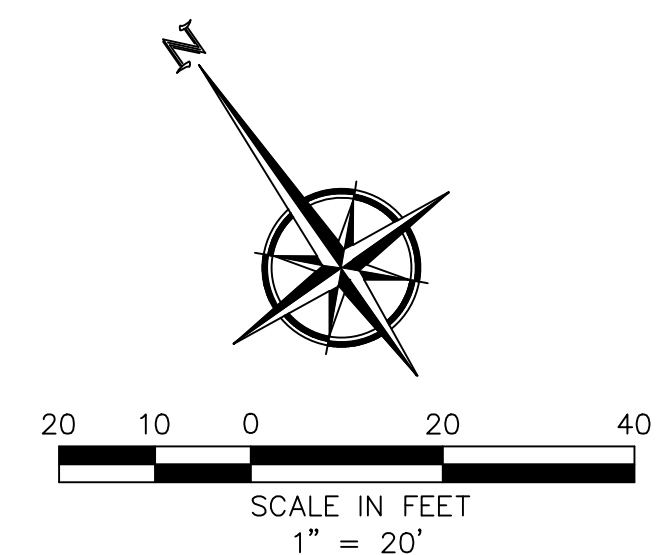
- I. Statement of Purpose:** The purpose of this Planned Development is to allow and regulate the development of an additional automotive service building on the subject property.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 03-54 and Heavy Commercial (HC) District and Site Development Standards as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.
- V. Specific Conditions:**
- A. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- B. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- C. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.



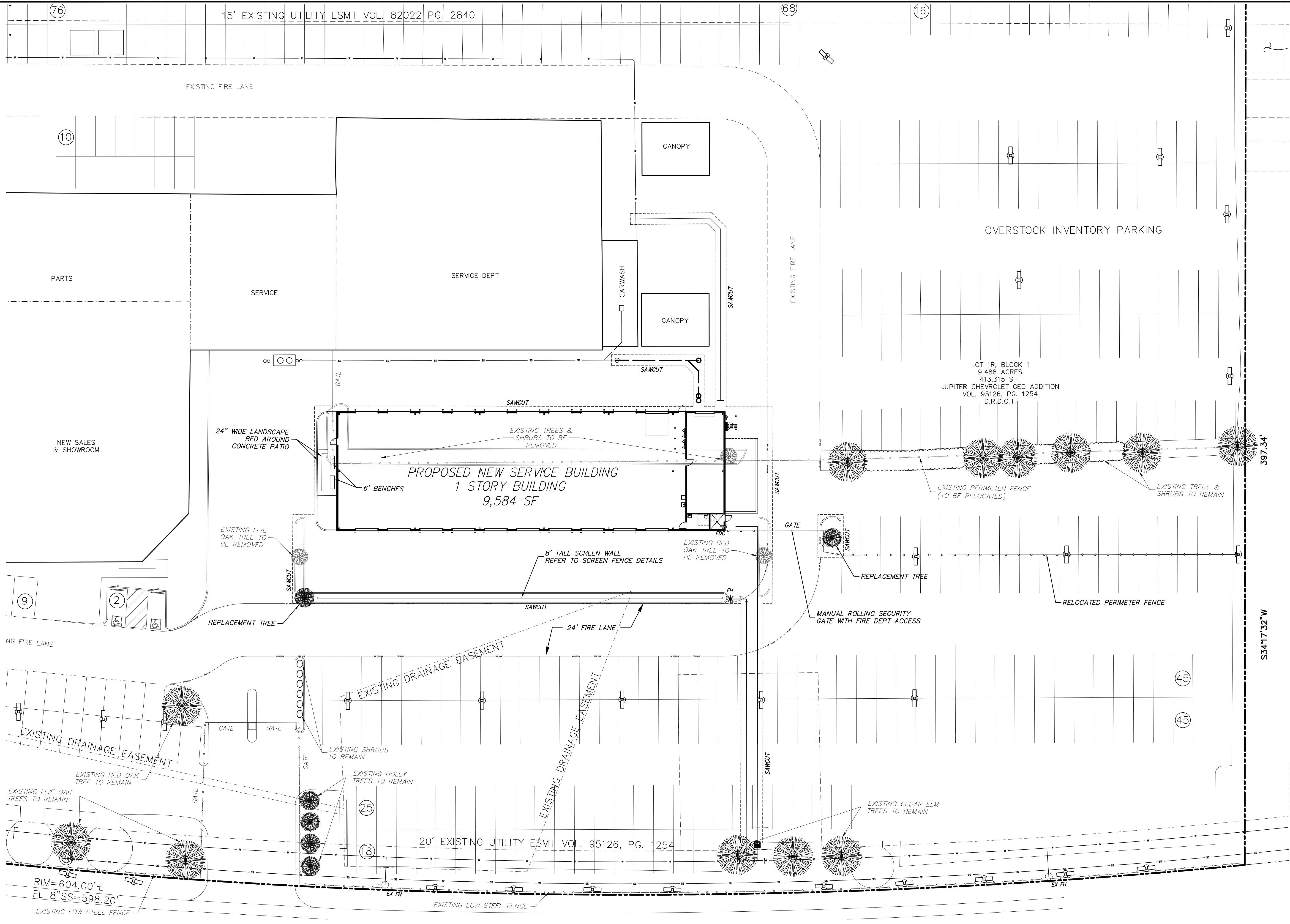
D. Signage: All signage shall comply with the standards in the Garland Development Code.







- LEGEND**
- LIGHT POLE
  - F.H. FIRE HYDRANT
  - CHISELED "X" SET
  - F.R. CHISELED "X" FOUND
  - F.I.R. IRON ROD FOUND (SIZE AS NOTED)
  - S.I.R. IRON ROD SET (SIZE AS NOTED)
  - O.U.P. OVERHEAD UTILITY POLE W/ GUY
  - U.E. UNDERGROUND ELECTRIC OR TELEPHONE
  - L.P. LIGHT POLE
  - S.S.M.H. SANITARY SEWER MANHOLE
  - C.O. SAN. SWR. CLEAN OUT
  - G.V. GAS VALVE
  - W.V. WATER VALVE
  - TREE
  - M.H. MANHOLE (TYPE AS NOTED)
  - SIG. BOX TRAFFIC SIGNAL BOX
  - TRANS. ELECTRIC TRANSMISSION STEEL TOWER
  - CABLE UNDERGROUND CABLE MARKER
  - L.A. PROP. LANDSCAPE AREAS
  - EXIST. STORM SEWER
  - SS EXIST. SANITARY SEWER
  - 8"W EXIST. WATER
  - GAS EXIST. GAS
  - SS PROP. SANITARY SEWER
  - W PROP. WATER
  - PROP. STORM SEWER



LOT 1R, BLOCK 1  
9.488 ACRES  
413,315 S.F.  
JUPITER CHEVROLET GEO ADDITION  
VOL. 95126, PG. 1254  
D.R.D.C.T.

PROPOSED NEW SERVICE BUILDING  
1 STORY BUILDING  
9,584 SF

24" WIDE LANDSCAPE  
BED AROUND  
CONCRETE PATIO

6" BENCHES

8" TALL SCREEN WALL  
REFER TO SCREEN FENCE DETAILS

24' FIRE LANE

20' EXISTING UTILITY ESMT VOL. 95126, PG. 1254

RIM=604.00'±  
FL 8"SS=598.20'

**BENCHMARKS:**  
BM1  
5/8" STEEL ROD SET W/ORANGE CAP STAMPED  
"BND. CTR. PNT."  
ELEVATION = 577.11'  
BM2  
CHISELED SQUARE ON TOP OF HEADWALL 230'±  
SOUTHEAST OF I.H. 635 LBJ EXIT RAMP  
ELEVATION = 602.23'

**PETTIT - ECD**  
ENGINEERING SURVEYING CONSTRUCTION ADMINISTRATION  
TBPELS FIRM REGISTRATION  
ENGINEERING FIRM NO. 1145  
201 Windco Circle, Suite 100  
Wylie, Texas 75098  
Tel. No. (972) 941-8400  
Fax No. (972) 941-8401

DRAWN: ECDLP	DATE: May 31, 2023
CHECKED: TW	DATE: May 31, 2023
PROJECT NO: 3528	
DWG FILE NAME: 3528 - LANDSCAPE.DWG	

THIS DOCUMENT IS RELEASED FOR  
THE PURPOSE OF INTERIM REVIEW AND  
BIDDING ONLY.

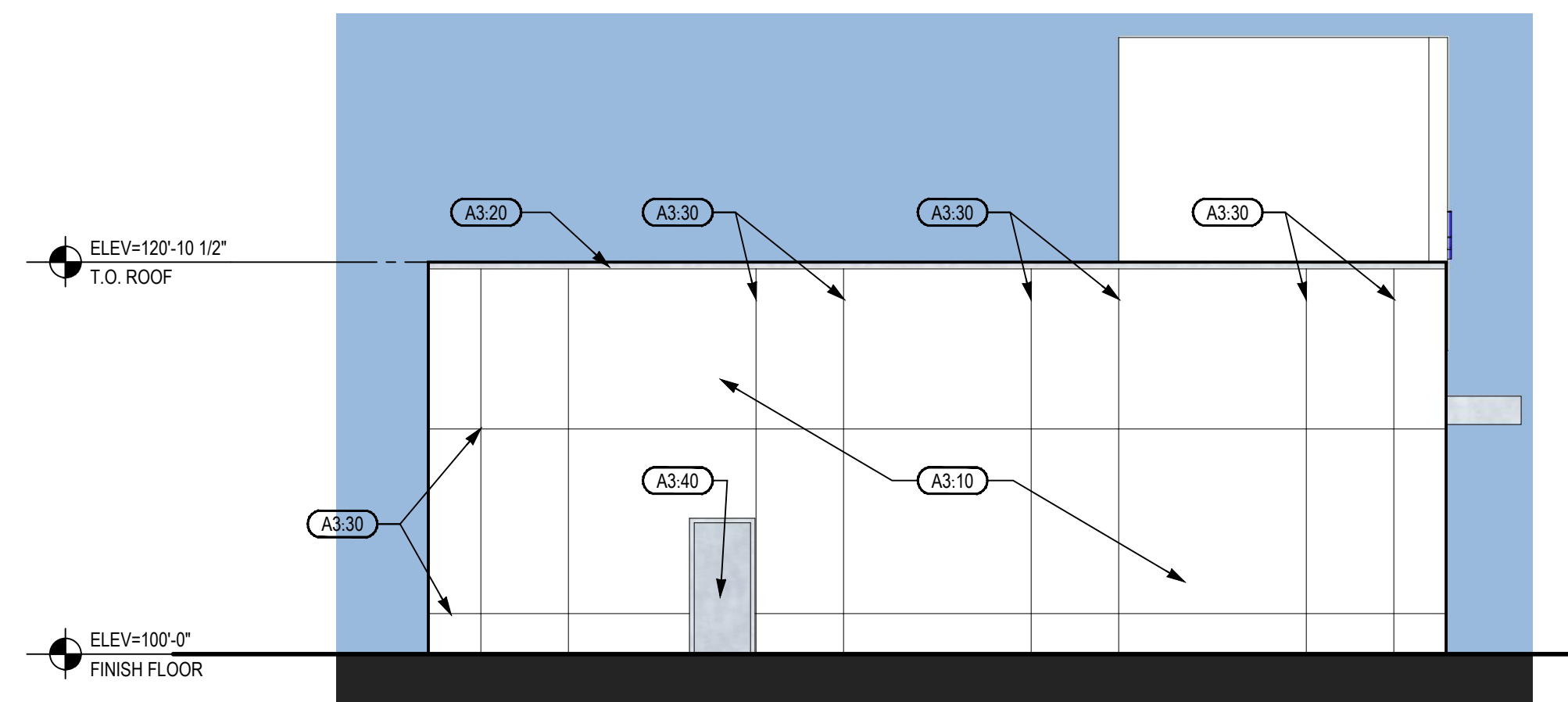


LANDSCAPE PLAN 20  
JUPITER CHEVROLET SERVICE BUILDING  
CITY OF GARLAND  
DALLAS COUNTY, TEXAS

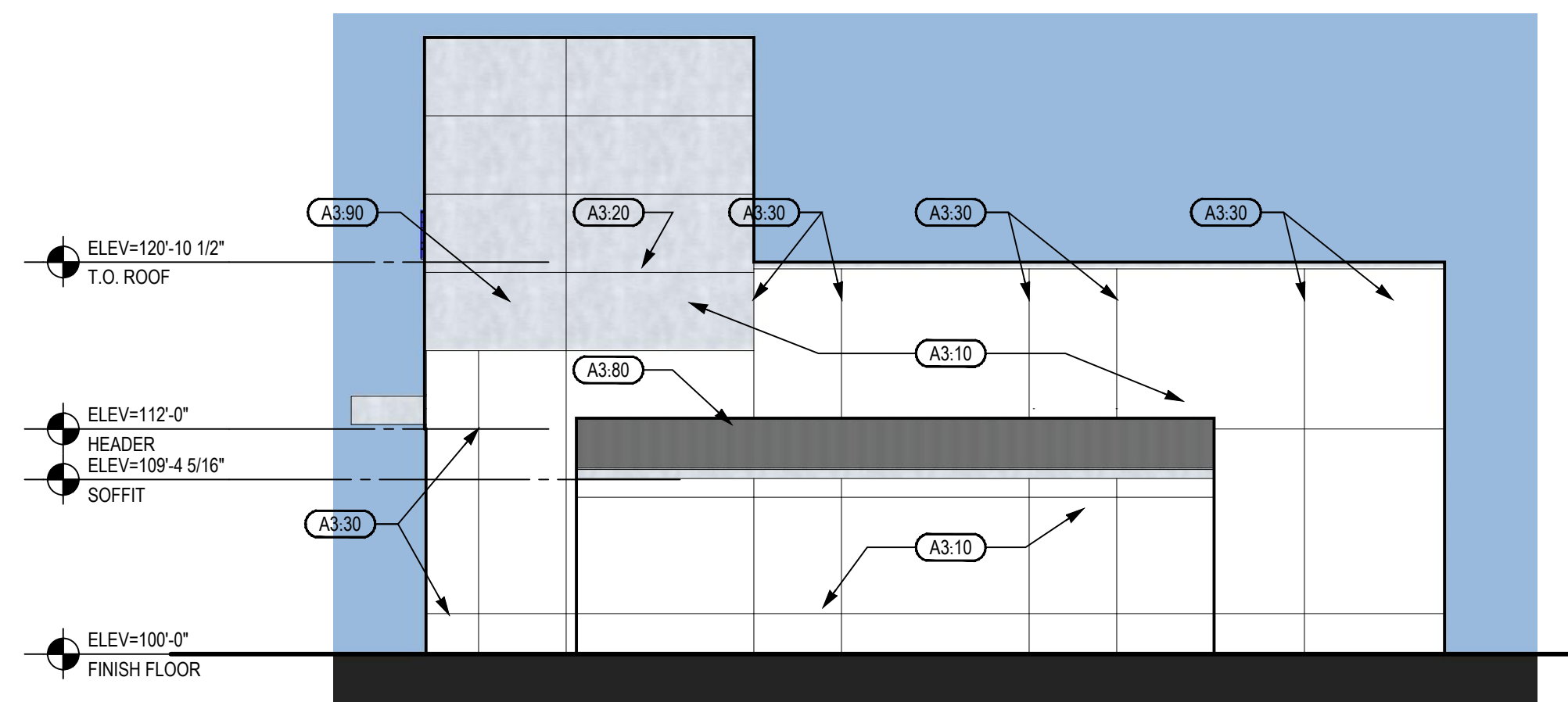
EXHIBIT D

Y:\PROJECTS\03528 Jupiter Chevrolet 2023\05 CAD Files\04 Sheets\3528 - LANDSCAPE.dwg-20 Plotted May 31, 2023 at 8:53am by Clayton Mulvey | Last Saved by Clayton Mulvey

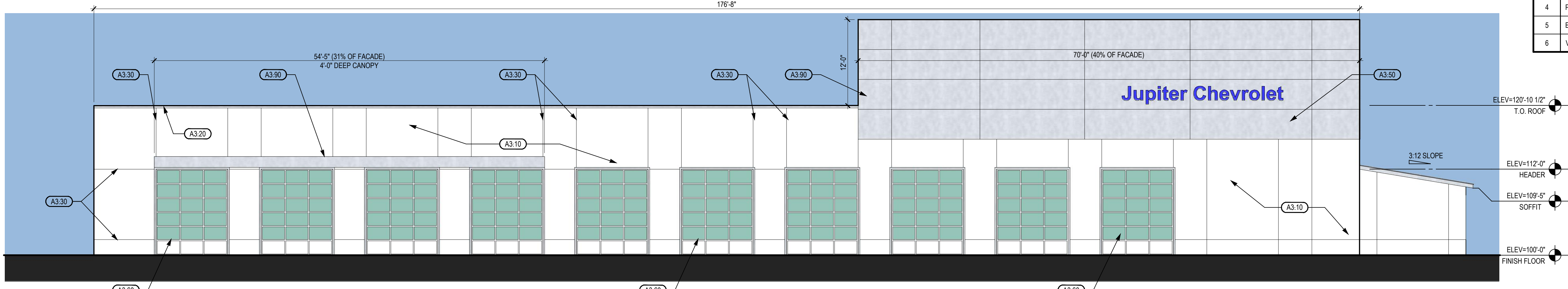




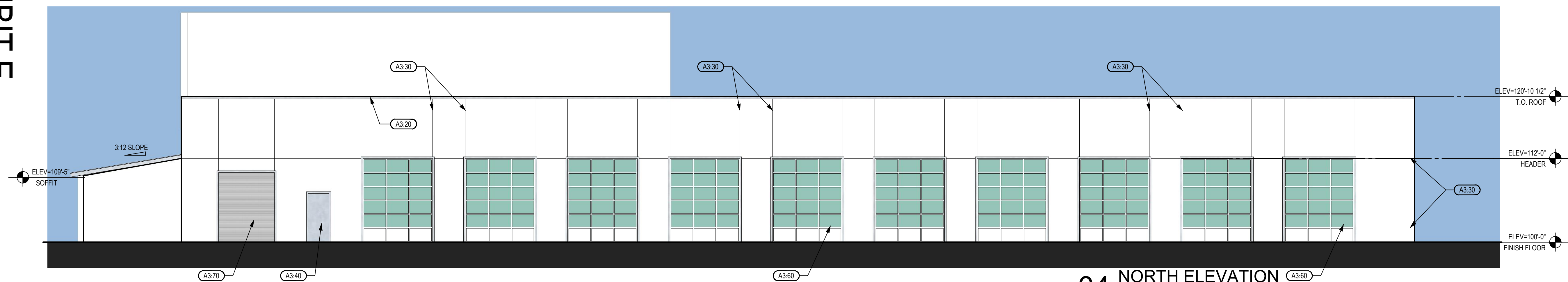
**01 WEST ELEVATION**  
1/8" = 1'-0"



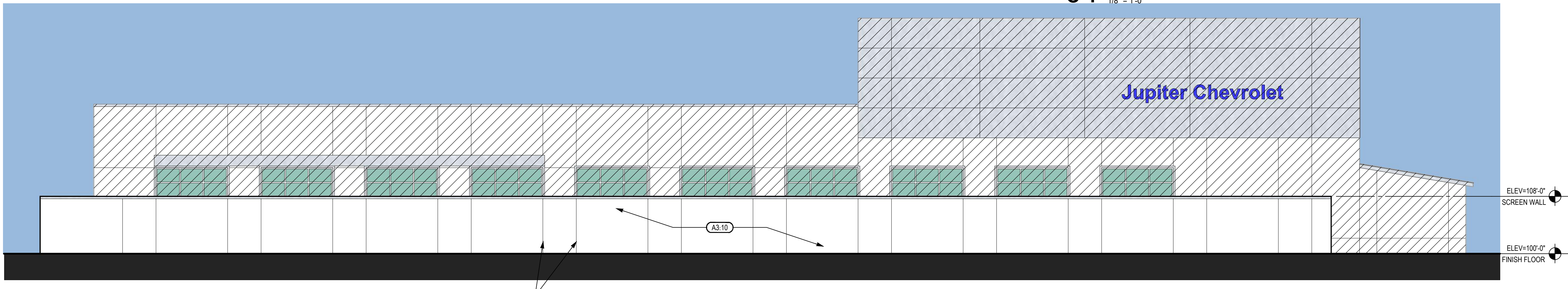
**02 EAST ELEVATION**  
1/8" = 1'-0"



**03 SOUTH ELEVATION (STREET FACING)**  
1/8" = 1'-0"



**04 NORTH ELEVATION**  
1/8" = 1'-0"



**05 SOUTH ELEVATION W/ SCREEN WALL**  
1/8" = 1'-0"

KEY NOTES	
A3.10	3-STEP STUCCO WHITE COLOR (ST-1)
A3.20	PRE-FINISHED METAL COPING (MTL-1)
A3.30	CONTROL JOINT
A3.40	DOOR AS SCHEDULED
A3.50	SIGNAGE BY OTHERS
A3.60	FACTORY FINISHED SECTIONAL OH DOOR AS SCHEDULED
A3.70	FACTORY FINISHED COILING DOOR AS SCHEDULED
A3.80	PRE-FINISH METAL ROOFING (MTL-2)
A3.90	ALUMINUM COMPOSITE PANEL AS SCHEDULED (ACM-1)

ARCHITECTURAL ELEMENTS		
DESCRIPTION	NOTES	
1	AWNINGS	
2	DIVIDED LIGHT WINDOWS	
3	DISTINCTIVE LIGHTING FEATURES	
4	PLANTERS	REFERENCE SITE PLAN
5	BENCHES FOR OUTDOOR SEATING	REFERENCE SITE PLAN
6	VARIED ROOF HEIGHTS	

DATE	DESCRIPTION
06-26-2023	CITY COMMENTS

PRELIMINARY  
THIS DOCUMENT SHALL NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION. RELEASED UNDER THE AUTHORITY OF NICHOLAS K. CADE, TBAE LICENSE #9301

NCA JOB #: 22066

COLOR ELEVATIONS

F1.0

NOTE:  
REF. TO 03/F1.0 FOR FACADE TAGS AND KEY NOTES



**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**4.**

**Meeting Date:** 08/01/2023

**Item Title:** Project Specific Agreement with Dallas County for Duck Creek  
South Extension Trail

**Submitted By:** Andy Hesser, Managing Director

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**Summary of Request/Problem**

In 2021 the City executed a Master Agreement with Dallas County providing general terms regarding funding availability, agency responsibilities, etc., for “partnering” on eligible Transportation Improvements on roads inside Dallas County. The Master Agreement is the contractual agreement for eventual specific projects. A (Project Specific Agreement) PSA is then required to finalize specific costs and project management. Generally, Dallas County provides a 50% share of all eligible paving and drainage costs.

The Duck Creek South Extension trail is approximately 7,600 linear feet of 12-foot wide concrete trail that will be constructed within electric transmission corridors south of IH-30 and will extend from the existing Mesquite Heritage Trail at the city limits of Mesquite towards Ablon Park to the east. The trail will align under the northern abutment of Beltline Rd., through Garland Power and Light and Oncor Electric transmission easements, then continue along Guthrie Rd. until Rosehill Rd. Bicyclists will then transition to the existing shared-use lane on Guthrie Rd. where they may enter Ablon Trail from an improved access ramp from the roadway. The trail will include a steel truss bridge, approximately 100 feet long, to cross Duck Creek. In addition, culvert crossings and modifications to existing storm water infrastructure in Garland will be required to accommodate the proposed alignment.

The PSA establishes a total cost of the project to be \$2,680,000.00 at the following cost share amounts:

Dallas County - \$1,250,000.00

City of Garland - \$1,430,000.00

The City’s funding for this project is included in the 2023 CIP. Council considered this item at the May 1, 2023, Work Session.

**Recommendation/Action Requested and Justification**

Approve a resolution authorizing the City Manager to execute the PSA with Dallas County for the Duck Creek South Extension Trail project.

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## **Attachments**

Resolution

MCIP 12023 PSA Garland and Dallas County

Context Map

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC AGREEMENT WITH DALLAS COUNTY FOR TRANSPORTATION IMPROVEMENTS TO THE DUCK CREEK SOUTH EXTENSION TRAIL MCIP PROJECT FROM THE MESQUITE HERITAGE TRAIL ON THE WEST TO ABLON PARK ON THE EAST (PROJECT 12023), WITHIN THE CITY OF GARLAND, THE CITY OF MESQUITE, AND DALLAS COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2021, the City of Garland, Texas ("City") and Dallas County ("County") entered into that certain Master Agreement Governing Major Capital Improvement Program, approved by Commissioners Court Order 2021-0494 and City Resolution No. 10483; and

**WHEREAS**, pursuant to that Master Agreement, the City and County may enter into Project Specific Agreements;

**WHEREAS**, the Duck Creek Greenbelt Southern Extension, MCIP Project 12023 is currently under design and qualifies for a project to be funded pursuant to the Master Agreement.

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

**Section 1**

That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for transportation improvements to Duck Creek Greenbelt Southern Extension, MCIP Project 12023, which is attached hereto as Exhibit "A" and incorporated herein by reference.

**Section 2**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of August, 2023.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**DALLAS COUNTY CAPITAL IMPROVEMENT  
PROJECT SPECIFIC AGREEMENT  
TO THE MASTER AGREEMENT GOVERNING  
MAJOR CAPITAL IMPROVEMENT PROGRAM**

This Project Specific Agreement (“PSA”) to the Master Agreement Governing Major Capital Improvement Program (“Master Agreement”) is made by and between the City of Garland, Texas, (“City”), and the County of Dallas, Texas, (“County”), acting by and through its duly authorized officials, for the purpose of constructing transportation improvements on Duck Creek Greenbelt Southern Extension, MCIP Project 12023, from Duck Creek/Heritage Trail to Rosehill Road (“Project”).

**WHEREAS**, the Project is located within the City of Garland;

**WHEREAS**, the City has requested that it be designated as the Lead Agency for the Project and will provide the Project Manager;

**WHEREAS**, the City of Garland and the County entered into a Master Agreement on May 18, 2021, by Commissioners Court Order 2021-0494, for the purpose of transportation improvements on roads inside Dallas County;

**WHEREAS**, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract with each other for the performance of governmental functions and services, as well as joint funding of road construction or improvements of road or street projects.

**NOW THEREFORE THIS PSA** is made by and entered into by the City and the County for the mutual consideration stated herein.

**Article I.**

**Project Specific Agreement**

This PSA is to specifically identify the Project, changes in the rights and responsibilities of each of the parties as set forth in the Master Agreement and any additions thereto as incorporated herein. This PSA will be an addition to the Master Agreement and incorporate each of its terms and conditions. All terms of the Master Agreement remain in full force and effect except as modified herein. In the event of any conflict between the Master Agreement and this PSA, this PSA shall control.

**Article II.**

**Incorporated Documents**

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

1. Master Agreement authorized by County Commissioners Court Order 2021-0494 dated May 18, 2021, and additions thereto, which is incorporated herein by reference.
2. Project Scoping Sheets, which are attached and incorporated herein by reference as Attachment “A.”
3. Current Cost Estimates and Funding Sources, which is attached and incorporated herein by reference as Attachment “B.”

4. Project vicinity map, which is attached and incorporated herein by reference as Attachment “C.”

**Article III.**  
**Term of Agreement**

This PSA shall become effective when signed by the last party whose signature makes the respective agreement fully executed and shall terminate upon the completion and acceptance of the Project by Dallas County Commissioners Court or upon the terms and conditions in the Master Agreement, Article IV, Section A, Termination.

**Article IV.**  
**Project Description**

This PSA is entered into by the parties to develop public transportation improvements within the City of Garland, Texas. The Project limits are from Duck Creek/Heritage Trail to Rosehill Road. The Duck Creek Greenbelt Southern Extension trail is approximately 1.4 miles. The 12-foot wide trail will be constructed within an electric transmission corridor south of IH-30 and will extend from the existing Mesquite Heritage Trail at the city limits of Mesquite, towards Ablon Park to the east. The trail will align under the northern abutment of Beltline Road, through a Garland Power and Light and Oncor Electric transmission easements, then continue along Guthrie Road until it connects with the existing trail at Ablon Trail. The trail will include a steel truss bridge, approximately 100-feet long, to cross Duck Creek. In addition, culvert crossings and modifications to existing storm water infrastructure in Garland will be required to accommodate the proposed alignment.

This Project will facilitate the movement of public transportation to benefit both the City and County. The City does hereby give its approval for expenditure of County funds for the construction, improvement, maintenance, or repair of a street located within the municipality.

**Article V.**  
**Fiscal Funding**

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of County funding for each item and obligation contained herein. City shall have no right of action against the County of Dallas as regards this PSA, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of City funding for each item and obligation contained herein. County shall have no right of action against the City as regards this PSA, specifically including any funding by City of the Project in the event that the City is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City, as its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or



expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

**Article VI.**  
**Agreements**

I. County and City Responsibilities:

1. City will be the Lead Agency for the Project from commencement of planning to completion of construction.
2. City and County mutually agree that the Project limits are from Duck Creek/Heritage Trail to Rosehill Road.
3. The design shall be the agreed upon Standard Basic Project Design for the Project as defined in the Project's Scoping Sheets, Attachment "A." Such design specifically does not include Road or Street Amenity, Paving and Drainage Amenities or Utility Betterments as defined in the Master Agreement. If the City adds relocation or adjustment of City Utilities or Utility Betterments, the City agrees that it will pay 100% of the costs of these additions.
4. The City agrees that County may include any such item as an optional item to the construction bidding. City further agrees to review the bids submitted, the bid specifications, quantities, bid amount and any other item the City shall choose to review and furnish a written acceptance or rejection of the bid within ten (10) days of receipt. In the event the bid is accepted, City agrees to encumber an amount adequate for the total estimated project costs as indicated in Attachment "B."
5. In order to certify compliance with the expenditure of the Project funding for this PSA, the City agrees to furnish to the County, its Auditor, or its designated representative(s) the unrestricted right to audit any and all accounting and other records regarding any funds paid or claimed under this agreement, including, but not limited to all books, records, reports, tickets, deposits, expenditure, budget or any item therein, supporting data, computer records and programs, and all items of hardware, software or firmware, or any other item utilized by the City regarding this PSA (records). City contracts and agrees that all records shall be kept and maintained for a period of time not less than four (4) years from the date of the termination of this PSA. Such records shall be provided to the County in Dallas County, Texas and available for any audit at any time upon request.
6. The results of any audit may be furnished to City for comment. In the event that any audit shall determine that moneys are owed to County, such sums are deemed to be due and payable to Dallas County, Texas, within thirty (30) days of the date of an invoice for such cost being deposited in the United States mail, via certified mail, with return receipt requested.
7. The audit provisions of this agreement shall survive the termination of this agreement until all Project claims to which the County is or may be a party, are fully paid or reduced to judgment not subject to appeal and barred by the Texas statute regarding limitation of actions.

II. City Responsibilities:

1. City shall be the Lead Agency for the Project. As the Lead Agency, City will provide project management of the Project from commencement of planning to completion of construction.
2. City will execute the necessary agreements, subject to City Council approval, for the implementation of construction of the Project mutually agreed upon and incorporated herein by this PSA, including for the acquisition of right-of-way and any utility relocation.
3. City will accomplish all tasks and responsibilities of the Lead Agency as set forth in the Master Agreement. City will provide management in accordance with the 5 Phase Project Delivery System detailed in Attachment "A" of the Master Agreement.

4. City shall provide a City Council Resolution commitment to meet the Project funding subject to City Council authorization of required additional funds.
5. This PSA is City approval of the preferred alignment and the proposed estimated budget and funding.
6. City agrees that it shall be responsible for contractual requirements with each party utilized or related to the completion of the Project. City further agrees that it will include in its contractual or procurement specification all items necessary for full compliance with the rules, regulations and requirements of all City, state, and federal laws.
7. City shall coordinate any necessary utility adjustments for construction of the Project.
8. City will work to ensure construction is completed in a timely and effective manner.
9. City shall allow the County an opportunity to review and comment on the design plans, change orders, and amendments.
10. City shall inform County of all Project activity and approvals.
11. City shall provide a final accounting of Project costs once the planning is complete and accepted by the County. The accounting shall have sufficient detail for the County Auditor to verify Project costs.
12. City shall be responsible for maintaining the roadway, transportation improvements, grading area, drainage structures, striping, and signage after the Project is complete.

III. County Responsibilities:

1. County agrees to participate in the City led project as a funding participant.
2. The County will attend task force meetings, field construction meetings and will retain right during construction to confirm progress through inspection and to review and provide comments to plans, change orders, and amendments in a timely manner.
3. The review of, comments to, and approval or acceptance of work performed by the City, its contractors or subcontractors, by the County shall not constitute nor be deemed either controlling or a release of the responsibility, and liability of City regarding its consultant, employees, subcontractors, agents, and consultants for the accuracy and competency of their work. Nor shall such approval and acceptance be deemed to be an assumption of such responsibility by the County for any defect, error or omission in the work prepared.

**Article VII.**

**Funding**

County and City mutually agree to proportionately fund the Direct Project and Program cost as follows and as summarized in Attachment “B”:

1. Notwithstanding any provision in the Master Agreement, this PSA, any amendment thereto, or any other agreement between the parties regarding this Project, the total Project cost is estimated to be Two Million Six Hundred Eighty Thousand Dollars and no cents (\$2,680,000.00) as shown in Attachment “B.”
2. The County’s total obligation to this Project is to provide funding in the amount not to exceed One Million Two Hundred Fifty Thousand Dollars and no cents (\$1,250,000.00), reduced by the County’s share of in-house project delivery costs, estimated to be Fifty Thousand Dollars and no cents (\$50,000.00). County will pay Project costs as invoiced by the City after construction is completed and accepted by all agencies involved.
3. The County in-house Project delivery (“IHPD”) costs may include, but are not limited to, design costs, preliminary scoping and research, preliminary design services, design review, special services, site inspection, meetings, and preliminary utility coordination.

4. The City agrees to provide funding to this Project in the amount of at least One Million Four Hundred Thirty Thousand Dollars and no cents (\$1,430,000.00).
5. The City shall be responsible for any additional Project costs if such additional funding commitments are approved by Administrative Action or by resolution of the City Council.
6. City agrees to encumber an amount adequate for total estimated Project costs as determined by the County within thirty (30) days of notification by the County.
7. If the total Project costs excluding paving and drainage amenities or utility betterments should exceed the total Project cost, the City and County agree to amend the Project's scope to remain within the current estimated not to exceed amount.
8. Any payments to be made by any party hereto shall be from current revenue or other lawfully available funds in accordance with Chapter 791 of the Texas Government Code.

**Article VIII.**  
**Miscellaneous**

- I. **Indemnification. County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this PSA, without waiving any governmental/sovereign immunity available to the County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.**
- II. No Third Party Beneficiaries. The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of the City and County that any entity other than the City or County receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual rights and responsibilities of the parties hereto.
- III. Applicable Law. This PSA is and shall be expressly subject to the Sovereign Immunity of the County and the Governmental Immunity of the City, pursuant to Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable federal and state laws. This PSA shall be governed by and construed in accordance with the laws and case decisions of the State of Texas. Exclusive venue for any legal action regarding this PSA filed by either the City or County shall be in Dallas County, Texas.
- IV. Notice. Any notice provided for in this PSA to be given by either party to the other, shall be required to be in writing and shall be deemed given when personally delivered, or two (2) business days after being deposited in the United States Mail, postage prepaid, by certified mail, return receipt requested; or by registered mail; and addressed as follows:

To: County: County of Dallas  
Director of Public Works  
Dallas County Records Building  
500 Elm Street, Suite 5300  
Dallas County, Texas 75202

To: City: City of Garland  
Director of Public Works  
Address: 200 N. Fifth St.  
Garland, TX 75040

Either party may change its address for notice by giving the other party written notice thereof.

- V. Assignment. This PSA may not be assigned or transferred by either party without the prior written consent of the other party.
- VI. Binding Agreement; Parties Bound. When this PSA has been duly executed and delivered by both parties, this PSA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. Amendment. This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
- VIII. Number and Gender. Words of any gender used in this PSA shall be held and construed to include any other gender and words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise.
- IX. Effective Date. This PSA shall commence on the Effective Date. The Effective Date of this PSA shall be the date it is expressly executed by the last of the parties. Reference to the date of execution shall mean the Effective Date.
- X. Counterparts. This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- XI. Severability. If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.
- XII. Entire Agreement. This PSA embodies the complete agreement of the parties, and supersedes all oral or written previous and contemporary agreements between the parties and relating to matters in the PSA.
- XIII. No Joint Enterprise/Venture. City and County agree that neither party is an agent, servant, or employee of the other party. No joint enterprise/venture exists between the City and the County.
- XIV. Contingent. This PSA is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the City Council.

*(the remainder of this page intentionally left blank)*



The City of Garland, State of Texas, has executed this PSA pursuant to duly authorized City Council Resolution \_\_\_\_\_, Minutes \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The County of Dallas, State of Texas, has executed this PSA pursuant to Commissioners Court Order Number \_\_\_\_\_ and passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**County of Dallas:**

**City of Garland:**

\_\_\_\_\_  
Clay Lewis Jenkins, County Judge

\_\_\_\_\_  
By:  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to Form\*:  
John Creuzot  
District Attorney

Attest:

By: \_\_\_\_\_  
Jana Prigmore Ferguson  
Assistant District Attorney

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\*By law, the District Attorney’s Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

# ATTACHMENT “A”

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### **PROJECT SCOPING SHEETS FOR SHARED USE PATHS**

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

### **TRAIL PAVEMENT AND ALIGNMENT TOPICS**

#### GENERAL INFORMATION

DESIGN STANDARDS TO BE USED (IN ORDER OF PRECEDENCE):

AASHTO, TxDOT, City of Garland

IS THE PATH ON A ROAD FACILITY?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
IS TRAIL ADJACENT TO BACK OF CURB?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NA <input type="checkbox"/>
AWAY FROM ROADWAY?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NA <input type="checkbox"/>
If yes, specify distance: <u>2.5 feet minimum</u>			
SHARED USE PATH?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
ROADWAY CROSSINGS INVOLVED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
MID BLOCK CROSSINGS INVOLVED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
DRIVEWAY CROSSINGS INVOLVED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
RAILROAD CROSSINGS INVOLVED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
IS A TRAFFIC STUDY REQUIRED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	

# ATTACHMENT "A"

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### **PROJECT SCOPING SHEETS FOR SHARED USE PATHS**

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

TRAIL ACCESS CONNECTIONS? YES  NO   
If yes, list the access points below:

MGR Bikeway trail connection to the west; Ablon Park trail to the east.

BRIDGES OR GRADE SEPARATIONS? YES  NO   
If yes, please specify facility(ies) below:

100-foot steel truss bridge across Duck Creek; grade separation at crossing under northern bridge abutment of Belt Line Rd.

### PAVEMENT SECTION

#### PAVEMENT WIDTH

Existing: N/A

Proposed: 12 feet

BICYCLE DESIGN SPEED: \_\_\_\_\_

#### PAVEMENT CROSSFALL:

PROPOSED: 1.5% typical

MINIMUM: 0%

MAXIMUM: 2%

# ATTACHMENT "A"

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**Project Name:** Duck Creek Greenbelt Southern Extension

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#### GRADE REQUIREMENTS:

Any deep cuts, high fills?

YES

NO

#### VERTICAL GRADE:

MINIMUM 0%

MAXIMUM 5%

WILL SWITCHBACKS BE NECESSARY TO COMPLY  
WITH GRADE REQUIREMENTS:

YES

NO

MINIMUM RAIL HEIGHT: 48 inches

SIGNAGE AND/OR DISTANCE MARKERS?

YES

NO

If yes, please specify types and generally describe locations:

Minimal pedestrian-scaled directional and regulatory signage will be added at appropriate locations.

TRAIL HEAD?

YES

NO

PARKING?

YES

NO

#### PAVEMENT STRUCTURE

MAINTENANCE VEHICLE TRAFFIC?

YES

NO

MINIMUM PAVEMENT STRUCTURE THICKNESS: 6 inches





# ATTACHMENT "A"

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### PROJECT SCOPING SHEETS FOR SHARED USE PATHS

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

#### PERMITS

USACE 404 PERMIT YES  NO

TCEQ PERMIT YES  NO

CDC PERMIT YES  NO

ENVIRONMENTAL IMPACT STATEMENT YES  NO

TDLR ARCHITECTURAL BARRIERS REVIEW REQUIRED? YES  NO

ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS TxDOT, DFW AIRPORT,  
DART, UTILITY COMPANIES, ETC? YES  NO

If yes, please document below:

<b>City of Garland Floodplain Permit</b>
--

#### ADDITIONAL TOPICS OF CONCERN

LANDSCAPING (OTHER THAN SODDING)? YES  NO

EXPOSED AGGREGATE DRIVEWAYS, SIDEWALKS? YES  NO

STAMPED/COLORED CONCRETE? YES  NO

IRRIGATION? YES  NO

# ATTACHMENT "A"

## Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

### PROJECT SCOPING SHEETS FOR SHARED USE PATHS

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

BRICK PAVERS?

YES

NO

If yes, please define location(s)

TRAIL LIGHTING?

YES

NO

If yes, define location(s) and spacing of lighting poles:

TRAFFIC SIGNALS?

YES

NO

MID-BLOCK SIGNALS?

YES

NO

CROSSWALK MARKINGS?

YES

NO

ON-STREET DEDICATED BIKE LANES?

YES

NO

If yes, specify width: \_\_\_\_\_

BUS STOPS OR BUS SHELTERS?

YES

NO

RETAINING WALLS?

YES

NO

If yes, please specify wall type (stone, blocks, gabions, proprietary types, etc.)

# ATTACHMENT “A”

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### PROJECT SCOPING SHEETS FOR SHARED USE PATHS

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

DECORATIVE RAILINGS?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
MONUMENT?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
WATER FOUNTAIN?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

### EASEMENT TOPICS

DOES THE TRAIL EXIST IN UTILITY OR RAILROAD RIGHT OF WAY OR OTHER  
INDEPENDENTLY OWNED PROPERTY? YES  NO

If yes, specify owner and R.O.W. width:

Trail meanders within GP&L easement and ROW (60'), Oncor ROW (variable width), Perry Asset Management private property (variable width), and Tuong Nguyen private property (variable width).

OUTLINE BELOW ANY ADDITIONAL GUIDELINES TO BE FOLLOWED DUE TO  
TRAIL'S EXISTENCE IN INDEPENDENTLY OWNED PROPERTY:

All required easements from private property owners are obtained. Letter of agreement with Oncor and GP&L are obtained.



# ATTACHMENT “A”

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### **PROJECT SCOPING SHEETS FOR SHARED USE PATHS**

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE A LIST AND DESCRIPTION ALONG WITH DATA FOR RISK ASSESSMENT: YES  NO

ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, OLD CHURCHES, SERVICE STATIONS, CONTAMINATED SOILS, LANDFILLS, NOISE WALL CONSIDERATIONS, TRAILER PARKS, TREE ORDINANCES? YES  NO

If yes, please define below:

ANY NON-CONFORMING ISSUES? YES  NO

ANY WATER WELLS? YES  NO

EASEMENT/R.O.W. MAP NEEDED? YES  NO

FIELD NOTES NEEDED? YES  NO

R.O.W. PLATS NEEDED? YES  NO

R.O.W. ACQUISITION? YES  NO

PARKING/LOSS OF PARKING CONSIDERATIONS? YES  NO

HISTORICAL SITE CONSIDERATIONS? YES  NO

# **ATTACHMENT “A”**

## **Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects**

### **PROJECT SCOPING SHEETS FOR SHARED USE PATHS**

**Project Name:** Duck Creek Greenbelt Southern Extension

**MCIP Project No:** 12023

### **ADDITIONAL REMARKS**

**ATTACHMENT “B”**  
**Dallas County Capital Improvement Program**  
**Project Specific Agreement**

**CURRENT COST ESTIMATES & FUNDING SOURCES**

**PROJECT NAME: DUCK CREEK GREENBELT SOUTHERN EXTENSION MCIP 12023**

<b>Estimated Project Cost</b>	
Dallas County In House Project Delivery (IHPD)	\$ 50,000.00
Construction	\$ 2,630,000.00
<b>Total</b>	<b>\$ 2,680,000.00</b>
<b>Funding Sources</b>	
Dallas County	\$ 1,250,000.00
City of Garland	\$ 1,430,000.00
<b>Total</b>	<b>\$ 2,680,000.00</b>

# ATTACHMENT "C"

## DUCK CREEK GREENBELT SOUTHERN EXTENSION

MAP ID	PROJECT NAME	PROJECT START	PROJECT END	PROJECT TYPE	CITY	DISTRICT 2021
82	DUCK CREEK GREENBELT SOUTHERN EXTENSION	MESQUITE HERITAGE TRAIL	ROSEHILL RD	BICYCLE & PEDESTRIAN	GARLAND	1

- MCIP 7
- MAJOR ARTERIAL
- MAJOR ARTERIAL
- PRIMARY HIGHWAY
- PRIVATE ROAD
- SECONDARY HIGHWAY
- MINOR ARTERIAL
- 2021 COMMISSIONER DISTRICT
- 2021 COMMISSIONER DISTRICT

1 inch = 0.144 Miles



NOTICE:  
THIS MAP IS FOR REFERENCE AND INTERNAL USE ONLY  
It does not represent an on-the-ground survey and represents only  
the approximate relative location of property boundaries.

ACCURACY IS LIMITED TO VALIDITY OF AVAILABLE  
DATA AS OF THE DATES SHOWN  
Dallas County 2015 Aerial  
Dallas Central Appraisal District: 2016 Parcels  
MAP CREATED BY: Dallas County Public Works, 6.1.5., June 2023





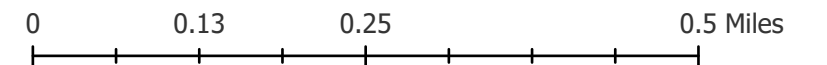
# DUCK CREEK GREENBELT SOUTHERN EXTENSION

MAP ID	PROJECT NAME	PROJECT START	PROJECT END	PROJECT TYPE	CITY	DISTRICT 2021
82	DUCK CREEK GREENBELT SOUTHERN EXTENSION	MESQUITE HERITAGE TRAIL	ROSEHILL RD	BICYCLE & PEDESTRIAN	GARLAND	1



- MCIP 7**
- MCIP 7
  - MAJOR ARTERIAL
  - PRIMARY HIGHWAY
  - PRIVATE ROAD
  - PRIMARY HIGHWAY
  - PRIVATE ROAD
  - SECONDARY HIGHWAY
  - MINOR ARTERIAL
- 2021 COMMISSIONER DISTRICT**
- 2021 COMMISSIONER DISTRICT

1 inch = 0.144 Miles



NOTICE:  
THIS MAP IS FOR REFERENCE AND INTERNAL USE ONLY  
It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ACCURACY IS LIMITED TO VALIDITY OF AVAILABLE DATA AS OF THE DATES SHOWN.  
Dallas County 2015 Aerial  
Dallas Central Appraisal District: 2016 Parcels  
MAP CREATED BY: Dallas County, Public Works, G.I.S., June 2023







**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**5.**

**Meeting Date:** 08/01/2023

**Item Title:** Bond Refunding - Electric Utility System Commercial Paper Notes

**Submitted By:** Matt Watson, Finance Director

---

**Summary of Request/Problem**

At the July 17, 2023 Work Session, the City Council considered authorizing the refunding of Electric Utility System Commercial Paper Notes, Series 2021. Due to additional capital project closings, the estimated refunding has increased from \$65 million to \$75 million. The purpose of this transaction is to refund a portion of variable rate commercial paper notes with fixed rate long-term debt.

**Recommendation/Action Requested and Justification**

Approve the sale of Electric Utility System Revenue Refunding Bonds, Series 2023.

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**Attachments**

Draft Ordinance

---

**ORDINANCE NO. \_\_\_\_\_**

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**ORDINANCE OF THE CITY OF GARLAND, TEXAS**

**AUTHORIZING THE ISSUANCE OF**

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**CITY OF GARLAND, TEXAS  
ELECTRIC UTILITY SYSTEM  
REVENUE REFUNDING BONDS NEW SERIES**

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**TABLE OF CONTENTS**

Section 1. Incorporation of Recitals..... 3

Section 2. Purpose of the Bonds ..... 3

Section 3. Designation of the Bonds..... 3

Section 4. Delegation to Pricing Officer..... 3

Section 5. Characteristics of the Bonds ..... 5

Section 6. City to Maintain a Paying Agent/registrar for the Bonds ..... 7

Section 7. Authentication of Bonds; Initial Bond..... 7

Section 8. Book-Entry Only System..... 8

Section 9. Form of Bonds ..... 9

Section 10. Definitions..... 17

Section 11. Pledge of Revenues..... 24

Section 12. Rates and Charges..... 25

Section 13. Fund Designations ..... 25

Section 14. System Fund..... 26

Section 15. Bond Fund..... 26

Section 16. Reserve Fund ..... 26

Section 17. Deficiencies in Funds..... 29

Section 18. Excess Revenues ..... 29

Section 19. Security of Funds ..... 29

Section 20. No Additional Obligations to Be Issued on a Parity with the Prior Lien  
Bonds - Obligations of Inferior Lien and Pledge..... 29

Section 21. Issuance of Additional Bonds ..... 29

Section 22. Maintenance and Operation - Insurance ..... 31

Section 23. Records - Accounts - Accounting Reports..... 31



Section 24. Remedies in Event of Default .....	32
Section 25. Special Covenants .....	32
Section 26. Bonds Are Special Obligations .....	33
Section 27. Bonds Are Negotiable Instruments .....	33
Section 28. Investments .....	33
Section 29. Payment of Bonds .....	33
Section 30. Defeasance of Bonds.....	34
Section 31. Ordinance a Contract; Amendments .....	35
Section 32. Damaged, Mutilated, Lost, Stolen, or Destroyed Bonds .....	35
Section 33. Custody, Approval, and Registration of Bonds; Bond Counsel's Opinion and Engagement; Attorney General Filing Fee; CUSIP Numbers and Contingent Insurance Provision, if Obtained.....	36
Section 34. Covenants Regarding Tax Exemption .....	37
Section 35. Disposition of Refinanced Facilities.....	39
Section 36. Compliance with Rule 15c2-12. ....	39
Section 37. Sale of Bonds and Approval of Official Statement; Further Procedures .....	42
Section 38. Approval of Escrow Agreement and Transfer of Funds.....	43
Section 39. Redemption of Refunded Obligations .....	43
Section 40. Benefits of Ordinance .....	44
Section 41. Governing Law .....	44
Section 42. Effect of Headings .....	44
Section 43. Severability .....	44
Section 44. Public Notice.....	44
Section 45. Effective Date .....	44

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, NEW SERIES; ESTABLISHING THE OBLIGATIONS TO BE REFUNDED WITH PROCEEDS OF SAID BONDS; PROVIDING FOR SAID BONDS TO BE ISSUED AS TAXABLE BONDS OR TAX-EXEMPT BONDS; APPOINTING A PRICING OFFICER AND DELEGATING TO THE PRICING OFFICER THE AUTHORITY TO APPROVE ON BEHALF OF THE CITY THE TERMS OF SALE OF SAID BONDS AND THE OFFERING DOCUMENTS FOR SAID BONDS; ESTABLISHING CERTAIN PARAMETERS FOR THE APPROVAL OF SUCH MATTERS BY THE PRICING OFFICER; PLEDGING THE NET REVENUES OF THE CITY'S ELECTRIC UTILITY SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF ONE OR MORE PAYING AGENT/REGISTRAR AGREEMENTS, PURCHASE AGREEMENTS AND ESCROW AGREEMENTS, IF REQUIRED IN CONNECTION WITH THE REFUNDING OF THE REFUNDED OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE**

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

WHEREAS, the City of Garland, Texas (the "City") is an "Issuer" under Section 1371.001(4)(A), Texas Government Code, being (i) a home-rule municipality that: (A) adopted its charter under Section 5, Article XI, Texas Constitution; (B) has a population of 50,000 or more; and (B) has outstanding long-term indebtedness that is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for a long-term obligation; and

WHEREAS, the City has heretofore issued its Prior Lien Bonds and its Previously Issued Bonds (as such terms are hereinafter defined); and

WHEREAS, in the ordinances authorizing the issuance of the Previously Issued Bonds, the City reserved the right to issue additional parity bonds secured by a lien on and pledge of the Net Revenues (hereinafter defined) of the City's Electric Utility System (the "System") on a parity with the Previously Issued Bonds; and

WHEREAS, the City Council (the "Council") of the City, in accordance with the provisions of Texas Government Code, Chapter 1371 ("Chapter 1371"), has heretofore authorized by ordinance and provided for the issuance of "City of Garland, Texas Electric Utility System Commercial Paper Notes, Series A" (the "Commercial Paper Notes") in an aggregate principal amount not to exceed \$150,000,000 for the purpose of financing costs and expenses incurred in relation to "Eligible Projects" which include the acquisition, purchase, construction, improvement, enlargement, and/or equipping of any property, buildings, structures, activities, services, operations, or other facilities, or any other project, program or improvement, authorized by Chapter 1502, Texas Government Code, as amended, and Chapter 1371 and any other applicable laws of

the State of Texas, including capital assets and facilities incident and related to the operation, maintenance and administration thereof, and with respect to a property or a facility for the generation, distribution or transmission of electric power and energy, the purchase of electric energy and fuel acquisition for use by the System;

WHEREAS, Chapter 1371 and Chapter 1207, Texas Government Code, as amended ("Chapter 1207"), authorizes the City to issue refunding bonds to refund all or a portion of its outstanding obligations to refund obligations issued in connection with an Eligible Project; and

WHEREAS, the Council has determined that it is in the best interest of the City to issue the bonds hereinafter authorized (the "Bonds") secured by a lien on and pledge of the Net Revenues on a parity with the Previously Issued Bonds for the purposes, among other things, of refunding all or a portion of the outstanding Commercial Paper Notes (the "Refunded Obligations") to restructure a portion of the City's System debt service requirements by extending the debt to mature over a term that is generally commensurate with the expected life of the System facilities and/or to provide rate relief for System ratepayers; and

WHEREAS, the Council hereby finds and determines that the manner in which the refunding of the Commercial Paper Notes is being executed does not make it practicable to make the determination required by Texas Government Code, Section 1207.008(a)(2) in connection with the refunding and refinancing of the Commercial Paper Notes into long-term obligations; and

WHEREAS, the Bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including specifically Chapter 1207 and Chapter 1371; and

WHEREAS, pursuant to the provisions of Chapter 1207, the Council is authorized to issue refunding bonds and deposit the proceeds of sale directly with the place of payment for the Refunded Obligations, as appropriate, or other authorized depository, and such deposits, when made in accordance with said statutes, and ordinances authorizing the issuance of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the defeasance, discharge and payment of the Refunded Obligations at their maturity or redemption date; and

WHEREAS, the bonds to be issued pursuant to the terms and provisions of this Ordinance will be secured by a lien on and a pledge of the Net Revenues that is subordinate to the pledge of and lien on the Net Revenues associated with the Prior Lien Bonds but on a parity with the pledge of and lien on the Net Revenues that secures the payment of the Previously Issued Bonds; and

WHEREAS, the Council finds and determines that it is in the best interest of the City and its inhabitants to proceed with the issuance of bonds to provide funds for the purposes hereinafter specified, and specifically to refund the Refunded Obligations in the amounts specified by a Pricing Officer in the Pricing Certificate, each as defined below; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this

Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551; Now, Therefore

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

SECTION 1. INCORPORATION OF RECITALS. The recitals set forth in the preambles hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

SECTION 2. PURPOSE OF THE BONDS. The Bonds are hereby authorized to be issued in one or more series and delivered in the aggregate principal amount specified in one or more certificates executed pursuant to Section 4 of this Ordinance, which supplements and completes this Ordinance (each, a "Pricing Certificate"), for the public purpose of providing funds to refund a portion of the City's outstanding System indebtedness and to pay the costs incurred in connection with the issuance of the Bonds.

SECTION 3. DESIGNATION OF THE BONDS. Unless otherwise provided in the respective Pricing Certificate, each bond issued pursuant to this Order shall be designated: "CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND, [TAXABLE][TAX-EXEMPT] NEW SERIES 2023," and initially there shall be issued, sold, and delivered hereunder fully registered Bonds, without interest coupons, payable to the respective Owners thereof (with the initial bonds being made payable to the initial purchaser identified in the respective Pricing Certificate, or to the registered assignee or assignees of said bonds or any portion or portions thereof). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Pricing Certificate.

SECTION 4. DELEGATION TO PRICING OFFICER.

(a) As authorized by Chapter 1207 and Section 1371.053, Texas Government Code, the City Manager and the City's Finance Director, are each hereby authorized to act on behalf of the City in selling and delivering the Bonds (of which officers, the officer executing a Pricing Certificate shall be hereinafter referred to as, and shall for all purposes be, the "Pricing Officer" with respect to such series) in one or more series, and, in addition to any other authorization provided in this Ordinance, each Pricing Officer is authorized to determine: (i) the amount of the Commercial Paper Notes that shall be refunded by a series of Bonds; (ii) the Bond Date of a series of Bonds and any additional or different designation or title by which a series of Bonds shall be known; (iii) the date that interest shall begin to accrue on a series of Bonds; (iv) the identity of the purchaser or purchasers of a series of Bonds and the terms under which a series of Bonds shall be sold including the price at which the Bonds will be sold; (v), the years in which the Bonds of a series will mature and the principal amount to mature in each of such years; (vi), the rate of interest to be borne by each such maturity, (vii) the interest payment and record dates, the price and terms, if any, upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions; (viii) whether the Bonds of a series shall be issued on a tax-exempt basis or on a taxable basis and whether Bonds issued as tax-exempt obligations shall be designated as "qualified tax-exempt obligations" as defined in



section 265(b)(3) of the Internal Revenue Code of 1986, as amended; (ix) whether the types of securities and obligations that may be used as Government Obligations for a series shall be limited; (x) whether to obtain a policy of bond insurance from a Bond Insurer if bond insurance is deemed beneficial to the City to achieve the objectives of the refunding; and (xi) all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, including without limitation establishing the redemption date for and effecting the redemption of the Refunded Obligations. All of the determinations specified above shall be set forth in a Pricing Certificate.

(b) Notwithstanding anything in this Section 4 to the contrary, the authority of each Pricing Officer shall be governed by the following requirements:

(i) the aggregate original principal amount of all Bonds issued pursuant to this Ordinance shall not exceed \$75,000,000;

(ii) no Bond shall bear interest at a rate that exceeds the maximum rate provided by State law;

(iii) the maximum maturity for a series of Bonds shall not extend beyond March 1, 2053; and

(iv) the delegation made hereby shall expire if not exercised by the Pricing Officer on or prior to the date that is twelve months after the adoption of this Ordinance by the City Council.

(c) In establishing the aggregate principal amount of a series of Bonds, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (b) hereof, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay costs of issuing the Bonds. The Bonds may be sold by public offering (either through a negotiated or competitive offering) or by private placement. If the Bonds are sold by private placement, the Pricing Certificate shall so state, and the Pricing Certificate may make changes to this Ordinance to effect such private placement, including the provisions hereof that pertain to the book-entry-only procedures (including eliminating the book-entry-only system of registrations, payment and transfers) and to the provisions of Section 36 hereof relating to the Rule 15c2-12 undertaking pertaining to the applicable series of Bonds (including eliminating or replacing such undertaking with an agreement to provide alternative disclosure information).

(d) In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Pricing Officer is further authorized to enter into and execute on behalf of the City with a financial institution that is authorized to serve as an escrow agent for all or part of the Refunded Obligations, an escrow agreement (the "Escrow Agreement"), if, in the judgment of the Pricing Officer such an agreement is required in connection with the refunding or all or part of the Refunded Obligations. The form of the Escrow Agreement shall be approved by the Pricing Officer to provide for the payment of the applicable Refunded Obligations. In addition, the Pricing Officer is authorized to purchase such securities with proceeds of the Bonds, to execute such subscriptions for the purchase of the United States Treasury Securities, State and Local

Government Series or to purchase other securities authorized by State law in the open market, and to transfer and deposit such cash from available funds, as may be necessary or appropriate for the escrow fund described in the Escrow Agreement.

(e) In satisfaction of Section 1201.022(a)(3)(B), Texas Government Code, the Council hereby determines that the delegation of the authority to the Pricing Officer to approve the final terms of the Bonds set forth in this Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated into the Pricing Certificate will be, in the City's best interests, and the Pricing Officer is hereby authorized to make and include in the Pricing Certificate a finding to that effect.

## SECTION 5. CHARACTERISTICS OF THE BONDS.

(a) Registration. The City shall keep or cause to be kept at the corporate trust office of the financial institution named as the Paying Agent/Registrar in the respective Pricing Certificate (collectively, the "Paying Agent/Registrar"), books or records for the registration of the transfer, conversion and exchange of the Bonds of a series (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(b) Transfer, Conversion and Exchange. Except as provided in Section 7(a) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Chapter 1201, Government Code, as amended, the duty of conversion and exchange of Bonds as aforesaid is

hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds that initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(c) Payment of Bonds and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the applicable series of Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(d) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Owners thereof, (ii) shall be in the denominations, (iii) may be converted and exchanged for other Bonds, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) shall be payable, (viii) may and shall be redeemed prior to their scheduled maturities, and (ix) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance (as modified in a Pricing Certificate). The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

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

SECTION 6. CITY TO MAINTAIN A PAYING AGENT/REGISTRAR FOR THE BONDS. The City covenants with the Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 50 days written notice to the Paying Agent/Registrar, to be effective not later than 45 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

SECTION 7. AUTHENTICATION OF BONDS; INITIAL BOND.

(a) Authentication. Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the closing date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(b) Cancellation of Initial Bond. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the purchaser designated in the Pricing Certificate or its designee, executed by manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall cancel the initial Bond and deliver to the Depository Trust Company on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal



amount of all of the Bonds for such maturity. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

#### SECTION 8. BOOK-ENTRY ONLY SYSTEM.

(a) Depository Trust Company. The Bonds issued in exchange for the Bond initially issued to the initial purchaser specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), and except as provided in subsection (b) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than an Owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the Owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the City is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds.

(b) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the City determines that DTC is incapable of discharging its responsibilities described herein and in the representations letter of the City to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate certificated Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(c) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representations letter of the City to DTC.

SECTION 9. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance, and with the Bonds to be completed with information set forth in the Pricing Certificate. The Form of Bond shall be completed with information set forth in the Pricing Certificate and shall be attached to the Pricing Certificate as an exhibit thereto.

(a) [Form of Bond]

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF GARLAND, TEXAS ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND [TAXABLE][TAX-EXEMPT] NEW SERIES 2023[___]	PRINCIPAL AMOUNT \$	
INTEREST RATE	INITIAL DELIVERY DATE OF BONDS	MATURITY DATE	CUSIP NO.
_____	_____, 2023	_____, _____	_____

Owner:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the City of Garland, in Dallas, Collin and Rockwall Counties, Texas (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Owner specified above, or registered assigns (hereinafter called the "Owner"), on the Maturity Date specified above, the Principal Amount specified above. The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Initial Delivery Date of Bonds set forth above at the Interest Rate per annum specified above. Interest is payable on \_\_\_\_\_ and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Bond (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Owner hereof, at its address as it appeared on the [fifteenth] day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Owner upon presentation and surrender of this Bond for payment or redemption at the principal corporate trust office of the Paying Agent/Registrar. The City covenants with the Owner of this Bond that on or before each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Bond Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for any payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated as of \_\_\_\_\_ (the "Bond Date") of like designation and tenor, except as to number, interest rate, denomination, and maturity issued pursuant to the ordinance adopted by the governing body of the City (herein referred to as the "Ordinance") in the original aggregate principal amount of \$\_\_\_\_\_ for the purpose of refunding certain outstanding obligations payable from revenues of the City's Electric Utility System and paying costs of issuance, all under and in strict conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapters 1207 and 1371, as amended, and the Ordinance.

THE BONDS OF THIS SERIES maturing on \_\_\_\_\_ in the years \_\_\_\_\_ are subject to mandatory redemption prior to maturity in part at random, by lot or other customary method selected by the Paying Agent/Registrar, at par plus accrued interest to the redemption date, and without premium, with funds on deposit in the Interest and Sinking Fund. Such Bonds shall be redeemed by the Paying Agent/Registrar on \_\_\_\_\_ in each of the years and in the principal amounts, respectively, as are set forth in the following schedule:

Bonds Maturing		Bonds Maturing		Bonds Maturing	
_____, _____		_____, _____		_____, _____	
<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>

<sup>(1)</sup> Final maturity of Bond.



The principal amount of the Bonds required to be redeemed pursuant to the operation of such mandatory sinking fund shall be reduced by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been purchased by the City and delivered to the Paying Agent/Registrar for cancellation or (ii) redeemed pursuant to the optional redemption provision described below and not theretofore credited against a mandatory sinking fund requirement.

IN ADDITION TO THE FOREGOING MANDATORY REDEMPTION, the Bonds of this series maturing on and after \_\_\_\_\_ may be redeemed prior to their scheduled maturities on any date on or after \_\_\_\_\_, at the option of the City, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the City (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the Owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the Owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Ordinance, this Bond may, at the request of the Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying

Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Owners of the Bonds.

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

THE OWNER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

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

AS PROVIDED IN THE ORDINANCE, no additional obligations will be authorized or issued on a parity with the outstanding Prior Lien Bonds; and the Bonds, together with any Additional Bonds hereafter issued on a parity therewith, will become obligations equally secured by a first lien on and pledge of the Net Revenues of the System at such time as the principal of and

interest on the Prior Lien Bonds have been fully paid or provision for the payment of said Prior Lien Bonds has been made in accordance with applicable law.

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

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

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

THE CITY AND THE PAYING AGENT/REGISTRAR, and any agent of either, shall treat the Owner whose name appears on the Registration Books (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Stated Maturity, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

IN CASE ANY PROVISION IN THIS BOND or any application thereof shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. This Bond shall be construed in accordance with and shall be governed by the laws of the State of Texas.

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

\_\_\_\_\_  
(signature)  
City Secretary

\_\_\_\_\_  
(signature)  
Mayor

(SEAL)

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

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

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

Dated: \_\_\_\_\_.

\_\_\_\_\_  
Paying Agent/Registrar

By: \_\_\_\_\_  
Authorized Representative

(c) [Form of Assignment]

**ASSIGNMENT**

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

\_\_\_\_\_

Please insert Social Security or Taxpayer Identification Number of Transferee:

\_\_\_\_\_

Please print or typewrite name and address, including zip code of Transferee:



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

Dated: \_\_\_\_\_.

Signature Guaranteed:

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

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

(d) [Form of Registration Certificate of the Comptroller of Public Accounts]

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_

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

Witness my signature and seal this \_\_\_\_\_.

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Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) [Initial Bond Insertions]

(i) The initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. \_\_\_\_\_" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF GARLAND, TEXAS, in Dallas, Collin and Rockwall Counties, Texas (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby

promises to pay to the Owner specified above, or registered assigns (hereinafter called the "Owner"), on \_\_\_\_\_ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Maturity Dates</u>	<u>Principal Installments</u>	<u>Interest Rates</u>
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(Information for the Current Interest Bonds from Pricing Certificate to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Date of Initial Delivery shown above, at the respective Interest Rate per annum specified above. Interest is payable on \_\_\_\_\_, and on each \_\_\_\_\_ and \_\_\_\_\_ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

SECTION 10. DEFINITIONS. In addition to such other terms defined elsewhere in this Ordinance, for all purposes of this Ordinance and in particular for clarity with respect to the issuance of the Bonds and the pledge and appropriation of revenues therefor, the following definitions are provided:

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

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

(1) Committed Take Out. If the City has entered into a Credit Agreement constituting a binding commitment within normal commercial practice to discharge any of its Debt at its Stated Maturity (or, if due on demand, at any date on which demand may be made) or to purchase any of its Debt at any date on which such Debt is subject to required purchase, all under arrangements whereby the City's obligation to repay the amounts advanced for such discharge or purchase constitutes

Debt, then the portion of the Debt committed to be discharged or purchased shall be excluded from such calculation and the principal of and interest on the Debt incurred for such discharging or purchase that would be due in the Fiscal Year for which the calculation is being made, if incurred at the Stated Maturity or purchase date of the Debt to be discharged or purchased, shall be added;

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

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

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

(5) Variable Rate.

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

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

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



obligations shall not be included in the calculation of Annual Debt Service Requirements;

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

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

(c) The term "Bond Date" shall mean the dated date for a series of Bonds as set forth in a Pricing Certificate.

(d) The term "Bond Insurer" shall mean a company licensed to issue policies of municipal bond insurance in the State.

(e) The term "Bonds" shall mean, collectively, the bonds of all series of Bonds authorized, issued and delivered pursuant to this Ordinance.

(f) The term "Bonds Similarly Secured" shall mean, collectively, the Bonds, the Previously Issued Bonds and any Additional Bonds.

(g) The term "City" shall mean the City of Garland, Texas

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

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

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

(k) The term "Debt" shall mean, with respect to the System, all:

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

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

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

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

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

(m) The term "Gross Revenues" shall mean those revenues, income, and receipts derived or received by the City from the operation and ownership of the System, including interest income and earnings from the investment or deposit of money in any Fund created by the

Ordinance or another ordinance or authorizing document associated with the Bonds or Additional Bonds or maintained by the City in connection with the System, and money transferred to the System Fund, other than those amounts subject to the payment of the United States of America as rebate pursuant to Section 148 of the Code. The term "Gross Revenues", however, does not include refundable meter deposits, restricted gifts, grants in aid of construction or "transition charges" or similar charges imposed pursuant to the Texas Utilities Code, Subchapter G of Chapter 39, as amended, or similar law imposed for the payment of "transition bonds".

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

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

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

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

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

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

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

(2) those Bonds or Bonds Similarly Secured for which payment has been duly provided by the City in accordance with the provisions of Section 30 hereof by the irrevocable deposit with the Paying Agent/Registrar of money or Government Obligations, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity or redemption, as the case may be, provided that, if such Bonds or Bonds Similarly Secured are to be redeemed, notice of redemption thereof shall have been duly given pursuant to the ordinance authorizing the issuance of such Bonds or Bonds Similarly Secured or irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived; and

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

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

(u) The term "Paying Agent/Registrar" shall mean the person or entity designated as such pursuant to Section 5(a) of this Ordinance.

(v) The term "Previously Issued Bonds" shall mean (i) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2014, dated June 1, 2014, (ii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2015, dated February 1, 2015, (iii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2016A, dated November 15, 2016, (iv) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2016B, dated November 15, 2016, (v) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2018, dated May 15, 2018, (vi) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019, dated February 15, 2019, (vii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019A, dated December 1, 2019, (viii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2020, dated June 1, 2020, (ix) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2021, dated January 15, 2021, (x) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Tax-Exempt New Series 2021A, dated August 1, 2021, and (xi) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Taxable New Series 2021B, dated August 1, 2021.

(w) The term "Prior Lien Bonds" shall mean "City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Series 2013" dated May 1, 2013.

(x) The term "State" shall mean the State of Texas.

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

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

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

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

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

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

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



of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in said pledge to occur.

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

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

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

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

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

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

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

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

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

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

**SECTION 16. RESERVE FUND.** (a) Establishment. A Reserve Fund shall not be required to be established or maintained by the City for the payment of the Bonds or any other Bonds Similarly Secured so long as the Net Revenues of the System for a Fiscal Year equal or exceed one hundred fifty per cent (150%) of the Annual Debt Service Requirements of Bonds Similarly Secured due and payable in such Fiscal Year. If for any Fiscal Year such Net Revenues do not exceed 150% of the Annual Debt Service Requirements of the Bonds Similarly Secured, the City shall be obligated to establish and maintain on the books of the City a separate fund or account designated as the Reserve Fund. Upon being established and except as provided below, the amount

on deposit to the credit of the Reserve Fund shall be maintained for the benefit of the owners of the Bonds Similarly Secured. The amounts deposited to the credit of the Reserve Fund shall be in a special fund maintained at a depository of the City. Monies or investments held in the Reserve Fund shall be used for the purpose of retiring the last of the Bonds Similarly Secured as they become due or paying principal of and interest on the Bonds Similarly Secured when and to the extent the amounts in the Bond Fund are insufficient for such purpose.

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

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

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

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

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

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

The City shall review the amount, if any, on deposit in the Reserve Fund within thirty (30) days of the receipt of the audited financial statements applicable to the System for the preceding Fiscal Year to determine compliance with the provisions of subparagraphs (1) through (5) of subsection (a) of this Section 16. If at any time the City is required to fund the Required Reserve Amount, or to increase the Required Reserve Amount, the Required Reserve Amount or increase in the Required Reserve Amount, as applicable, shall be funded as provided in subsection (b) of this Section 16 in not more than sixty (60) substantially equal consecutive monthly deposits commencing not later than the month following the receipt of audited financial statements for the System for the preceding Fiscal Year.

(b) Funding. The Required Reserve Amount shall be established and maintained with Net Revenues of the System, transfer(s) of funds from refunded obligations, proceeds of sale of Bonds

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

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

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

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

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

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

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

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

**SECTION 20. NO ADDITIONAL OBLIGATIONS TO BE ISSUED ON A PARITY WITH THE PRIOR LIEN BONDS - OBLIGATIONS OF INFERIOR LIEN AND PLEDGE.** The City will not hereafter issue any additional obligations with a lien on and pledge of the Net Revenues on a parity with the lien on and pledge of the Net Revenues associated with the Prior Lien Bonds or create or issue evidences of indebtedness for any purpose possessing a lien on the Net Revenues of the System superior to that to be possessed by the Bonds Similarly Secured. The City, however, retains the right to create and issue evidences of indebtedness whose lien on and pledge of the Net Revenues of the System shall be subordinate to that possessed by the Bonds Similarly Secured.

**SECTION 21. ISSUANCE OF ADDITIONAL BONDS.** In addition to the right to issue obligations of inferior lien as authorized by the laws of the State, the City hereby reserves the right to issue additional parity obligations. The Additional Bonds, when issued, shall be payable from and secured by a lien on and pledge of the Net Revenues of the System in the same manner and to the same extent as the Outstanding Bonds Similarly Secured, and the Outstanding Bonds Similarly Secured and any Additional Bonds shall in all respects be of equal dignity. The Additional Bonds



may be issued in one or more installments, provided, however, that none shall be issued unless and until the following conditions have been met:

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

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

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

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

(e) The ordinance authorizing the issuance of such Additional Bonds provides that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased by an

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

(f) All calculations of maximum and average Annual Debt Service Requirements made pursuant to this Section shall be made based upon the actual rate of interest to be borne by the Additional Bonds then proposed to be issued.

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

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

**SECTION 23. RECORDS - ACCOUNTS - ACCOUNTING REPORTS.**

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

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

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

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

SECTION 25. SPECIAL COVENANTS. The City hereby further covenants as follows:

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

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

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

will not encumber the Net Revenues thereof unless such encumbrance is made subordinate to the lien on and pledge of said Net Revenues to any Prior Lien Bonds or Bonds Similarly Secured.

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

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

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

**SECTION 26. BONDS ARE SPECIAL OBLIGATIONS.** The Bonds are special obligations of the City payable from the pledged Net Revenues of the System, and the Owners thereof shall never have the right to demand payment thereof out of funds raised or to be raised by taxation.

**SECTION 27. BONDS ARE NEGOTIABLE INSTRUMENTS.** That each of the Bonds shall be deemed and construed to be a "security," and as such a negotiable instrument, within the meaning of Texas Business and Commerce Code, Chapter 8, as amended.

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

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

available funds to be deposited with the Paying Agent/Registrar for the Bonds on or before the date of payment for the Bonds.

SECTION 30. DEFEASANCE OF BONDS. (a) Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Government Obligations that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the revenues herein pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Government Obligations, and thereafter the City will have no further responsibility with respect to amounts available to the Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Bonds, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by applicable law) to receive payment when due on the Government Obligations. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection 30(a)(i) or (ii) shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from such Government Obligations received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Government Obligations are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Government Obligations or the substitution of other Government Obligations upon the satisfaction of the requirements specified in subsection 30(a)(i) or (ii). All income from such Government Obligations received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.



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

(d) In the event that the City elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

SECTION 31. ORDINANCE A CONTRACT; AMENDMENTS. This Ordinance shall constitute a contract with the Owner of any Bond from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 36 hereof. The City, may, without the consent of or notice to any Owners of Bonds, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners of any Bond, including the curing of any ambiguity, inconsistency or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of Bonds owning a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of Outstanding Bonds affected thereby, no such amendment, addition or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (b) give any preference to any Bond over any other Bond or (c) reduce the aggregate principal amount of Bonds required for consent to any such amendment, addition or rescission.

SECTION 32. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS. (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in

the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Chapter 1201, Texas Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 5(b) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

**SECTION 33. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION AND ENGAGEMENT; ATTORNEY GENERAL FILING FEE; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED.** (a) The Mayor of the City is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State, and their registration by the Comptroller of Public Accounts of the State. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the City, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the City in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed, and the execution and delivery of an engagement letter between the City and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor (or in the absence of the Mayor, the Mayor Pro-tem) of the City and an Authorized Officer (as hereinafter defined) is hereby authorized to execute such engagement letter.

(c) In accordance with the provisions of Section 1202.004, Tex. Gov't Code Ann., in connection with the submission of the Bonds by the Attorney General of Texas for review and approval, a statutory fee (an amount equal to 0.1% principal amount of each series of Bonds, subject to a minimum of \$750 and a maximum of \$9,500) is required to be paid to the Attorney General upon the submission of the transcript of proceedings for the Bonds. The City hereby authorizes and directs that a check in the amount of the Attorney General filing fee for each series of Bonds, made payable to the "Texas Attorney General," be promptly furnished to the City's Bond Counsel, for payment to the Attorney General in connection with his review of the Bonds.

SECTION 34. COVENANTS REGARDING TAX EXEMPTION. With respect to Bonds that are issued as tax-exempt obligations (as specified in the Pricing Certificate pertaining thereto), the City covenants to refrain from taking any action which would adversely affect, and to take any required action to ensure, the treatment of such as obligations described in Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in Section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance, or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of Section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of Section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of Section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of Section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of Section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property

(as defined in Section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of Section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

For the purposes of the foregoing (a) and (b), the City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under Section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under Section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor (or in the absence of the Mayor, the Mayor Pro-tem), the City Manager or the Finance Director of the City to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

In order to facilitate compliance with the above covenant (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with Section 148 of the Code.

SECTION 35. DISPOSITION OF REFINANCED FACILITIES. The City covenants that the property financed with the proceeds of the Refunded Obligations will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

SECTION 36. COMPLIANCE WITH RULE 15c2-12.

(a) If the Bonds are sold by public offering, and are subject to the Rule (as defined below), the following provisions shall apply:

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

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

"MSRB" means the Municipal Securities Rulemaking Board.

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

"SEC" means the United States Securities and Exchange Commission.

(ii) Annual Reports. (A) The City shall provide annually to the MSRB, in the electronic format prescribed by the MSRB, financial information and operating data (the "Annual Operating Report") with respect to the City of the general type included in the final Official Statement authorized by this Ordinance, being the information described in the Pricing Certificate. The City will additionally provide financial statements of the City (the "Financial Statements"), that will be (i) prepared in accordance with the accounting principles described in the Pricing Certificate or such other accounting principles as the City may be required to employ from time to time pursuant to State law or regulation and shall be in substantially the form included in the final Official Statement and (ii) audited, if the City commissions an audit of such Financial Statements and the



audit is completed within the period during which they must be provided. The City will update and provide the Annual Operating Report within six months after the end of each fiscal year and the Financial Statements within 12 months of the end of each fiscal year, in each case beginning with the fiscal year ending in and after 2023. The City may provide the Financial Statements earlier, including at the time it provides its Annual Operating Report, but if the audit of such Financial Statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited Financial Statements within such 12-month period and audited Financial Statements for the applicable fiscal year, when and if the audit report on such Financial Statements becomes available.

(B) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB's internet website or filed with the SEC.

(iii) Event Notices. The City shall notify the MSRB, in a timely manner not in excess of ten Business Days after the occurrence of the event, of any of the following events with respect to the Bonds:

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

Financial Obligation of the City, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

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

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

(iv) Limitations, Disclaimers, and Amendments. (A) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes the Bonds no longer to be outstanding.

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

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

(D) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(E) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

(b) If the Bonds are sold by private placement, the Pricing Officer may agree to provide for an undertaking in accordance with the Rule or may agree to provide other public information to the purchaser as may be necessary for the sale of the Bonds on the most favorable terms to the City.

#### SECTION 37. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds shall be sold and delivered subject to the provisions of Section 1 and Section 4 and pursuant to the terms and provisions of a bond purchase agreement, notice of sale and bidding instructions or private placement agreement (collectively, the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or purchasers (collectively, the "Purchaser") of the Bonds shall be designated. The Bonds shall initially be registered in the name of the purchaser thereof as set forth in the Pricing Certificate.

(b) The Pricing Officer is hereby authorized, in the name and on behalf of the City, to approve, distribute, and deliver a preliminary official statement and a final official statement relating to the Bonds to be used by the Purchaser in the marketing of the Bonds.

(c) The Mayor and Mayor Pro Tem, the City Manager, the City Secretary and the Finance Director of the City (each, an "Authorized Officer") shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City a Paying Agent/Registrar Agreement with the Paying Agent/Registrar, a commitment for municipal bond insurance, if the Bonds shall be so insured, and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Pricing Certificate, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 38. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS. In furtherance of authority granted by Section 1207.007(b), Texas Government Code, and in accordance with Section 4(d) of this Ordinance, an Authorized Officer is further authorized to enter into and execute on behalf of the City with the escrow agent named therein, an escrow or similar agreement, which agreement will provide for the payment in full of the Refunded Obligations. In addition, an Authorized Officer is authorized to purchase such securities, to execute such subscriptions for the purchase of the Escrowed Securities (as defined in the agreement), if any, and to authorize such contributions for the escrow fund as provided in the agreement.

#### SECTION 39. REDEMPTION OF REFUNDED OBLIGATIONS.

(a) Subject to execution and delivery of the Purchase Agreement with the Purchaser, the City hereby directs that the Refunded Obligations be called for redemption or otherwise retired on the dates and at the prices set forth in the Pricing Certificate.

(b) The paying agent/registrar for the Refunded Obligations are hereby directed to provide the appropriate notice of redemption as required by the Refunded Obligations (if applicable) and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed or otherwise retired on the appropriate redemption date.

(c) If the redemption of the Refunded Obligations results in the partial refunding of any maturity of the Refunded Obligations, the Pricing Officer shall direct the paying agent/registrar for the Refunded Obligations to designate at random and by lot which of the Refunded Obligations will be payable from and secured solely from the Net Revenues of the System pledged pursuant to the ordinance of the City authorizing the issuance of such Refunded Obligations (the "Refunded Bond Ordinance"). For purposes of such determination and designation, all Refunded Obligations registered in denominations greater than \$5,000 shall be considered to be registered in separate \$5,000 denominations. The paying agent/registrar shall notify by first-class mail all Owners of all affected bonds of such maturities that: (i) a portion of such bonds have been refunded and are secured until final maturity solely with cash and investments maintained by the Escrow Agent in the Escrow Fund, (ii) the principal amount of all affected bonds of such maturities registered in the name of such Owner that have been refunded and are payable solely from cash and investments

in the Escrow Fund and the remaining principal amount of all affected bonds of such maturities registered in the name of such Owner, if any, have not been refunded and are payable and secured solely from the Net Revenues of the System described in the Refunded Obligation Ordinance, (iii) the Owner is required to submit his or her Refunded Obligations to the paying agent/registrar, for the purposes of re-registering such Owner's bonds and assigning new CUSIP numbers in order to distinguish the source of payment for the principal and interest on such bonds, and (iv) payment of principal of and interest on such bonds may, in some circumstances, be delayed until such bonds have been re-registered and new CUSIP numbers have been assigned as required by (iii) above.

(d) The source of funds for payment of the principal of and interest on the Refunded Obligations on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent, pursuant to the Escrow Agreement approved in Section 4(d) of this Ordinance, or from amounts deposited with the paying agent/registrar for the Refunded Obligations from proceeds of the Bonds, if there is no Escrow Agreement.

SECTION 40. BENEFITS OF ORDINANCE. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Owners, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Owners.

SECTION 41. GOVERNING LAW. This Ordinance shall be construed and enforced in accordance with the laws of the State and the United States of America.

SECTION 42. EFFECT OF HEADINGS. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 43. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 44. PUBLIC NOTICE. It is hereby officially found and determined that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SECTION 45. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.







## **GARLAND PLANNING REPORT**

### **City Council Regular Session Agenda**

**6. a.**

**Meeting Date:** 08/01/2023

**Item Title:** Z 22-72 Val Gutierrez - Specific Use Provision (District 6)

**Submitted By:** Matthew Wolverton, Development Planner

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#### **REQUEST**

Approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

Approval of a Plan for a Truck/Bus Repair Use.

#### **LOCATION**

4003 Miller Park Drive

#### **OWNER**

Princeton Interest Group, LP

#### **PLAN COMMISSION RECOMMENDATION**

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Truck/Bus Repair Use.

#### **STAFF RECOMMENDATION**

Approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District

Approval of a Plan for a Truck/Bus Repair Use.

#### **BACKGROUND**

The subject site is currently vacant and undeveloped. The applicant proposes the construction of a truck repair facility.

## **SITE DATA**

The overall site consists of approximately 0.93 acres with approximately 249 lineal feet of frontage along Miller Park Drive. The site plan (Exhibit C) shows two (2) access points from Miller Park Drive, with the North access point not allowing entrance.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The site is zoned Industrial (IN) District and is currently vacant as it has not been developed.

## **CONSIDERATIONS**

### **Specific Use Provision:**

#### 1. Development and Site Plan

The applicant proposes to construct a 6,210 square-foot truck service building. The truck repair building will contain five (5) service bays.

The GDC defines a Truck/Bus Repair Use as “a facility for the automated, self-serve or full-service washing and detailing of heavy load vehicles for a fee. The term is limited to uses where the overnight storage of vehicles or trailers are limited to those vehicles or trailers that are being cleaned and no longer than two nights at any given visit.”

#### 2. Parking

The proposed parking layout complies with the standards per the GDC (Exhibit E).

#### 3. Landscaping

The proposed landscaping complies with the standards per the GDC (Exhibit D).

#### 4. Building Design

The building elevations meet the building design standards per the GDC (Exhibit E), with the exception of one deviation request noted below related to the service bay doors.

#### 5. Time Period

The applicant is requesting a twenty-five (25) year Specific Use Provision, which aligns with the SUP Time Period Guide.

## 6. Summary of Deviation

Development Standards	Required	Proposed	Analysis
Automotive Service Bay Doors	No service bay doors may face a public street.	5 truck service bay doors facing Miller Park Drive.	The current site is in an industrial area of the city and faces a street that is not considered a major thoroughfare [Miller Park Driveway is class G roadway]. The new building will be constructed to best fit within the quarter-circle shaped site, as well as the existing 18-foot building line.

### COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Industry Centers.

Industry centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations within this development type may require substantial infrastructure and may result in more significant negative impacts (sound, air, traffic, outdoor lighting, storage, etc.). Operations may include such elements as semi-truck traffic, loading docks, and visible outdoor storage. Overall, the architecture, character, scale, and intensity should be compatible with adjacent development types. Industry centers are generally located along major arterial streets, and highways and at significant transit areas (bus/ rail). Site design addresses function and visual aesthetics that provide appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods. The proposed use in the Industrial area provides a supportive business to service trucks in the area.

### COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

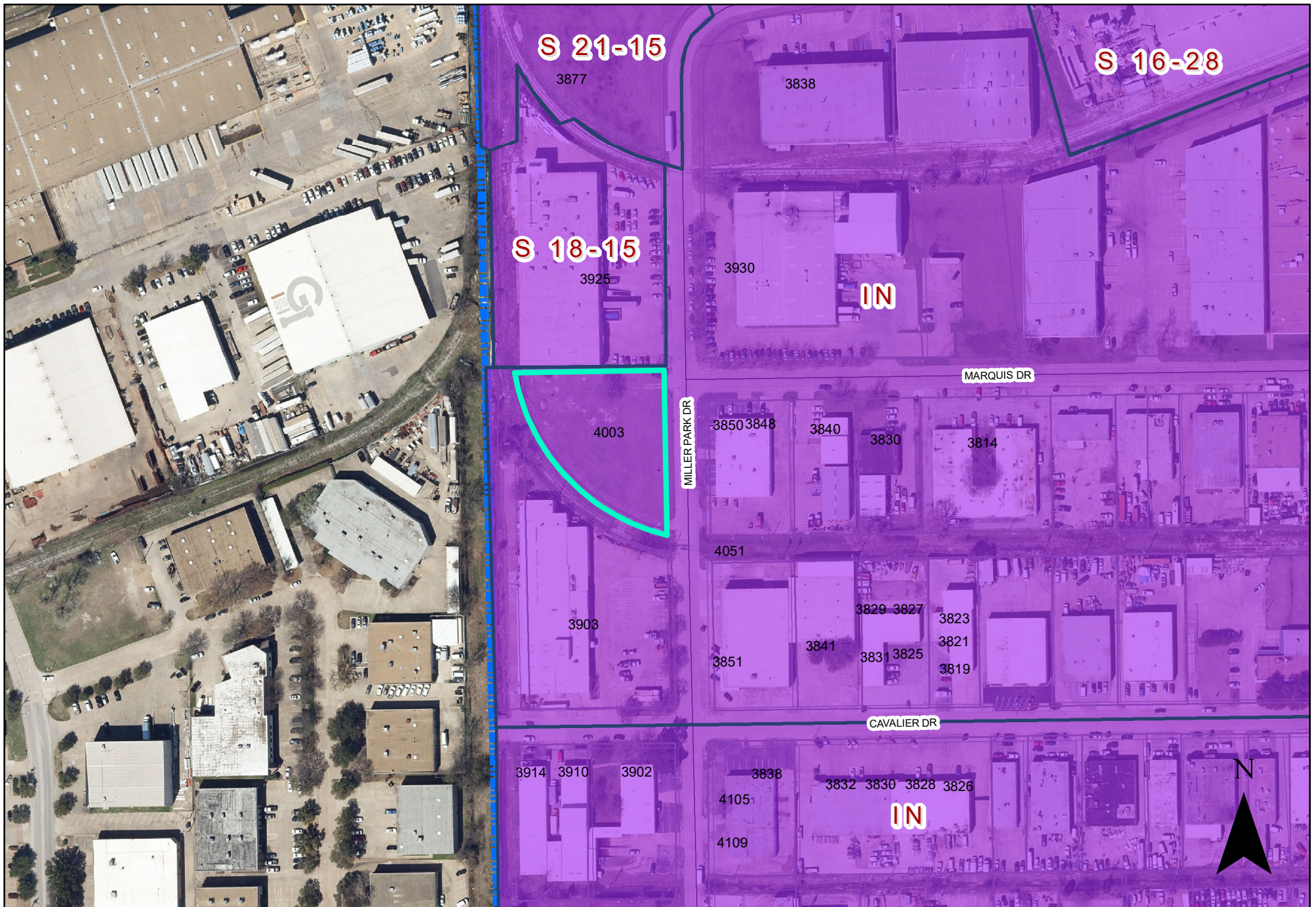
The properties to the North, East, and South are zoned Industrial (IN) District and contain warehousing, light industrial, manufacturing, and other such allowed uses. The property to the North contains an SUP (18-15) for a food processing and storage use. Finally, the property to the West is in the City of Dallas and is also in an industrial area.

---

### Attachments

- Z 22-72 Location Map
  - Z 22-72 SUP Conditions
  - Z 22-72 R&M SUP
  - Z 22-72 Responses
  - Z 22-72 Staff Presentation
-





0 125 250 Feet  
1 inch = 192 feet

# ZONING MAP Z 22-72

 INDICATES AREA OF REQUEST

4003 Miller Park Drive

**SPECIFIC USE PROVISION CONDITIONS**

**ZONING FILE Z 22-72**

**4003 Miller Park Drive**

**I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a truck repair facility.

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

**III. General Regulations:** All regulations of the Industrial (IN) District and Site Development Standards as set forth in Chapter 2 and 4 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

**IV. Development Plans:**

Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

**V. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the PD, GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;

B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;



- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

**VI. Specific Regulations:**

A. Time Period: The Specific Use Provision shall have a twenty-five (25) year time period.

B. Maintenance requirements:

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

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel

SUP Requirements

Zoning File 22-72

Page 2

pumps and convenience store. See Section 4 of the granting ordinance.

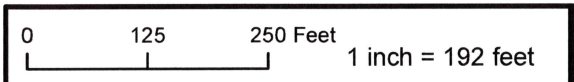
(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the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

## REPORT & MINUTES

### P.C. Meeting, July 10, 2023

**4a. APPROVED** Consideration of the application of **Val Gutierrez**, requesting approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District. This property is located at 4003 Miller Park Drive. (District 6) (Z 22-72 – Specific Use Provision)

**Motion** was made by Commissioner Paris to close the public hearing and **approve** the application as presented. Seconded by Commissioner Williams. **Motion carried: 7 Ayes, 0 Nays.**



# ZONING MAP Z 22-72

INDICATES AREA OF REQUEST
  INDICATES NOTIFICATION AREA

**4003 Miller Park Drive**

# Comment Form

## Case Z 22-72

Z 22-72 Val Gutierrez. The applicant proposes a truck repair facility with five service bay doors located at 4003 Miller Park Drive. (District 6)

Z 22-72 Val Gutiérrez. El solicitante propone una instalación de reparación de camiones con cinco puertas de bahía de servicio ubicada en 4003 Miller Park Drive. (Distrito 6)

Z 22-72 Val Gutierrez. Người nộp đơn đề xuất một cơ sở sửa chữa xe tải với năm cửa khoang dịch vụ tọa lạc tại 4003 Miller Park Drive. (Quận 6)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

For / A Favor / Đúng

Against / En Contra / Không

Please complete the following information and email the form to [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Muneeb Jallani / President

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc. / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc. / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3825 Cavatone Dr.

Your Property Address / La dirección de su propiedad / Địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Muneeb Jallani

Signature / Firma / Chữ ký

7/5/23

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)





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The applicant requests approval of a Specific Use Provision for a Truck Repair Facility with five service bay doors.

# City Council Meeting

August 01, 2023

Z 22-72

# CASE INFORMATION

Location: 4003 Miller Park Drive

Applicant: Val Gutierrez

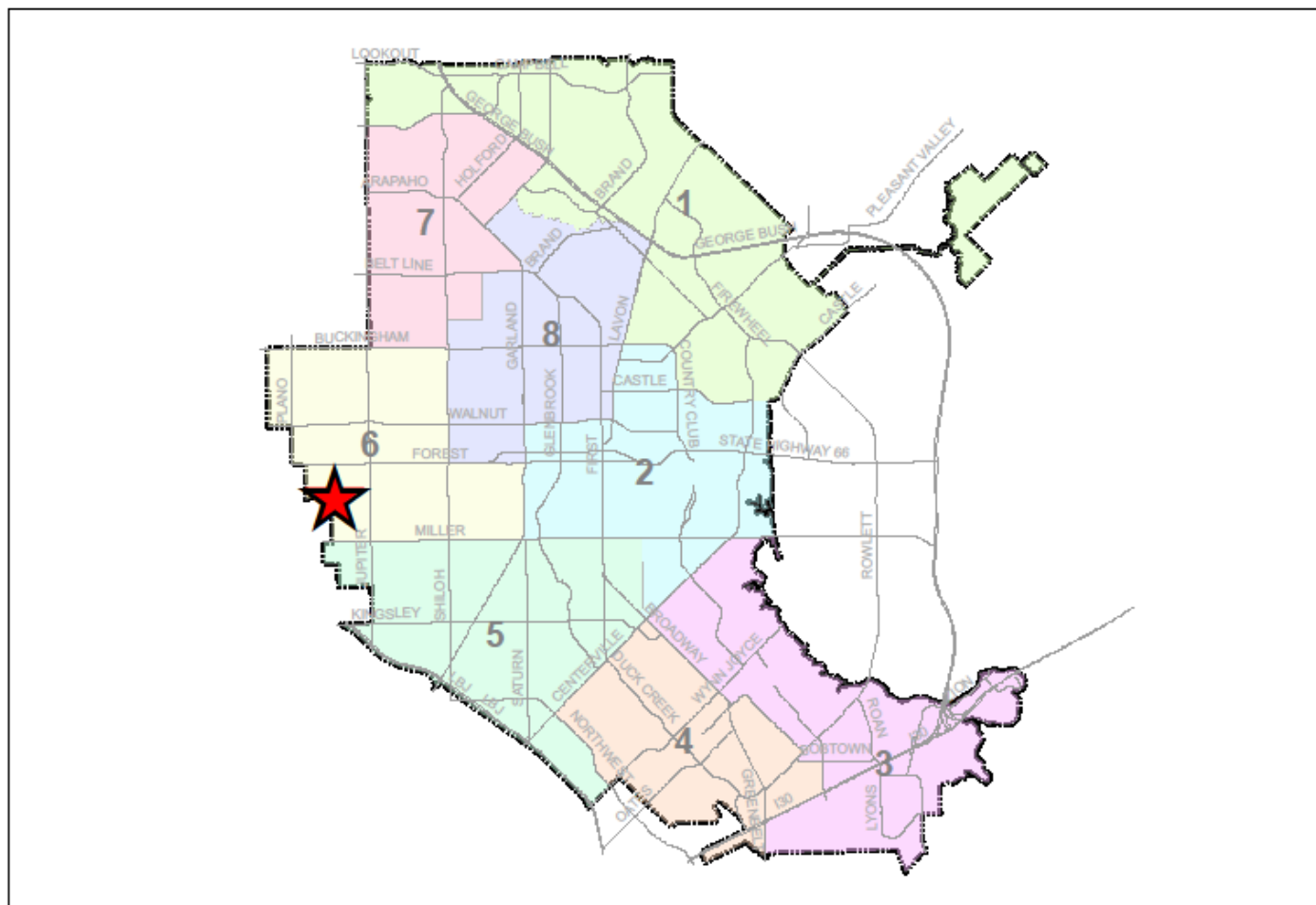
Owner: Princeton Interest Group, LP

Acreage: 0.93 acres

Zoning: Industrial (IN) District




# CITYWIDE LOCATION MAP



0 1 2 Miles  
1 in = 2 miles

**ZONING MAP Z 22-72**

 INDICATES AREA OF REQUEST

**Z 22-72**



**GARLAND**  
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# LOCATION MAP



**ZONING MAP Z 22-72**

 INDICATES AREA OF REQUEST

4003 Miller Park Drive

**Z 22-72**



# COMPREHENSIVE PLAN



*Industry Center*



W Miller Rd





# COMPREHENSIVE PLAN

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# PHOTOS



View of the site looking West on Miller Park Drive



View from the site looking East across Miller Park Drive





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# PHOTOS



View from the site looking North down Miller Park Drive



View from the site looking South down Miller Park Drive















# DEVIATION

Development Standards	Required	Proposed	Analysis
Automotive Service Bay Doors	No service bay doors may face a public street.	Five (5) automotive service bay doors Miller Park Drive.	<p>The current site is in an industrial area of the city and faces a class G thoroughfare.</p> <p>The new building will be constructed to best fit within the quarter-circle shaped site, as well as the existing 18-foot building line.</p>



# **SPECIFIC USE PROVISION**

The applicant is requesting approval of a twenty-five (25) year duration of the Specific Use Provision, which aligns with the SUP Time Period Guide.





**GARLAND**  
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# STAFF RECOMMENDATION

Approval of a Specific Use Provision for a truck repair facility

Approval of a Plan for a truck repair facility

Z 22-72



# PLAN COMMISSION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Truck/Bus Repair Use.



**GARLAND**

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## GARLAND PLANNING REPORT

### City Council Regular Session Agenda

6. b.

**Meeting Date:** 08/01/2023

**Item Title:** Z 22-72 Val Gutierrez - Plan (District 6)

**Submitted By:** Matthew Wolverton, Development Planner

---

#### REQUEST

Approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

Approval of a Plan for a Truck/Bus Repair Use.

#### LOCATION

4003 Miller Park Drive

#### OWNER

Princeton Interest Group, LP

#### PLAN COMMISSION RECOMMENDATION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Truck/Bus Repair Use.

#### STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District

Approval of a Plan for a Truck/Bus Repair Use.

#### BACKGROUND

The subject site is currently vacant and undeveloped. The applicant proposes the construction of a truck repair facility.

## **SITE DATA**

The overall site consists of approximately 0.93 acres with approximately 249 lineal feet of frontage along Miller Park Drive. The site plan (Exhibit C) shows two (2) access points from Miller Park Drive, with the North access point not allowing entrance.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The site is zoned Industrial (IN) District and is currently vacant as it has not been developed.

## **CONSIDERATIONS**

### **Specific Use Provision:**

#### 1. Development and Site Plan

The applicant proposes to construct a 6,210 square-foot truck service building. The truck repair building will contain five (5) service bays.

The GDC defines a Truck/Bus Repair Use as “a facility for the automated, self-serve or full-service washing and detailing of heavy load vehicles for a fee. The term is limited to uses where the overnight storage of vehicles or trailers are limited to those vehicles or trailers that are being cleaned and no longer than two nights at any given visit.”

#### 2. Parking

The proposed parking layout complies with the standards per the GDC (Exhibit E).

#### 3. Landscaping

The proposed landscaping complies with the standards per the GDC (Exhibit D).

#### 4. Building Design

The building elevations meet the building design standards per the GDC (Exhibit E), with the exception of one deviation request noted below related to the service bay doors.

#### 5. Time Period

The applicant is requesting a twenty-five (25) year Specific Use Provision, which aligns with the SUP Time Period Guide.



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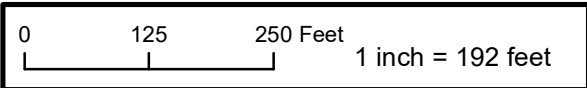
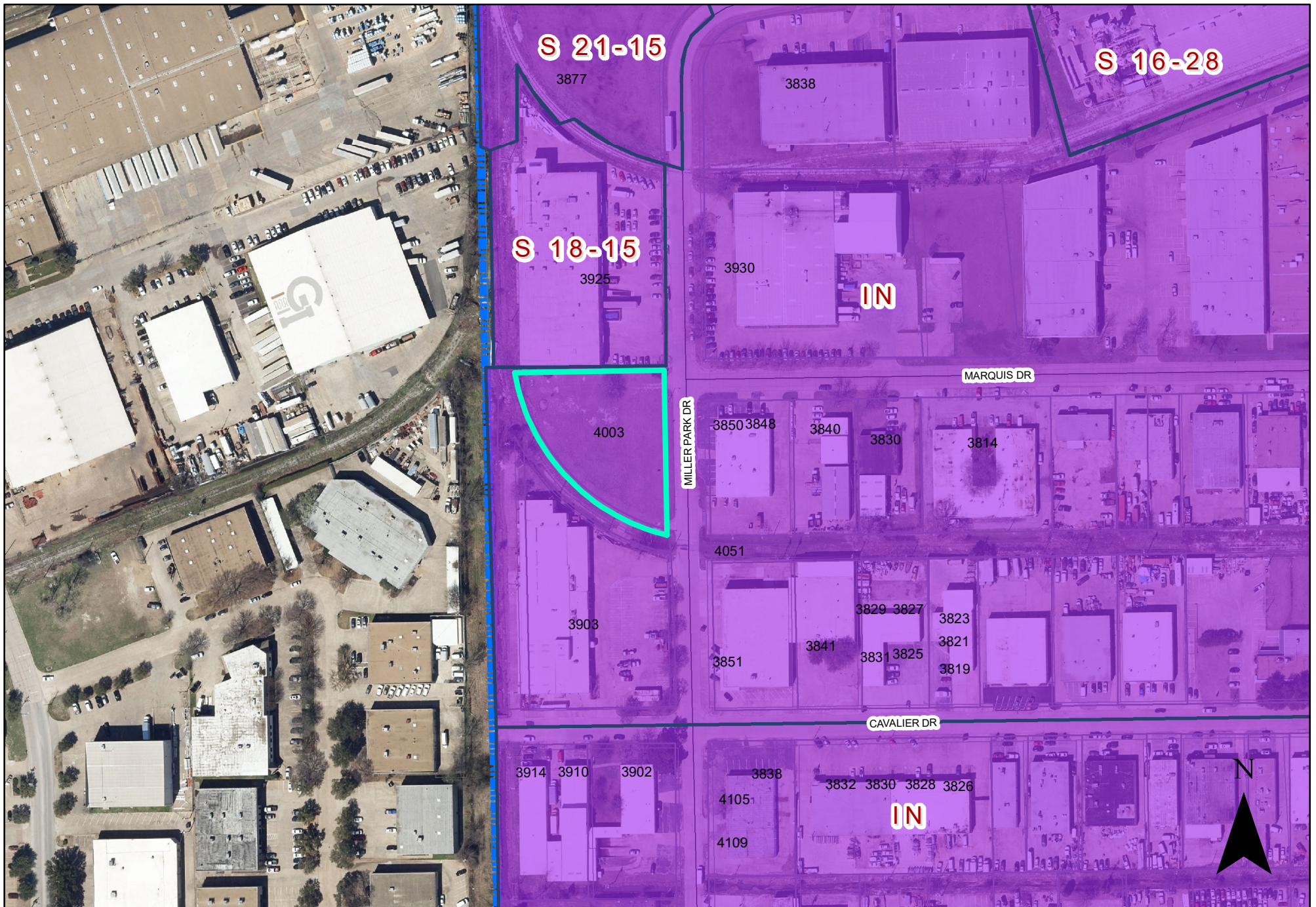
### COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the North, East, and South are zoned Industrial (IN) District and contain warehousing, light industrial, manufacturing, and other such allowed uses. The property to the North contains an SUP (18-15) for a food processing and storage use. Finally, the property to the West is in the City of Dallas and is also in an industrial area.


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### Attachments

- Z 22-72 Location Map
  - Z 22-72 Exhibits
  - Z 22-72 R&M Plan
  - Z 22-72 Responses
  - Z 22-72 Staff Presentation
-



# ZONING MAP Z 22-72

 INDICATES AREA OF REQUEST

4003 Miller Park Drive











**ARCHITECTURAL ELEMENTS ON BUILDING:**

- (A) AWNINGS OR CANOPIES
- (B) DIVIDED LIGHT WINDOWS
- (C) RECESSED ENTRIES
- (D) DISTINCTIVE LIGHTING FEATURES
- (E) BENCHES FOR OUTDOOR SEATING
- (F) VARIED ROOF HEIGHTS

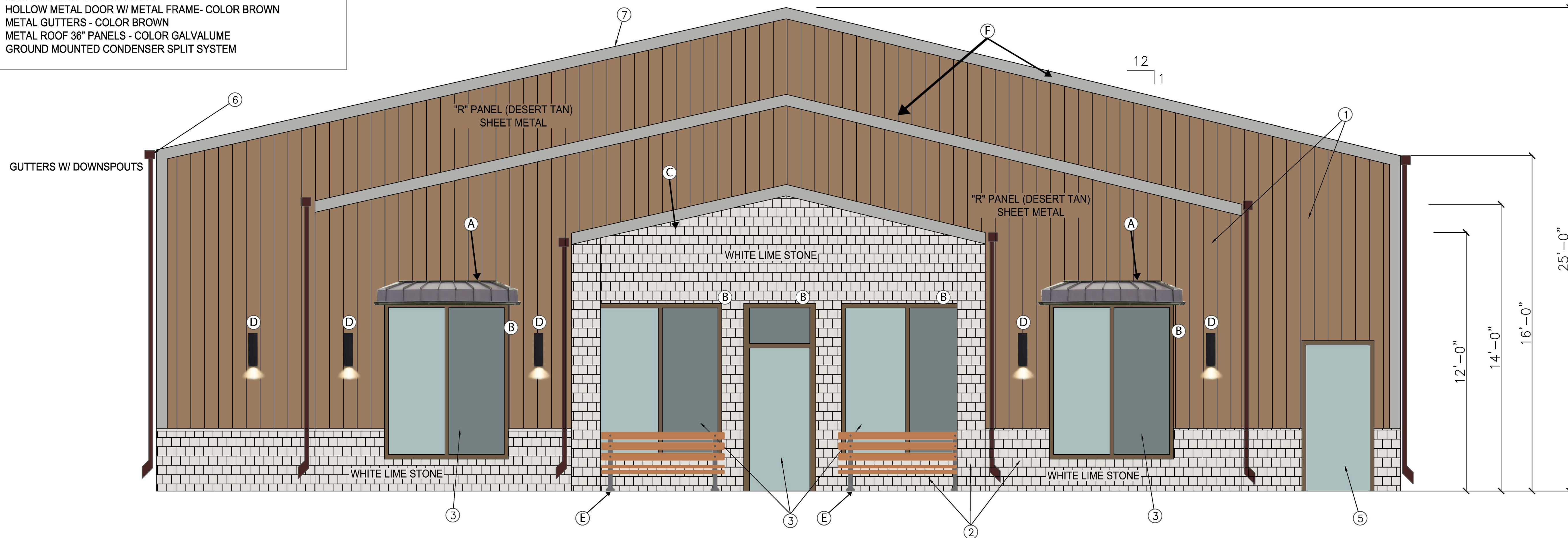


**EAST VIEW** SCALE: 1/4"=1'-0"  
(MIRRORED VIEW ON WEST SIDE)

BUILDING LENGTH = 116'-0"

**EXTERIOR MATERIALS:**

- 1 VERTICAL METAL SIDING 36" - COLOR DESERT TAN
- 2 WHITE LIMESTONE 1 1/2" VENEER W/ WHITE MORTAR
- 3 STOREFRONT BRONZE METAL FRAMES W/ INSULATED LOW E GLASS
- 4 METAL ROLL UP DOORS 14'X 14'
- 5 HOLLOW METAL DOOR W/ METAL FRAME- COLOR BROWN
- 6 METAL GUTTERS - COLOR BROWN
- 7 METAL ROOF 36" PANELS - COLOR GALVALUME
- 8 GROUND MOUNTED CONDENSER SPLIT SYSTEM



**SOUTH VIEW** SCALE: 3/8"=1'-0"

BUILDING WIDTH = 60'-0"

SUP# 220818-1

**ISSUE HISTORY**

**PG**  
**PAREDES & GARCIA, LLC**  
 808 DEERBROOK CIRCLE  
 GRAND PRAIRIE, TX 75052  
 972.310.8549  
 www.pgaengineers.net  
 TX FIRM NO. F-11818

**SOUTH GATE TRUCK SERVICES**  
 4003 MILLER PARK DRIVE  
 CITY OF GARLAND, DALLAS COUNTY,  
 TX 75042

SCALE VARIES

SHEET TITLE  
**ELEVATIONS**

SHEET NUMBER  
 07



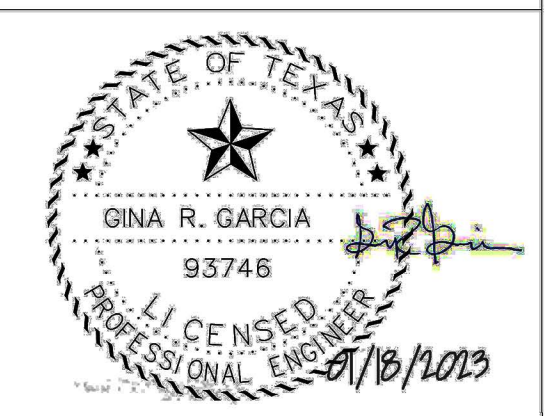
EXHIBIT E



**PG**  
 PAREDES & GARCIA, LLC  
 808 DEERBROOK CIRCLE  
 GRAND PRAIRIE, TX 75052  
 972.310.8549  
 www.pgaengineers.net  
 TX FIRM NO. F-11818

**SOUTH GATE TRUCK SERVICES**  
 4003 MILLER PARK DRIVE  
 CITY OF GARLAND, DALLAS COUNTY,  
 TX 75042

SCALE VARIES  
 SHEET TITLE ELEVATIONS  
 SHEET NUMBER 08

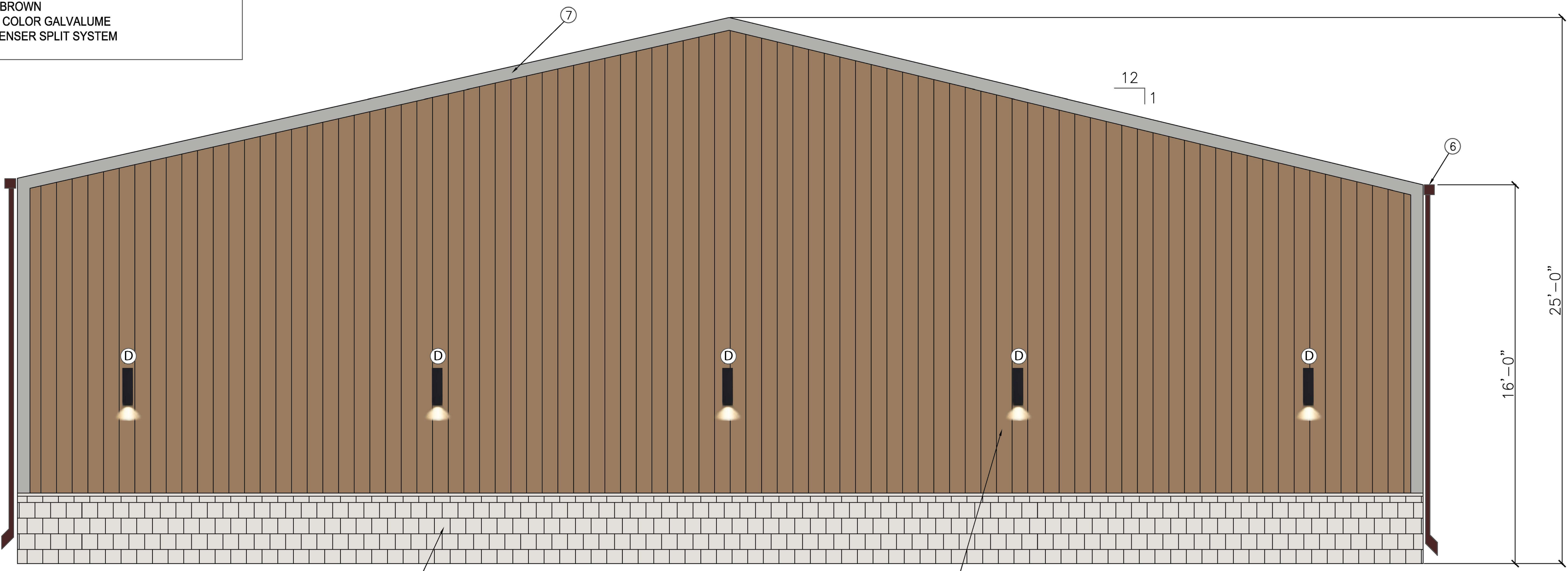


SUP# 220818-1



**WEST VIEW** SCALE: 1/4"=1'-0" BUILDING LENGTH = 116'-0"

- EXTERIOR MATERIALS:**
- 1 VERTICAL METAL SIDING 36" - COLOR DESERT TAN
  - 2 WHITE LIMESTONE 1 1/2" VENEER W/ WHITE MORTAR
  - 3 STOREFRONT BRONZE METAL FRAMES W/ INSULATED LOW E GLASS
  - 4 METAL ROLL UP DOORS 14'X 14'
  - 5 HOLLOW METAL DOOR W/ METAL FRAME- COLOR BROWN
  - 6 METAL GUTTERS - COLOR BROWN
  - 7 METAL ROOF 36" PANELS - COLOR GALVALUME
  - 8 GROUND MOUNTED CONDENSER SPLIT SYSTEM



**NORTH VIEW** SCALE: 3/8"=1'-0" BUILDING WIDTH = 60'-0"

- ARCHITECTURAL ELEMENTS ON BUILDING:**
- (A) AWNINGS OR CANOPIES
  - (B) DIVIDED LIGHT WINDOWS
  - (C) RECESSED ENTRIES
  - (D) DISTINCTIVE LIGHTING FEATURES
  - (E) BENCHES FOR OUTDOOR SEATING
  - (F) VARIED ROOF HEIGHTS

EXHIBIT E



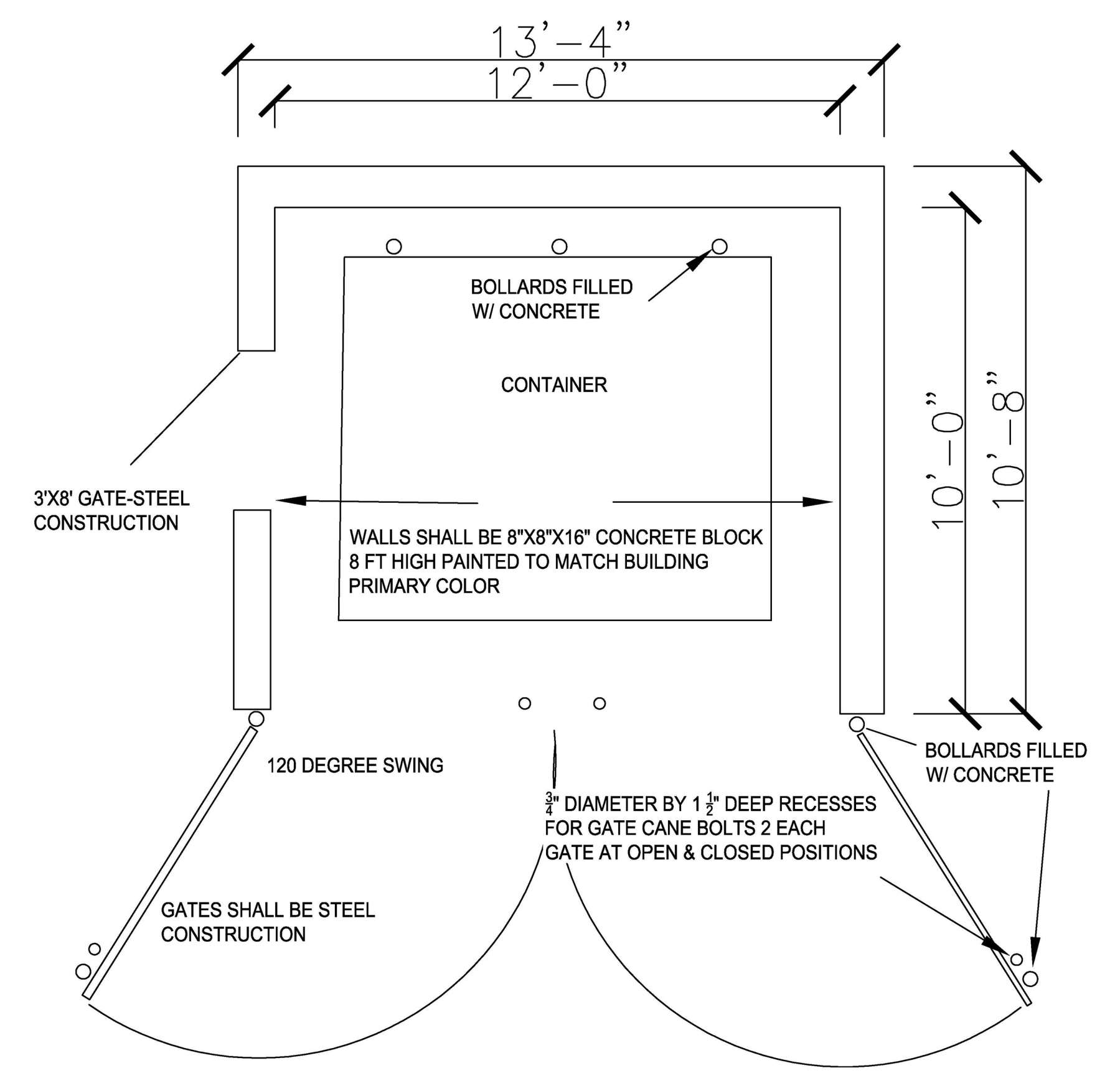
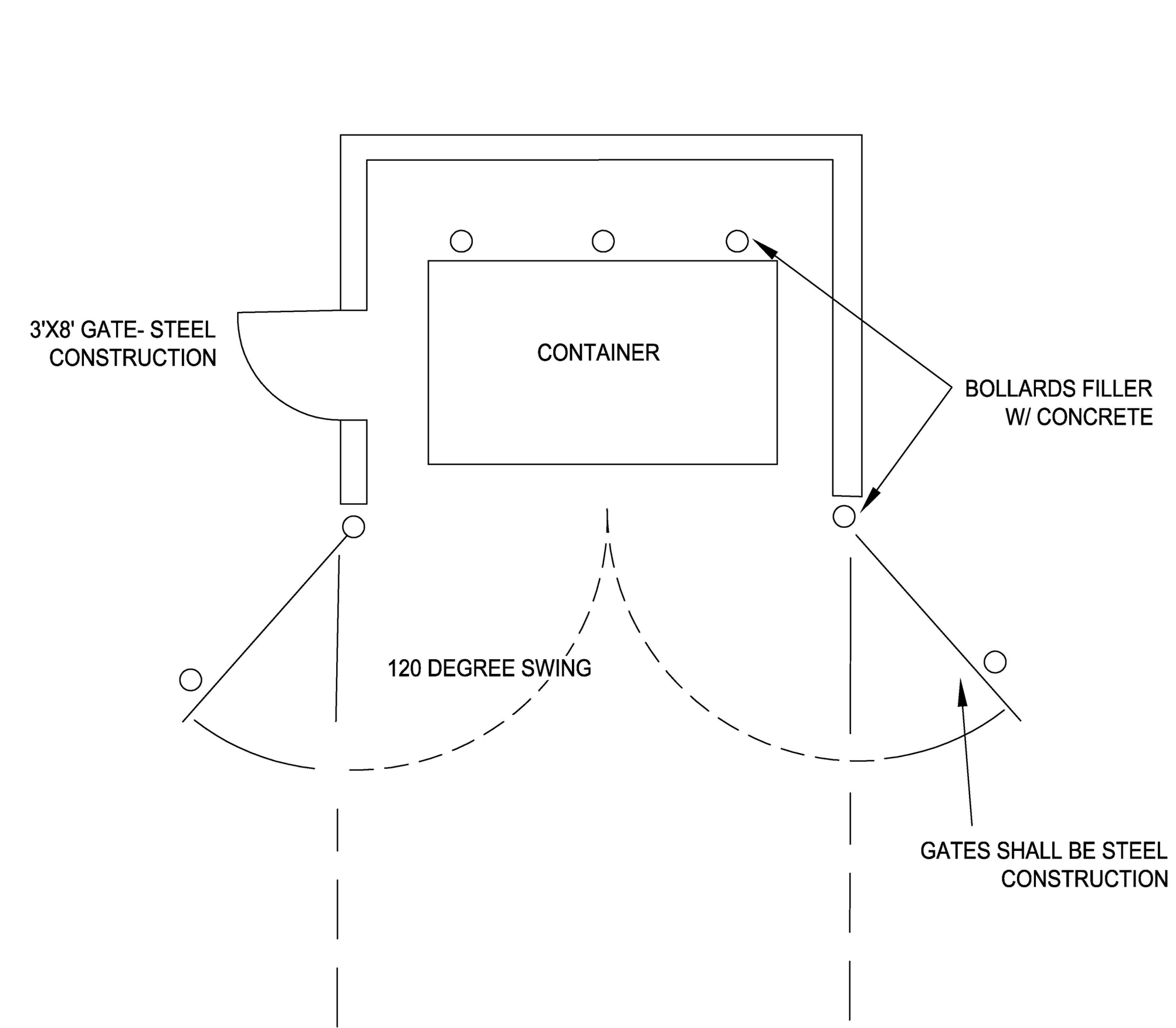
**PG**  
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 808 DEERBROOK CIRCLE  
 GRAND PRAIRIE, TX 75052  
 972.310.8549  
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 TX FIRM NO. F-11818

**SOUTH GATE TRUCK SERVICES**  
 4003 MILLER PARK DRIVE  
 CITY OF GARLAND, DALLAS COUNTY,  
 TX 75042

SCALE: NTS  
 SHEET TITLE: DUMPSTER ENCLOSURE  
 SHEET NUMBER: 10



SUP# 220818-1



ALL PAVING ON PROPERTY SHALL BE 8" W/ 4,00 PSI W/#4 REBAR @ 18" O.C. DESIGNED TO WITHSTAND 10,000# SINGLE WHEEL LOADS

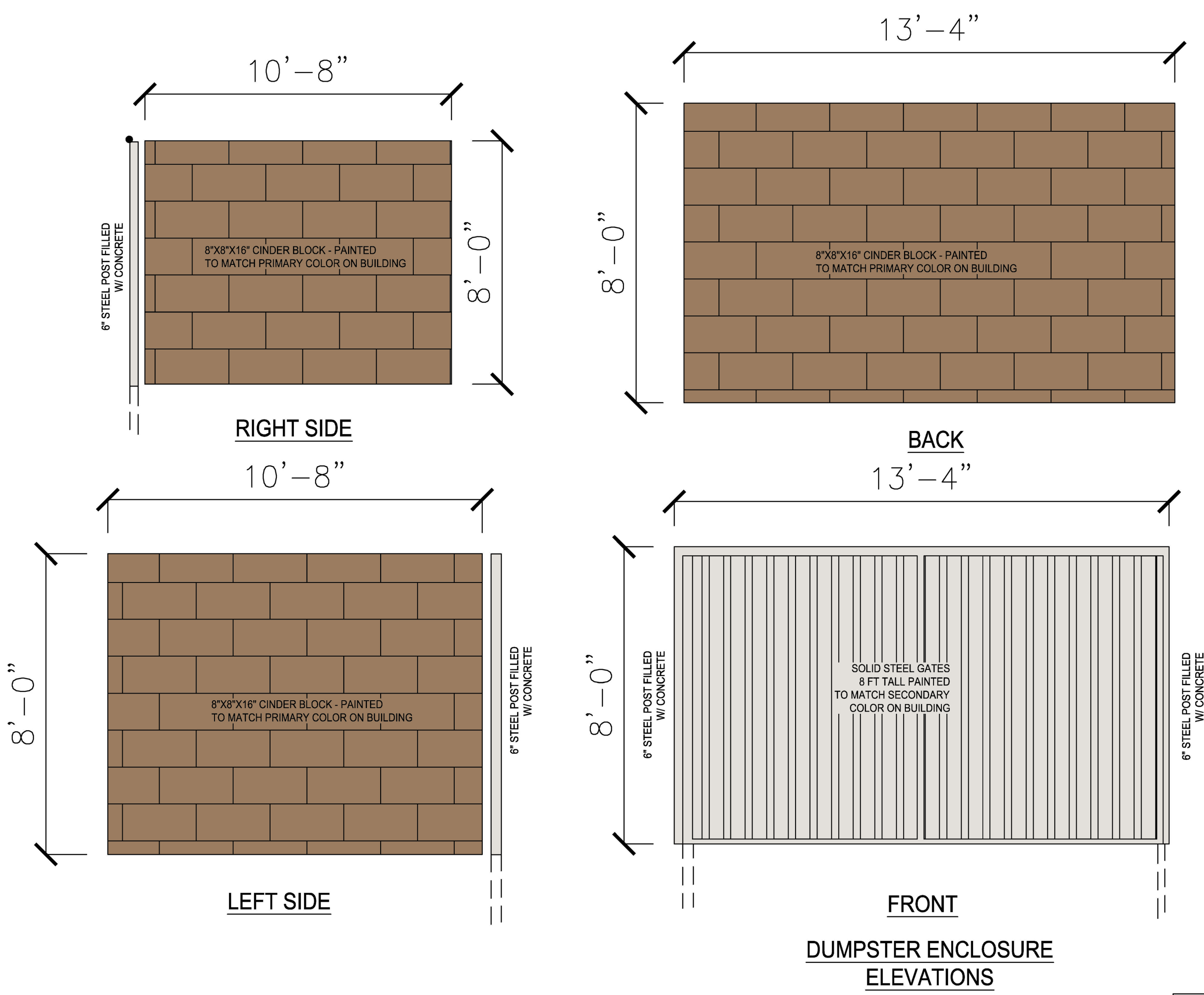


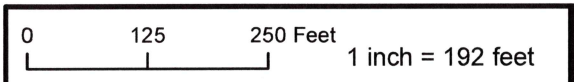
EXHIBIT E

## REPORT & MINUTES

### P.C. Meeting, July 10, 2023

**4b. APPROVED** Consideration of the application of **Val Gutierrez**, requesting approval of a Plan for a Truck/Bus Repair Use. This property is located at 4003 Miller Park Drive. (District 6) (Z 22-72 – Plan)

**Motion** was made by Commissioner Paris to close the public hearing and **approve** the application as presented. Seconded by Commissioner Williams. **Motion carried: 7 Ayes, 0 Nays.**



# ZONING MAP Z 22-72

INDICATES AREA OF REQUEST
  INDICATES NOTIFICATION AREA

**4003 Miller Park Drive**

# Comment Form

## Case Z 22-72

Z 22-72 Val Gutierrez. The applicant proposes a truck repair facility with five service bay doors located at 4003 Miller Park Drive. (District 6)

Z 22-72 Val Gutiérrez. El solicitante propone una instalación de reparación de camiones con cinco puertas de bahía de servicio ubicada en 4003 Miller Park Drive. (Distrito 6)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

For / A Favor / Đúng

Against / En Contra / Không

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Muneeb Jallani / President

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc. / Dueño de la propiedad, Dueño de la empresa, Inquilino, etc. / Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

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Signature / Firma / Chữ ký

7/5/23

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)





**GARLAND**  
TEXAS MADE HERE

The applicant requests approval of a Specific Use Provision for a Truck Repair Facility with five service bay doors.

# City Council Meeting

August 01, 2023

Z 22-72

# CASE INFORMATION

Location: 4003 Miller Park Drive

Applicant: Val Gutierrez

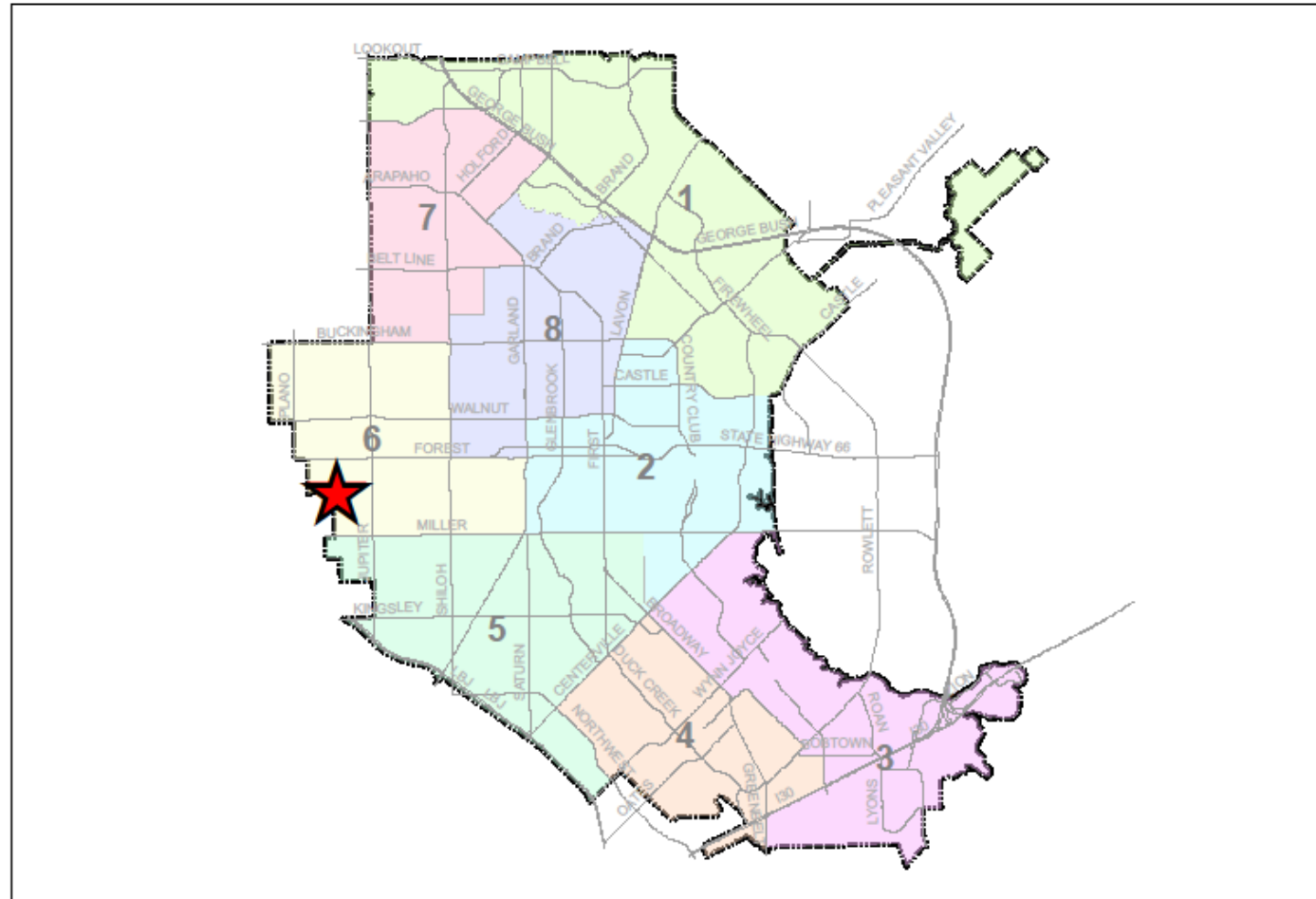
Owner: Princeton Interest Group, LP

Acreage: 0.93 acres

Zoning: Industrial (IN) District




# CITYWIDE LOCATION MAP



0 1 2 Miles  
1 in = 2 miles

**ZONING MAP Z 22-72**

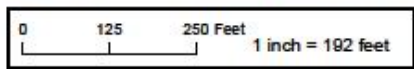
 INDICATES AREA OF REQUEST

Z 22-72



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# LOCATION MAP



**ZONING MAP Z 22-72**

 INDICATES AREA OF REQUEST

4003 Miller Park Drive

**Z 22-72**



# COMPREHENSIVE PLAN



*Industry Center*



W Miller Rd





# COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Industry Centers.

Industry centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations within this development type may require substantial infrastructure and may result in more significant negative impacts (sound, air, traffic, outdoor lighting, storage, etc.). Operations may include such elements as semi-truck traffic, loading docks, and visible outdoor storage. Overall, the architecture, character, scale, and intensity should be compatible with adjacent development types. Industry centers are generally located along major arterial streets, and highways and at significant transit areas (bus/ rail). Site design addresses function and visual aesthetics that provide appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods. The proposed use in the Industrial area provides a supportive business to service trucks in the area.



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# PHOTOS



View of the site looking West on Miller Park Drive



View from the site looking East across Miller Park Drive





**GARLAND**  
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# PHOTOS



View from the site looking North down Miller Park Drive



View from the site looking South down Miller Park Drive















# DEVIATION

Development Standards	Required	Proposed	Analysis
Automotive Service Bay Doors	No service bay doors may face a public street.	Five (5) automotive service bay doors Miller Park Drive.	<p>The current site is in an industrial area of the city and faces a class G thoroughfare.</p> <p>The new building will be constructed to best fit within the quarter-circle shaped site, as well as the existing 18-foot building line.</p>



# **SPECIFIC USE PROVISION**

The applicant is requesting approval of a twenty-five (25) year duration of the Specific Use Provision, which aligns with the SUP Time Period Guide.





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# STAFF RECOMMENDATION

Approval of a Specific Use Provision for a truck repair facility

Approval of a Plan for a truck repair facility

Z 22-72



# PLAN COMMISSION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Truck/Bus Repair Use.



**GARLAND**

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## GARLAND PLANNING REPORT

### City Council Regular Session Agenda

6. c.

**Meeting Date:** 08/01/2023

**Item Title:** Z 23-21 Will Bohls - Specific Use Provision (District 8)

**Submitted By:** Matthew Wolverton, Development Planner

---

#### REQUEST

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

#### LOCATION

543 North Fifth Street

#### OWNER

543-5 Ghost, LLC

#### PLAN COMMISSION RECOMMENDATION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, the Plan Commission recommended an SUP time period of twenty (20) years.

#### STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District in the Uptown sub-district.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, while the use aligns with the current built environment along this portion of North Fifth Street, staff recommends a shorter SUP time period such as five (5) or ten (10) years to allow for possible future redevelopment opportunities, including transit-oriented development,

that better aligns with the Downtown—Uptown sub-district.

## **BACKGROUND**

The subject property is an existing building that contains available space for one tenant. The building will remain the same square footage and only the interior will be updated. The applicant plans to use the building to store and sell cabinetry materials.

## **SITE DATA**

The 0.99-acre site is accessed from North Fifth Street.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The property is zoned within the Uptown (U) Sub-district of the overall Downtown (DT) District. The Uptown 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.

## **CONSIDERATIONS**

### **Specific Use Provision:**

1. The applicant proposes to use an existing 18,000 square-foot building for a Building/Garden Sales & Storage (Wholesale) Use for cabinetry materials. The storage of cabinetry materials will be indoors only.

There will be no manufacturing on site. Building materials are brought in and kept on site, then delivered to construction/installation sites.

2. The Building/Garden Sales & Storage (Wholesale) Use requires a Specific Use Provision in the Uptown Sub-District of the Downtown District.

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 per the Garland Development Code 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.

3. The applicant proposes the SUP time period of twenty (20) years. The applicant originally requested thirty (30) years; however, the applicant concurs with the Plan Commission's recommendation. The SUP time period guide does not have a recommended time period for Building/Garden Materials Sales & Storage (Wholesale) Use.

### **COMPREHENSIVE PLAN**

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

Transit-oriented development is characterized by moderate to high density residential greater than twelve dwelling units per acre. Land use opportunities for four identified transit-oriented development areas should be unique to the needs and character of the larger area.

### **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The properties surrounding the site are all zoned Downtown (DT) District and Uptown sub-district as well. These properties include various commercial and industrial uses such as storage, auto repair, and contractor warehouses and a church.

The proposed use is generally compatible with the existing and immediate surrounding area.

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### **Attachments**

Z 23-21 Location Map

Z 23-21 Exhibit B

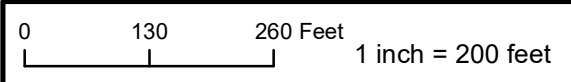
Z 23-21 R&M SUP

Z 23-21 Responses

Z 23-21 Staff Presentation

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# ZONING MAP Z 23-21

 INDICATES AREA OF REQUEST

**543 North Fifth Street**



**SPECIFIC USE PROVISION CONDITIONS**

**ZONING FILE Z 23-21**

**543 North Fifth Street**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Building/Garden Materials Sales & Storage (Wholesale) Use
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Downtown (DT) District, Uptown Sub-District, and Site Development Standards as set forth in Chapter 2 and 4 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the PD, GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or

F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

**V. Specific Regulations:**

- A. Time Period: The Specific Use Provision shall have a time period of twenty (20) years.
- B. Site Plan: The site layout, building placement, parking shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Indoor Building Materials Storage: The storage of building materials shall be indoors only.

## REPORT & MINUTES

### P.C. Meeting, July 10, 2023

**4c. APPROVED** Consideration of the application of **Will Bohls**, requesting approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District, Uptown sub-district. This property is located at 543 North Fifth Street. (District 8) (Z 23-21 – Specific Use Provision)

The applicant, Will Bohls, 6330 High Gate Lane, provided an overview of the request, and remained available for questions.

Commissioner Paris asked the applicant for clarification on his request for a 30-year Specific Use Provision and the reasons for that length of time.

The applicant explained that he looked at previous cases and based on the use he is requesting, made his request for the 30-year Specific Use Provision.

**Motion** was made by Commissioner Rose to close the public hearing and **approve** the application with a 20-year Specific Use Provision. Seconded by Commissioner Dalton.

Commissioner Paris asked Commissioner Rose for clarification on his motion to approve for a 20-year period versus a 30-year period.

Commissioner Rose explained that based on the location of the development, he does not feel that there will be any future retail development and that the 10-year Specific Use Provision will be too short.

Commissioner Dalton asked for staff to clarify if their recommendation was for 10 years.

Staff confirmed that their recommendation was for a 5 to 10-year period.

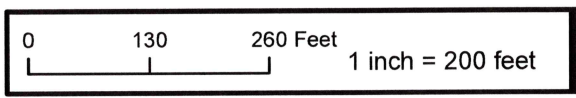
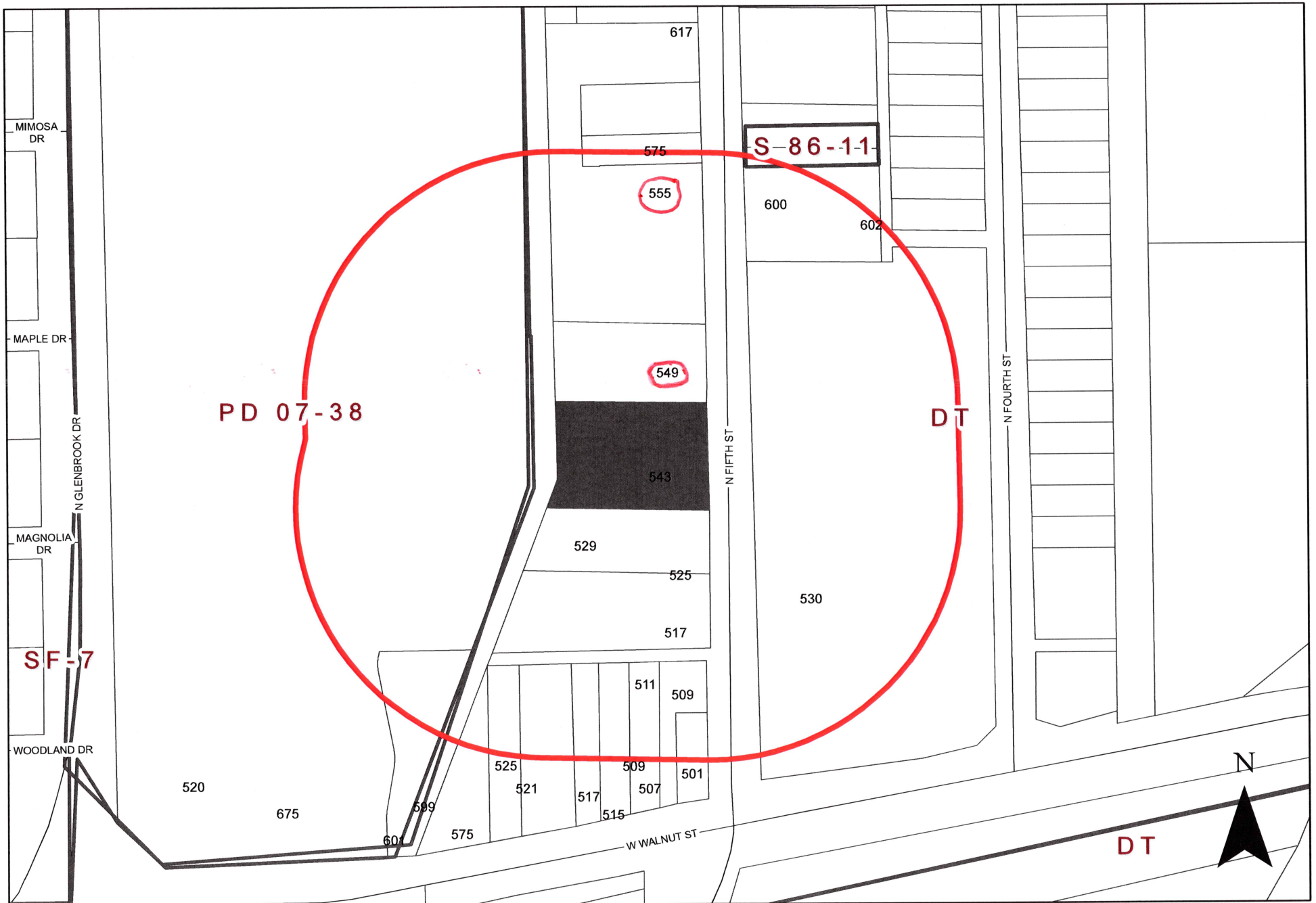
Commissioner Rose added that he believes the recommendation is based on the potential for any future re-development for the location.

Commissioner Aubin added that if the property becomes viable for a different use, then he believes that another buyer would come forward to purchase the property and redevelop it. Commissioner Aubin stated that typically Specific Use Provisions are associated with disfavored uses and he does not see this proposed development as a disfavored use. He does not believe that a future Council should hold the 10-year Specific Use



Provision over the developer's head because they would like to see it redeveloped.

**Motion** was made by Commissioner Rose to **approve** the application as presented with a 20-year Specific Use Provision. Seconded by Council Member Dalton. **Motion carried: 7 Ayes, 0 Nays.**



# ZONING MAP Z 23-21

INDICATES AREA OF REQUEST
  INDICATES NOTIFICATION AREA

**543 North Fifth Street**

# Comment Form

## Case Z 23-21

Z 23-21 Will Bohls. The applicant proposes a Building Materials (cabinetry materials) storage business in an existing building located at 543 North Fifth Street. (District 8)

Z 23-21 Will Bohls. El solicitante propone un negocio de almacenamiento de materiales de construcción (materiales de gabinetes) en un edificio existente ubicado en 543 North Fifth Street. (Distrito 8)

Z 23-21 Will Bohls. Người nộp đơn đề xuất kinh doanh lưu trữ Vật liệu xây dựng (vật liệu tủ) trong một tòa nhà hiện có tại 543 North Fifth Street. (Quận 8)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đúng



Against / En Contra / Không

Please complete the following information and email the form to [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

John J. Doss


Your Property Address / La dirección de su propiedad / địa chỉ tài sản

549 N. FIFTH ST., GARLAND, TX 75044

City, State / Estado de la Ciudad / Thành bang

GARLAND TEXAS  
75044

Zip Code / Código postal / Mã B u chính



Signature / Firma / Chữ ký

7/6/2023

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)



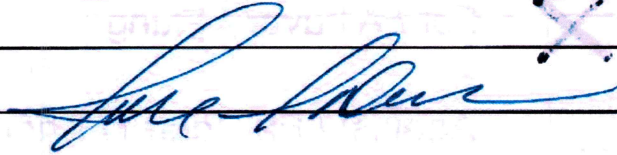
## Comment Form Continued – Case Z 23-21

The statements below reflect my (our) opinion regarding the proposed request(s).

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

As a neighboring building, we have  
no reason to object to this request.



# Comment Form

## Case Z 23-21

CITY OF GARLAND  
RECEIVED  
JUL 11 2023

Z 23-21 Will Bohls. The applicant proposes a Building Materials (cabinetry materials) storage business in an existing building located at 543 North Fifth Street. (District 8)

Z 23-21 Will Bohls. El solicitante propone un negocio de almacenamiento de materiales de construcción (materiales de gabinetes) en un edificio existente ubicado en 543 North Fifth Street. (Distrito 8)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

For / A Favor / Đúng

Against / En Contra / Không

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Jay Jones

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

555 N. 5th. St. Suite 113 Garland 75040

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

City, State / Estado de la Ciudad / Thành bang

Zip Code / Código postal / Mã B u Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)



Comment Form Continued –  
Case Z 23-21

The statements below reflect my (our) opinion regarding the proposed request(s).

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

The City changed the zoning on all of the properties on N. 5th St. when they adopted the Garland Development Code on May 19, 2015. The properties on N. 5th St. were all zoned Industrial, which allowed all types of Commercial Businesses. The present zoning, Uptown, Does Not allow any of the Industrial/Commercial Uses once allowed. I am in favor of granting the owners/Tenants of 543 N. 5th St a Specific Use permit for 25 years. When the properties become so valuable that Investors wanting to build Apartments or Townhouses the property owners on N. 5th St. can sell the properties to the investors. For the next 25 years the owners of 543 N. 5th St can continue Renting or Using the Building for Building / Garden Materials Sale and Storage (Wholesale Use). The owners can sell their property to Investors wanting to own the 543 N. 5th St if the Buyers know they don't have to go the expense of Renewing their SUP every 4 or 5 years

Jay Jones



**GARLAND**  
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The applicant requests approval of a Specific Use Provision for a building materials (cabinetry materials) storage business in an existing building on a property zoned Downtown (DT) District.

# **Plan Commission Meeting**

August 01, 2023

Z 23-21

# CASE INFORMATION

Location: 543 North Fifth Street

Applicant: Will Bohls

Owner: 543-5 Ghost, LLC

Acreage: 0.99 acres

Zoning: Downtown (DT) District and Uptown Sub-District

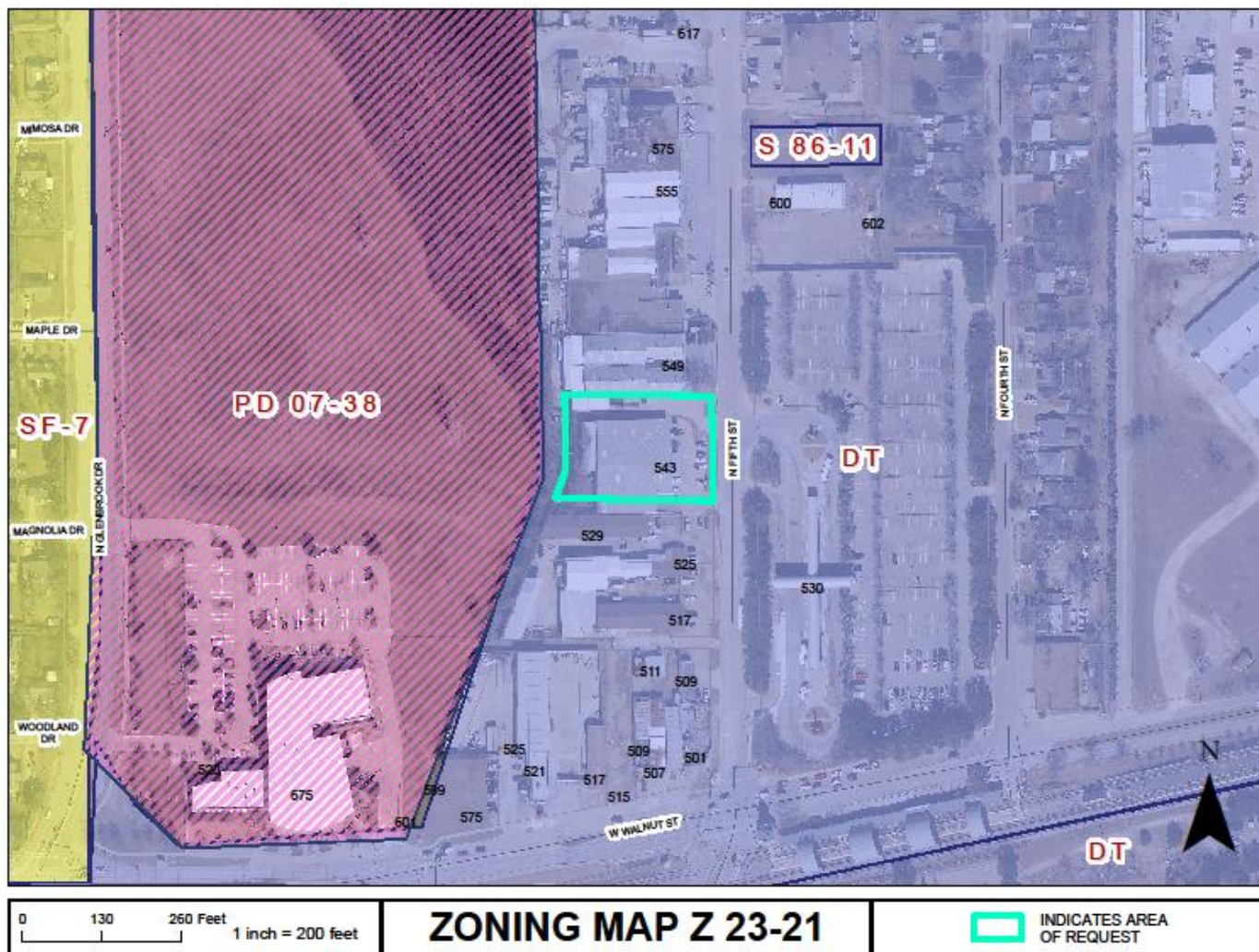






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# LOCATION MAP



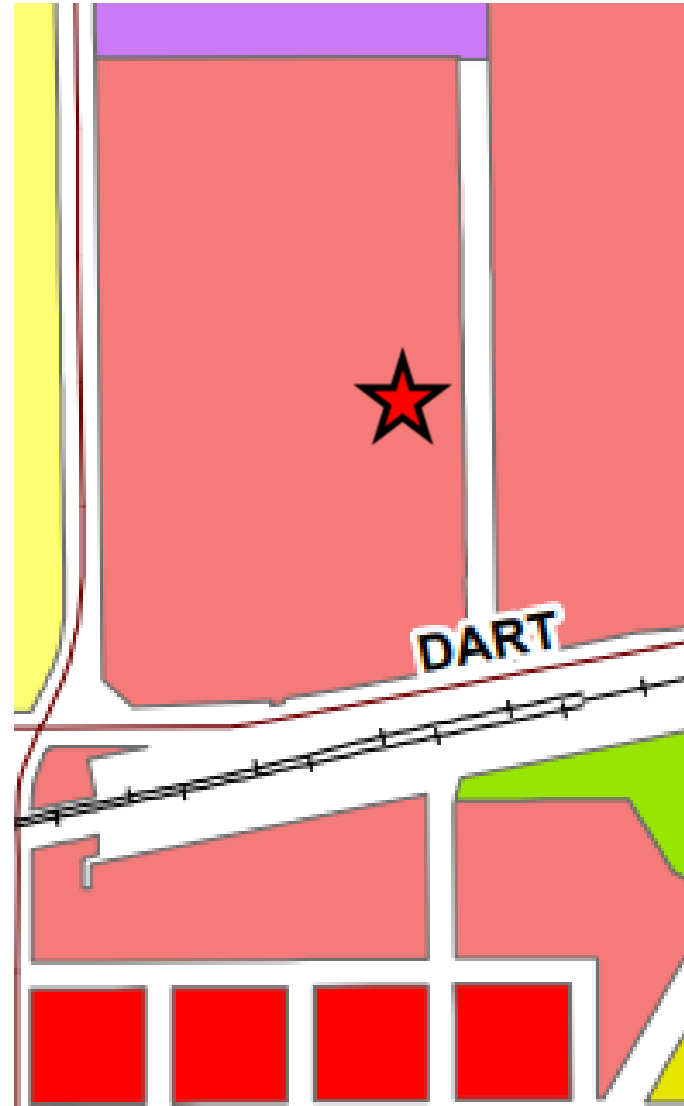
543 North Fifth Street


Z 23-21





# COMPREHENSIVE PLAN



 Transit-Oriented Centers



# COMPREHENSIVE PLAN

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within  $\frac{1}{4}$  to  $\frac{1}{2}$  mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

Transit-oriented development is characterized by moderate to high density residential greater than twelve dwelling units per acre. Land use opportunities for four identified transit-oriented development areas should be unique to the needs and character of the larger area.



# DOWNTOWN (DT) DISTRICT

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 per the Garland Development Code 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.



**GARLAND**  
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# PHOTOS



View of the site looking West on North Fifth Street



View from the site looking East across North Fifth Street

Z 23-21



# PHOTOS



View from the site looking North on North Fifth Street



View from the site looking South on North Fifth Street

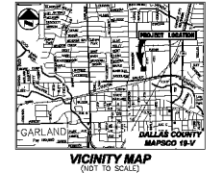
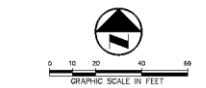
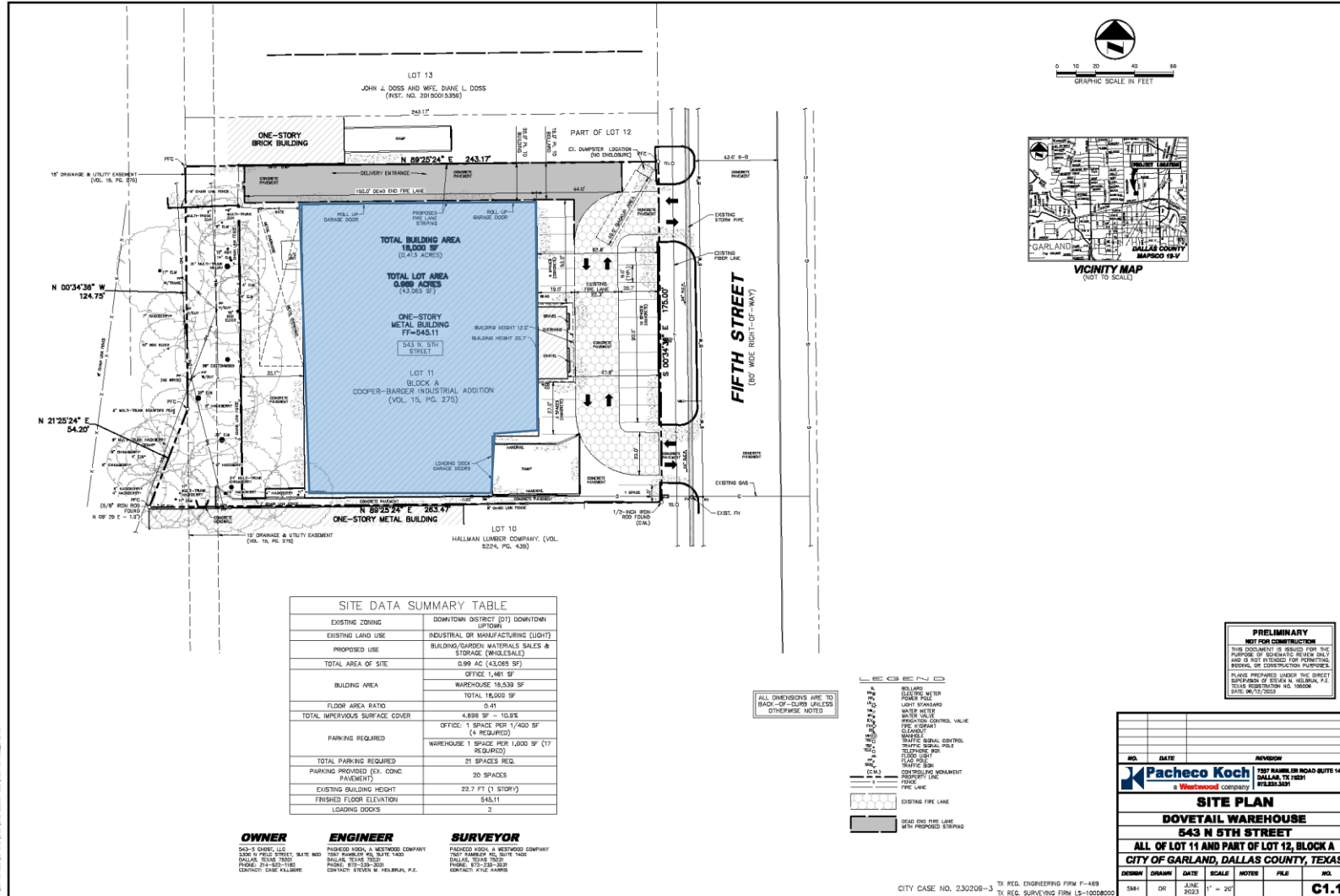




# GARLAND

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# SITE PLAN



SITE DATA SUMMARY TABLE

EXISTING ZONING	DOWNTOWN DISTRICT (DT) DOWNTOWN UPTOWN
EXISTING LAND USE	INDUSTRIAL OR MANUFACTURING (LIGHT)
PROPOSED USE	BUILDING/GARDEN MATERIALS SALES & STORAGE (WHOLESALE)
TOTAL AREA OF SITE	0.99 AC (43,065 SF)
	OFFICE 1,461 SF
BUILDING AREA	WAREHOUSE 18,539 SF
	TOTAL 19,000 SF
FLOOR AREA RATIO	0.41
TOTAL IMPERVIOUS SURFACE COVER	4,696 SF = 10.9%
	OFFICE: 1 SPACE PER 1,400 SF (4 REQUIRED)
PARKING REQUIRED	WAREHOUSE: 1 SPACE PER 1,000 SF (17 REQUIRED)
TOTAL PARKING REQUIRED	21 SPACES REQ.
PARKING PROVIDED (EX. CONC. PAVEMENT)	20 SPACES
EXISTING BUILDING HEIGHT	22.7 FT (1 STORY)
FINISHED FLOOR ELEVATION	545.11
LOADING DOCKS	2

ALL DIMENSIONS ARE TO BACK-OF-CURB UNLESS OTHERWISE NOTED

**LEGEND**

- ℄ BUILDING
- ℄ EXISTING METEOR
- ℄ POWER POLE
- ℄ LIGHT FIXTURE
- ℄ WATER VALVE
- ℄ REVISION CONTROL VALVE
- ℄ FIRE HYDRANT
- ℄ METER
- ℄ TRAFFIC SIGNAL CONTROL
- ℄ TRAFFIC SIGNAL POLE
- ℄ FLOOD WALL
- ℄ FLOOD WALL
- ℄ TRAFFIC SIGN
- ℄ CONTROLLING POINTMENT
- ℄ FENCE
- ℄ EXISTING FIRE LINE
- ℄ DEAR AND FIRE LINE WITH PROPOSED STAIRING

**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF SUBMITTING PERMITS ONLY AND IS NOT INTENDED FOR PERMITTING, RECORDS, OR CONSTRUCTION PURPOSES.  
 PLANS PREPARED UNDER THE DIRECT SUPERVISION OF STEVEN W. HEDBORN, P.E.  
 TEXAS REGISTRATION NO. 186008  
 DATE: 06/27/2023

NO.	DATE	REVISION				
1						
 <b>SITE PLAN</b> <b>DOVETAIL WAREHOUSE</b> <b>543 N 5TH STREET</b> <b>ALL OF LOT 11 AND PART OF LOT 12, BLOCK A</b> <b>CITY OF GARLAND, DALLAS COUNTY, TEXAS</b>						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
SM4	OR	JUNE 2023	1" = 20'			<b>C1.1</b>

DRAWN BY: J. SMITH, DATE: 06/27/2023, CHECKED BY: S. HEDBORN, DATE: 06/27/2023

**OWNER** 343-N SHAW, LLC  
 2001 N. PEARL STREET  
 DALLAS, TEXAS 75201  
 PHONE: 214-825-1188  
 CONTACT: DAVID MILLER

**ENGINEER** PACHECO KOCH, A WESTWOOD COMPANY  
 7307 AMARILLO RD., SUITE 1400  
 DALLAS, TEXAS 75249  
 PHONE: 972-339-3031  
 CONTACT: PIERRE HEDBORN

**SURVEYOR** PACHECO KOCH, A WESTWOOD COMPANY  
 7307 AMARILLO RD., SUITE 1400  
 DALLAS, TEXAS 75249  
 PHONE: 972-339-3031  
 CONTACT: PIERRE HEDBORN

# Z 23-21



## **SPECIFIC USE PROVISION**

The applicant proposes to use an existing 18,000 square-foot building for a Building/Garden Sales & Storage (Wholesale) Use for cabinetry materials. The storage of cabinetry materials will be indoors only.

The Building/Garden Sale & Storage (Wholesale) Use requires a Specific Use Provision in the Uptown Sub-District of the Downtown District.

The applicant proposes an SUP time period of twenty (20) years. The applicant originally requested thirty (30) years; however, the applicant concurs with the Plan Commission's recommendation. The SUP time period guide does not have a recommended time period for Building/Garden Materials Sales & Storage (Wholesale) Use.



# STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District in the Uptown sub-district.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, while the use aligns with the current built environment along this portion of North Fifth Street, staff recommends a shorter SUP time period such as five (5) or ten (10) years to allow for possible future redevelopment opportunities, including transit-oriented development, that better aligns with the Downtown—Uptown sub-district.



# PLAN COMMISSION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, the Plan Commission recommended an SUP time period of twenty (20) years.



**GARLAND**

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## GARLAND PLANNING REPORT

### City Council Regular Session Agenda

6. d.

**Meeting Date:** 08/01/2023

**Item Title:** Z 23-21 Will Bohls - Plan (District 8)

**Submitted By:** Matthew Wolverton, Development Planner

---

#### REQUEST

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

#### LOCATION

543 North Fifth Street

#### OWNER

543-5 Ghost, LLC

#### PLAN COMMISSION RECOMMENDATION

On July 10, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, the Plan Commission recommended an SUP time period of twenty (20) years.

#### STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District in the Uptown sub-district.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, while the use aligns with the current built environment along this portion of North Fifth Street, staff recommends a shorter SUP time period such as five (5) or ten (10) years to allow for possible future redevelopment opportunities, including transit-oriented development,

that better aligns with the Downtown—Uptown sub-district.

## **BACKGROUND**

The subject property is an existing building that contains available space for one tenant. The building will remain the same square footage and only the interior will be updated. The applicant plans to use the building to store and sell cabinetry materials.

## **SITE DATA**

The 0.99-acre site is accessed from North Fifth Street.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The property is zoned within the Uptown (U) Sub-district of the overall Downtown (DT) District. The Uptown 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.

## **CONSIDERATIONS**

### **Specific Use Provision:**

1. The applicant proposes to use an existing 18,000 square-foot building for a Building/Garden Sales & Storage (Wholesale) Use for cabinetry materials. The storage of cabinetry materials will be indoors only.

There will be no manufacturing on site. Building materials are brought in and kept on site, then delivered to construction/installation sites.

2. The Building/Garden Sale & Storage (Wholesale) Use requires a Specific Use Provision in the Uptown Sub-District of the Downtown District.

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 per the Garland Development Code 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.

3. The applicant proposes the SUP time period of twenty (20) years. The applicant originally requested thirty (30) years; however, the applicant concurs with the Plan Commission's recommendation. The SUP time period guide does not have a recommended time period for Building/Garden Materials Sales & Storage (Wholesale) Use.

### **COMPREHENSIVE PLAN**

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

Transit-oriented development is characterized by moderate to high density residential greater than twelve dwelling units per acre. Land use opportunities for four identified transit-oriented development areas should be unique to the needs and character of the larger area.

### **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The properties surrounding the site are all zoned Downtown (DT) District and Uptown sub-district as well. These properties include various commercial and industrial uses such as storage, auto repair, and contractor warehouses and a church.

The proposed use is generally compatible with the existing and immediate surrounding area.

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### **Attachments**

Z 23-21 Location Map

Z 23-21 Exhibits

Z 23-21 R&M Plan

Z 23-21 Responses

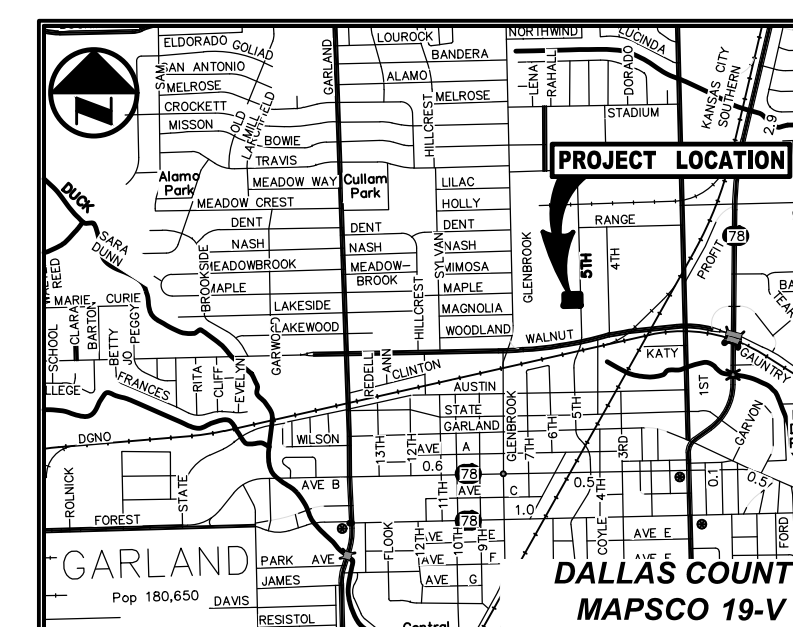
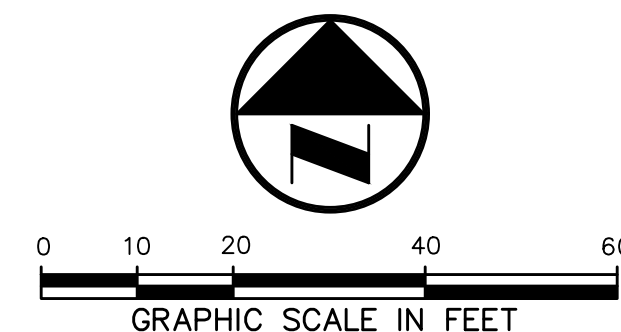
Z 23-21 Staff Presentation

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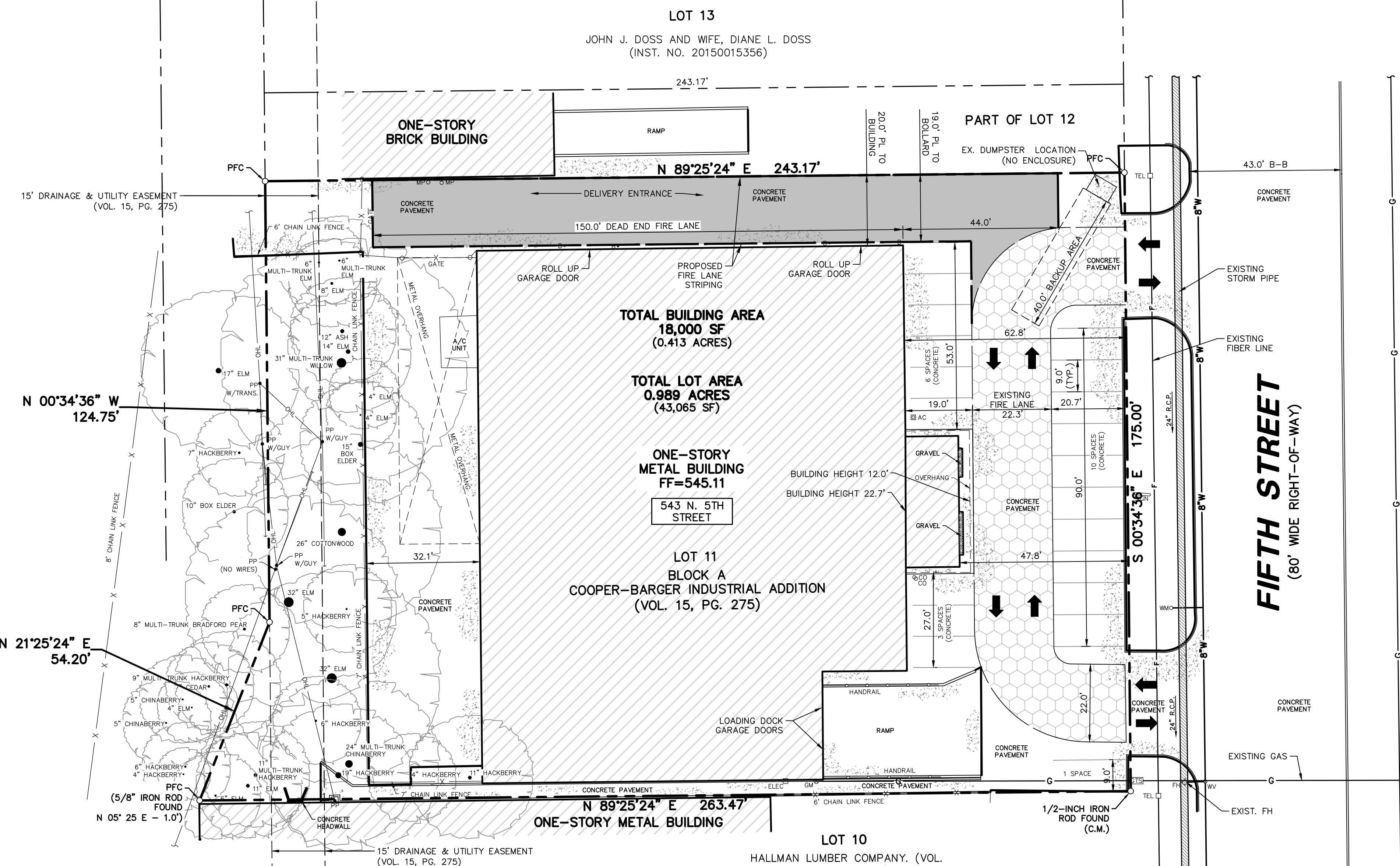








VICINITY MAP  
(NOT TO SCALE)



SITE DATA SUMMARY TABLE	
EXISTING ZONING	DOWNTOWN DISTRICT (DT) DOWNTOWN UPTOWN
EXISTING LAND USE	INDUSTRIAL OR MANUFACTURING (LIGHT)
PROPOSED USE	BUILDING/GARDEN MATERIALS SALES & STORAGE (WHOLESALE)
TOTAL AREA OF SITE	0.99 AC (43,065 SF)
BUILDING AREA	OFFICE 1,461 SF
	WAREHOUSE 16,539 SF
FLOOR AREA RATIO	0.41
TOTAL IMPERVIOUS SURFACE COVER	4,696 SF - 10.9%
PARKING REQUIRED	OFFICE: 1 SPACE PER 1,400 SF (4 REQUIRED)
	WAREHOUSE 1 SPACE PER 1,000 SF (17 REQUIRED)
TOTAL PARKING REQUIRED	21 SPACES REQ.
PARKING PROVIDED (EX. CONC. PAVEMENT)	20 SPACES
EXISTING BUILDING HEIGHT	22.7 FT (1 STORY)
FINISHED FLOOR ELEVATION	545.11
LOADING DOCKS	2

ALL DIMENSIONS ARE TO BACK-OF-CURB UNLESS OTHERWISE NOTED

LEGEND	
B <sub>1</sub>	BOLLARD
EM <sub>1</sub>	ELECTRIC METER
PP <sub>1</sub>	POWER POLE
LS <sub>1</sub>	LIGHT STANDARD
WM <sub>1</sub>	WATER METER
WV <sub>1</sub>	WATER VALVE
ICV <sub>1</sub>	IRRIGATION CONTROL VALVE
PH <sub>1</sub>	FIRE HYDRANT
CO <sub>1</sub>	CLEANOUT
MH <sub>1</sub>	MANHOLE
TSC <sub>1</sub>	TRAFFIC SIGNAL CONTROL
TSP <sub>1</sub>	TRAFFIC SIGNAL POLE
TEL <sub>1</sub>	TELEPHONE BOX
FL <sub>1</sub>	FLOOD LIGHT
FP <sub>1</sub>	FLAG POLE
SIG <sub>1</sub>	TRAFFIC SIGN
(C.M.)	CONTROLLING MONUMENT
---	PROPERTY LINE
-x-	FENCE
-x-	FIRE LANE
[Pattern]	EXISTING FIRE LANE
[Pattern]	DEAD END FIRE LANE WITH PROPOSED STRIPING

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF SCHEMATIC REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.  
PLANS PREPARED UNDER THE DIRECT SUPERVISION OF STEVEN M. HEILBRUN, P.E.  
TEXAS REGISTRATION NO. 105006  
DATE: 06/12/2023

NO.	DATE	REVISION				
<b>SITE PLAN</b> <b>DOVETAIL WAREHOUSE</b> <b>543 N 5TH STREET</b> <b>ALL OF LOT 11 AND PART OF LOT 12, BLOCK A</b> <b>CITY OF GARLAND, DALLAS COUNTY, TEXAS</b>						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
SMH	OR	JUNE 2023	1" = 20'			<b>C1.1</b>

**OWNER**  
543-5 GHOST, LLC  
2300 N FIELD STREET, SUITE 800  
DALLAS, TEXAS 75201  
PHONE: 214-922-1182  
CONTACT: CASE KILLGORE

**ENGINEER**  
PACHECO KOCH, A WESTWOOD COMPANY  
7557 RAMBLER RD, SUITE 1400  
DALLAS, TEXAS 75231  
PHONE: 972-235-3031  
CONTACT: STEVEN M. HEILBRUN, P.E.

**SURVEYOR**  
PACHECO KOCH, A WESTWOOD COMPANY  
7557 RAMBLER RD, SUITE 1400  
DALLAS, TEXAS 75231  
PHONE: 972-235-3031  
CONTACT: KYLE HARRIS

CITY CASE NO. 230209-3 TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-10008000

EXHIBIT C

06/09/2023 10:08 AM  
 17/04/2023 09:06 CAD/DWA/SITE DESIGN C:\D\R0044017.00\_SP.DWG



## REPORT & MINUTES

### P.C. Meeting, July 10, 2023

**4d. APPROVED** Consideration of the application of **Will Bohls**, requesting approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use. This property is located at 543 North Fifth Street. (District 8) (Z 23-21 – Plan)

**Motion** was made by Commissioner Rose to **approve** the application as presented with a 20-year Specific Use Provision. Seconded by Council Member Dalton. **Motion carried: 7 Ayes, 0 Nays.**



# Comment Form

## Case Z 23-21

Z 23-21 Will Bohls. The applicant proposes a Building Materials (cabinetry materials) storage business in an existing building located at 543 North Fifth Street. (District 8)

Z 23-21 Will Bohls. El solicitante propone un negocio de almacenamiento de materiales de construcción (materiales de gabinetes) en un edificio existente ubicado en 543 North Fifth Street. (Distrito 8)

Z 23-21 Will Bohls. Người nộp đơn đề xuất kinh doanh lưu trữ Vật liệu xây dựng (vật liệu tủ) trong một tòa nhà hiện có tại 543 North Fifth Street. (Quận 8)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đúng



Against / En Contra / Không

Please complete the following information and email the form to [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới [Planning@garlandtx.gov](mailto:Planning@garlandtx.gov); giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

John J. Doss


Your Property Address / La dirección de su propiedad / địa chỉ tài sản

549 N. FIFTH ST., GARLAND, TX 75044

City, State / Estado de la Ciudad / Thành bang

GARLAND TEXAS  
75044

Zip Code / Código postal / Mã B u chính



Signature / Firma / Chữ ký

7/6/2023

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)



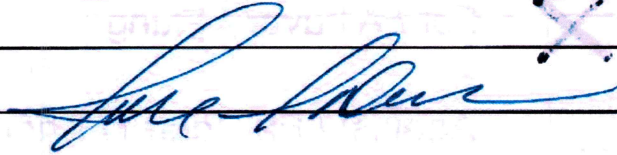
## Comment Form Continued – Case Z 23-21

The statements below reflect my (our) opinion regarding the proposed request(s).

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

As a neighboring building, we have  
no reason to object to this request.





# Comment Form

## Case Z 23-21

CITY OF GARLAND  
RECEIVED  
JUL 11 2023

Z 23-21 Will Bohls. The applicant proposes a Building Materials (cabinetry materials) storage business in an existing building located at 543 North Fifth Street. (District 8)

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For / A Favor / Đúng

Against / En Contra / Không

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Jay Jones

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

555 N. 5th. St. Suite 113 Garland 75040

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

City, State / Estado de la Ciudad / Thành bang

Zip Code / Código postal / Mã B u Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)



Comment Form Continued –  
Case Z 23-21

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Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

The City changed the zoning on all of the properties on N. 5th St. when they adopted the Garland Development Code on May 19, 2015. The properties on N. 5th St. were all zoned Industrial, which allowed all types of Commercial Businesses. The present zoning, Uptown, Does Not allow any of the Industrial/Commercial Uses once allowed. I am in favor of granting the owners/Tenants of 543 N. 5th St a Specific Use permit for 25 years. When the properties become so valuable that Investors wanting to build Apartments or Townhouses the property owners on N. 5th St. can sell the properties to the investors. For the next 25 years the owners of 543 N. 5th St can continue Renting or Using the Building for Building/Garden Materials Sale and Storage (Wholesale Use). The owners can sell their property to Investors wanting to own the 543 N. 5th St if the Buyers know they don't have to go the expense of Renewing their SUP every 4 or 5 years

Jay Jones



**GARLAND**  
TEXAS MADE HERE

The applicant requests approval of a Specific Use Provision for a building materials (cabinetry materials) storage business in an existing building on a property zoned Downtown (DT) District.

# **Plan Commission Meeting**

August 01, 2023

Z 23-21

# CASE INFORMATION

Location: 543 North Fifth Street

Applicant: Will Bohls

Owner: 543-5 Ghost, LLC

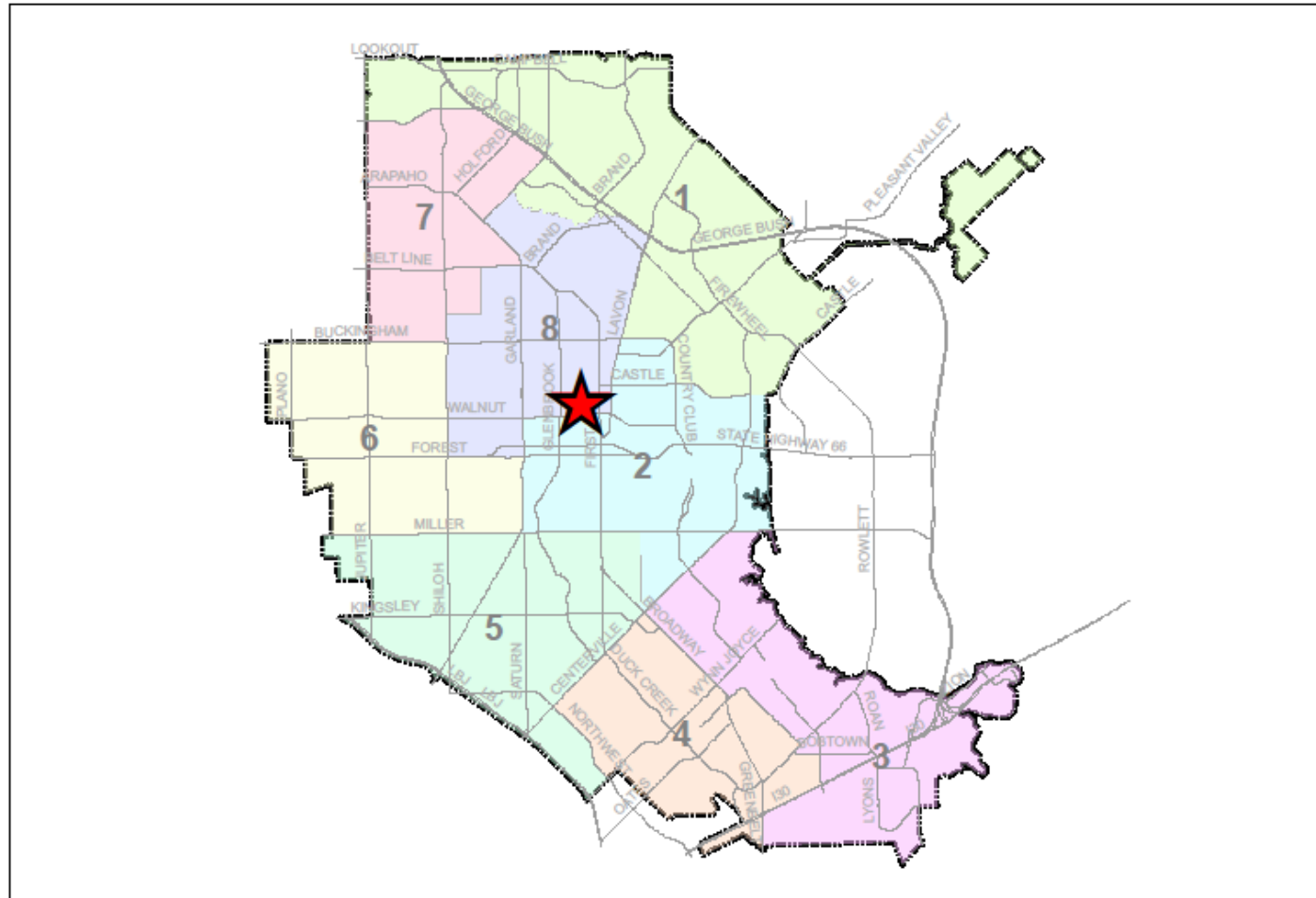
Acreage: 0.99 acres

Zoning: Downtown (DT) District and Uptown Sub-District






# CITYWIDE LOCATION MAP



**ZONING MAP Z 23-21**

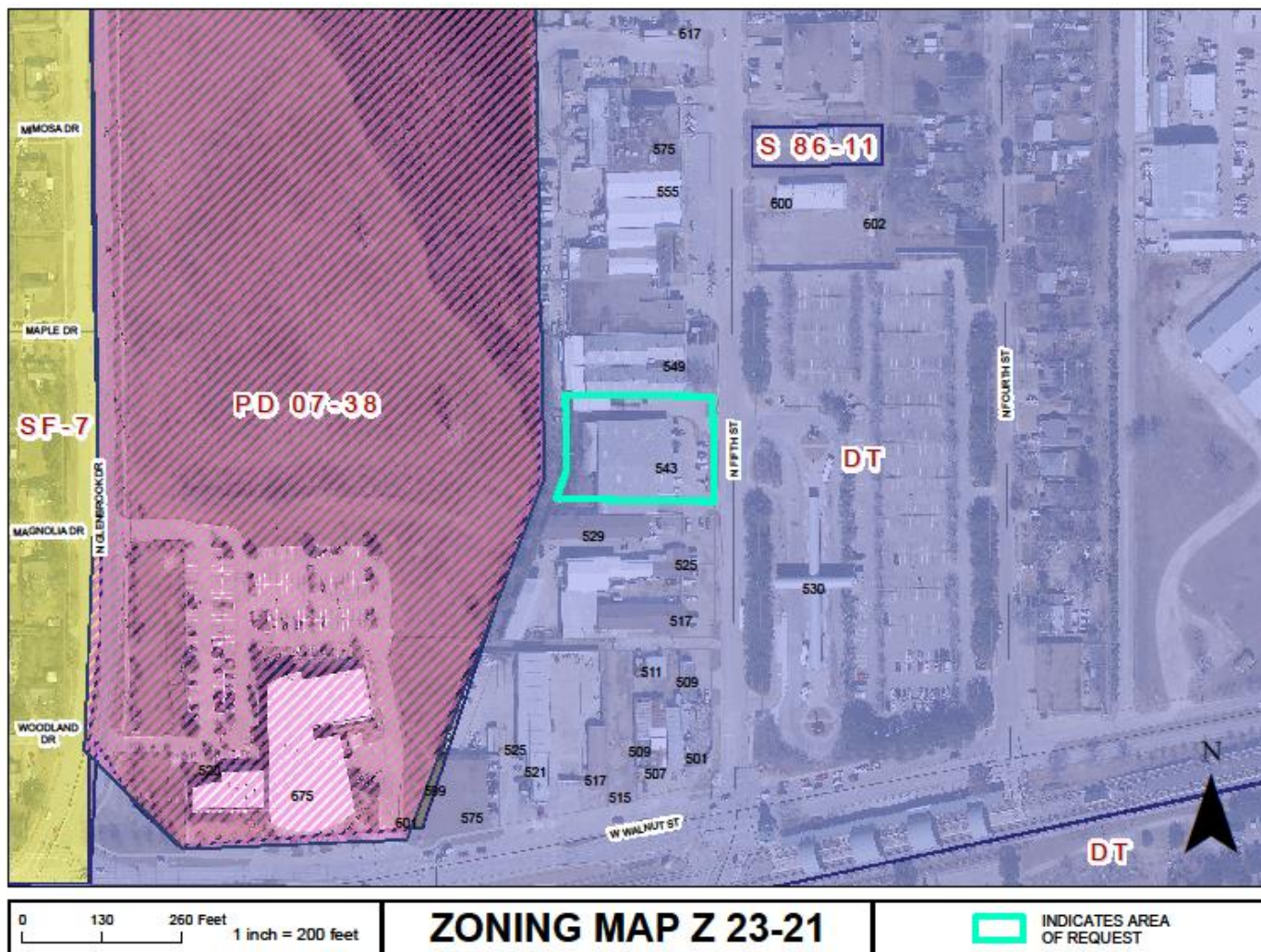
 INDICATES AREA OF REQUEST

**Z 23-21**



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# LOCATION MAP




543 North Fifth Street

Z 23-21



# COMPREHENSIVE PLAN



 Transit-Oriented Centers



# COMPREHENSIVE PLAN

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within  $\frac{1}{4}$  to  $\frac{1}{2}$  mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

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# DOWNTOWN (DT) DISTRICT

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The goals of this district per the Garland Development Code are:

- (A) To make Downtown viable through:
  - ▶ (1) Providing for integrated mixed-use;
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  - ▶ (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.



**GARLAND**  
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# PHOTOS



View of the site looking West on North Fifth Street



View from the site looking East across North Fifth Street

Z 23-21

# PHOTOS



View from the site looking North on North Fifth Street



View from the site looking South on North Fifth Street









## **SPECIFIC USE PROVISION**

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# STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District in the Uptown sub-district.

Approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use.

In addition, while the use aligns with the current built environment along this portion of North Fifth Street, staff recommends a shorter SUP time period such as five (5) or ten (10) years to allow for possible future redevelopment opportunities, including transit-oriented development, that better aligns with the Downtown—Uptown sub-district.



# PLAN COMMISSION

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In addition, the Plan Commission recommended an SUP time period of twenty (20) years.



**GARLAND**

TEXAS MADE HERE







## GARLAND POLICY REPORT

### City Council Regular Session Agenda

7. a.

**Meeting Date:** 08/01/2023  
**Item Title:** Request for Enterprise Zone Nomination of Zobele USA  
**Submitted By:** Ayako Schuster, Economic Development Director  
**Strategic Focus Areas:** Growing Economic Base

---

#### ISSUE

Consider an ordinance of the City Council of the City of Garland, Texas, ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), providing tax incentives, designating a liaison for communication with interested parties, and nominating Zobele USA to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank as an Enterprise Project.

#### OPTIONS

1. Approve the staff recommendation for nominating Zobele USA as a Texas Enterprise Zone Project and approve the ordinance.
2. Not approve for the nomination

#### RECOMMENDATION

Staff recommends nominating Zobele USA for the Texas Enterprise Zone Program and approve the ordinance.

#### BACKGROUND

The Zobele USA, located at 3502 Regency Crest Drive has been in Garland since 2018 and invested over \$30 million in 2021 for its expansion. The expansion project includes three new product lines, one new packaging line, additional real estate space, and interior renovations. The Economic Development Agreement executed in 2021 between the City and Zobele includes this nomination. Nomination will allow for the company to apply to the state program, with no financial contribution needed from the City.

#### CONSIDERATION

Council is requested to approve the request as proposed.

---

#### Attachments



**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, NOMINATING ZOBEL USA INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Garland, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

**WHEREAS**, the Project or activity is not located in an area designated as an enterprise zone; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Act, Zobe USA Inc. has applied to the City for designation as an enterprise project; and

**WHEREAS**, the City finds that Zobe USA Inc. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site and will create a higher level of employment, economic activity, and stability; and

**WHEREAS**, a public hearing to consider this ordinance was held by the City Council on August 1, 2023;

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

**Section 1**

The City nominates Zobe USA Inc. for enterprise project status.

**Section 2**

The following local incentives, at the election of the governing body, are or will be made available to the nominated Project or activity of the qualified business:

(a.) The City may provide the programs to improve and increase the value of real estate and new investment, including:

- (1) Local sales tax refund;
- (2) Tax abatement;
- (3) Tax increment financing;
- (4) Freeport exemption;
- (5) Other tax deferrals, tax refunds, or tax incentives;  
or
- (6) Chapter 380 grants.

(b.) The City may provide regulatory relief to businesses, including:

- (1) Zoning changes or variances;
- (2) Exemptions from unnecessary building code requirements;
- (3) Impact fees or inspection fees exemptions; or
- (4) Streamlined permitting.

(c.) The City may provide enhanced municipal services to businesses, including:

- (1) Improved police and fire protection;
- (2) Institution of community crime prevention programs;  
or
- (3) Special public transportation routes or reduced fares.

(d.) The City may provide improvements in community facilities, including:

- (1) Capital improvements in water and sewer facilities;
- (2) Road repair; or
- (3) Creation or improvement of parks.

(e.) The City may provide improvements to housing, including:

- (1) Low-interest loans for housing rehabilitation, improvement, or new construction; or
- (2) Transfer of abandoned housing to individuals or community groups.



(f.) The City may provide business and industrial development services, including:

- (1) Low-interest loans for business;
- (2) Provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
- (3) Creation of special one-stop permitting and problem resolution centers or ombudsmen; or
- (4) Promotion and marketing services.

(g.) The City may provide job training and employment services to businesses, including:

- (1) Retraining programs;
- (2) Literacy and employment skills programs;
- (3) Vocational education; or
- (4) Customized job training.

### **Section 3**

The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

### **Section 4**

The City Council hereby directs and designates the City Manager, or his/her designee, as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

### **Section 5**

The City finds that Zobebe USA Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a.) Zobebe USA Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and

(b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and

(c.) The designation of Zobebe USA Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

#### **Section 6**

The enterprise Project shall take effect on the date of designation of the enterprise Project by EDT and terminate five (5) years after the date of designation.

#### **Section 7**

This ordinance shall take effect immediately upon and after its adoption and approval.

(SIGNATURE PAGE FOLLOWS)

**PASSED AND APPROVED** this 1<sup>st</sup> day of August, 2023.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary



**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**7. b.**

**Meeting Date:** 08/01/2023

**Item Title:** Resolution Authorizing Use of Eminent Domain - GP&L Transmission

**Submitted By:** Brian England, City Attorney

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**Summary of Request/Problem**

Staff presented this request as a written briefing at the August 1, 2023 Work Session. GP&L, as part of its ongoing operation of an electrical utility in the State of Texas, is seeking to reconstruct a portion of the Garland Power & Light College Avenue to Brand Road 138kV transmission line located in the City of Garland.

The City already owns property where the existing transmission line is located. However, as a result of the rebuild, GP&L requires the acquisition of additional property rights, as the new line has a slightly different footprint and, in some places, has a slightly different path. The City has not successfully negotiated a final purchase price with some of the property owners and is seeking authorization to initiate condemnation.

The resolution currently being considered is related solely to the reconstruction of the GP&L College Avenue to Brand Road 138kV transmission line project.

**Recommendation/Action Requested and Justification**

Approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. The City has been able to negotiate with some of the property owners in the program/project area to acquire the necessary property interests.

However, the City has not been able to successfully negotiate a final purchase price with all of the property owners. The owners with whom agreement could not be reached are named in the proposed resolution. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. The City Attorney will provide in written form the appropriate wording of the motion.

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**Attachments**

Resolution Authorizing Eminent Domain

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF VARIOUS PROPERTY RIGHTS LOCATED NEAR THE EXISTING GARLAND POWER AND LIGHT 138KV TRANSMISSION LINE BETWEEN COLLEGE AVENUE AND BRAND ROAD, IN THE CITY OF GARLAND, TEXAS, SAID PROPERTY INTERESTS BEING MORE PARTICULARLY DESCRIBED BELOW; PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Garland, ("Garland"), has found and determined the need to acquire property rights necessary to rebuild an existing 138kiV transmission line from College Avenue to Brand Road in the City of Garland ("Project"), which will necessitate the acquisition of property interests the existing transmission line;

**WHEREAS**, public convenience and necessity requires the acquisition of the properties described below (referred to as "Properties"), which exhibits are attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

**WHEREAS**, Garland is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer, as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Properties for public use from the Property Owners (as hereinafter defined) voluntarily before beginning the acquisition of the Properties through a condemnation proceeding;

**WHEREAS**, the Properties are located in the City of Garland, Dallas County, Texas as described below, and the fee owners of the Properties are as follows:

**Iglesia Ni Christo** - 2310 College Avenue - fee simple to a 40,456 square foot (0.855 acre) tract, and an electrical utility easement in a 13,730 square foot tract of land located in the John W. Keen Survey, Abstract No. 738, Dallas County, Texas, and being part of Lot 1, Block 1, Westwood Addition No. 6, an addition to the City of Garland, Texas according to the plat thereof recorded in Volume 88178, at Page 4768 of the Deed Records of Dallas County, Texas

Amount Offered: \$27,200.40

**DFW Metro Family of Churches, Inc.** - 318 N. Shiloh - fee simple to a 37,248 square foot (xxx) tract, and an electrical utility easement in a 11,219 square foot tract of land located in the John W. Keen Survey, Abstract No. 738, Dallas County, Texas, and being part of Lot 6, Block A, Westwood No. 2, 2<sup>nd</sup> Installment, according to the plat thereof recorded in Volume 71202, at Page 506 of the Deed Records of Dallas County, Texas

Amount Offered: \$58,078.00

**John L. & Mimica K. Snyder** - 1400 N. Shiloh - an electrical utility easement in a 5,650 square foot tract of land in the Isham Browder Survey, Abstract No. 70, City of Garland, Dallas County, Texas, and being part of Lot 1, Block 1 of Snyder Estates, according to the plat thereof recorded in Instrument 20080098891 of the Official Public Records of Dallas County, Texas

Amount Offered: \$1,166.00

**Transatlantic Alliance Corp** - 2434 Belt Line - an electrical utility easement in a 2,221 square foot tract of land in the Benjamin Frost Survey, Abstract No. 480, City of Garland, Dallas County, Texas, and being part of Lot 1, Block A of M&T Subdivision, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 77193, at Page 1238 of the Deed Records of Dallas County, Texas

Amount Offered: \$30,877.00

**QSR 30 Land, LLC** - 1436 Belt Line - an electrical utility easement in a 1,099 square foot tract of land in the Benjamin Frost Survey, Abstract No. 480, City of Garland, Dallas County, Texas, and being part of Lot 1-R1, Block 1 of a Minor Replat of North Star Market Addition, Lot 1-R, Block 1, an addition to the City of Garland, Texas, according to the plat thereof recorded in Instrument No. 201600201979 of the Official Public Records of Dallas County, Texas

Amount Offered: \$21,760.00

**Interproperty Investment, Inc.** - 1201 Belt Line - an electrical utility easement in a 3,403 square foot tract of land in the Onofre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and part of Lot 15, Block 6, Century Park Addition, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 73055, at page 430 of the Deed Records of Dallas County, Texas, and being part of that certain 38,738

square foot tract or parcel of land described in the deed from Beltline/Brand Partners, Ltd to Interproperty Investments, Inc. dated the 21<sup>st</sup> day of October, 2002, and recorded in Volume 2002221, at Page 4013 of the Deed Records of Dallas County, Texas

Amount Offered: \$24,502.00

**Interproperty Investment, Inc.** - 1225 Belt Line - an electrical utility easement in a 1,014 square foot tract of land in the Onofre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and part of Lot 15, Block 6, Century Park Addition, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 84156, at page 3918 of the Deed Records of Dallas County, Texas

Amount Offered: \$7,301.00

**WHEREAS**, independent professional appraisal reports of the Properties have been submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or his designee has established a certain amount determined to be just compensation for the Properties based on the appraisals and fair market values of the Properties and any applicable fees necessary to acquire the Properties;

**WHEREAS**, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owners of the Properties in order to acquire necessary property rights on the Properties for the Project, and has been unsuccessful in acquiring the necessary property rights on the Properties; and

**WHEREAS**, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire property rights to the Properties at a public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

### **Section 1**

That Garland, its staff, its designees, and its attorneys are specifically authorized to purchase property rights of the Properties; that the public convenience and necessity requires the acquisition of easement rights on the Properties for the public

purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of easement and/or right-of-way rights on the Properties; that it appears to Garland that further negotiations to purchase easement rights on the Properties voluntarily would be futile; that the public necessity requires the condemnation of Properties for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owners of the Properties, and against all other owners, lienholders, or holders of an interest in the Properties, in order to acquire easement rights on the Properties.

## **Section 2**

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

## **Section 3**

It is the intent of the City Council that this Resolution authorizes the City Manager and City Attorney, or their designees, to perform all steps necessary to obtain the Properties necessary for the Project, whether through negotiation or condemnation, including the expenditure of funds.

## **Section 4**

It is the intent of the City Council that this Resolution authorizes the condemnation of all property rights required for the construction, improvement, maintenance, and reconstruction of bottleneck improvements on the properties at the intersection of Belt Line and Shiloh Roads and at the intersection of Buckingham and Shiloh Roads, located in the City of Garland, to serve the public and citizens of the City.

## **Section 5**

If it is determined that there are scrivener errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney or his designee is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing condemnation of the corrected or revised property.

**Section 6**

Following an award by the Special Commissioners or a judgment of a court of competent jurisdiction on appeal from a Special Commissioners' award, the City Manager or his designee, is hereby authorized to make payment in an amount not to exceed the Special Commissioners' award or the judgment of a court of competent jurisdiction, to enable the City to take possession of the Properties without further action of the City Council. However, nothing contained herein shall be interpreted to limit the spending authority of the City Manager granted by Council Resolution or Policy. It is the intent of the City Council that this Resolution grants the City Manager the authority, in addition to the authority granted by Council policy, to settle disputes related to the value of the Properties.

**Section 7**

That this Resolution shall take effect immediately from and after its adoption.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary





**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**7. c.**

**Meeting Date:** 08/01/2023

**Item Title:** Lease of Property located at 625 W. State Street to add additional surface-lot parking to the Downtown district.

**Submitted By:** Letecia McNatt, Downtown Development Manager

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**Summary of Request/Problem**

Staff drafted a 15-year lease agreement for the property located at 625 W. State Street in Downtown. Improving this property will create additional surface-lot parking in the west end of the downtown historic sub-district, and allow surrounding business owners to park vehicles in the lot as to preserve on-street parking for patrons and visitors of the district. As Lessee, in addition to rent, the City would be responsible for property improvements including appropriate paving, striping, lighting, signage, and maintenance. The property owner, Visual Aid Volunteers Inc. (VAV), began operation in 1960 with a pilot program providing all braille materials needed by visually impaired children of Garland to succeed in the conventional classroom. As a result of this initiative, the Garland Independent School District became the first school district in Texas to have blind and low-vision students attending public school in regular classrooms with sighted peers rather than the state school in Austin.

**PROJECT SUMMARY**

Property Improvements	\$ 125,000
Rent Over 15 Years	\$ 93,000
<b>Project Total</b>	<b>\$ 218,000</b>

*Property improvements are budgeted in Facilities Parking Lot Upgrades in the CIP Program. Rent over 15 years would be funded by TIF 1.*

This partnership will increase the inventory of extended-hour parking in the district and preserve on-street parking for shorter-range use. Additionally, VAV, will grant the City a License Agreement to install a public mural on the west facade of their building which borders the east side of the proposed lot. This public art installation will support initiatives of the Cultural Arts Master Plan, Texas Downtown Association Assessment, and the TIF 1 Project and Financing Plan.

**Recommendation/Action Requested and Justification**

Staff recommends approval of the proposed lease agreement to lease the property located at 625 W. State Street from Visual Aid Volunteers, Inc.

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## Attachments

Property map

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## **P** DOWNTOWN GARLAND PUBLIC PARKING MAP



- P** Public Garage and Lot Parking
- FREE On-Street Parking
- ★ 625 W. State Street

For more details on the construction phases, alternate parking locations and road closures, scan QR code or visit [GarlandTX.gov/DowntownConstruction](http://GarlandTX.gov/DowntownConstruction).





**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**7. d.**

**Meeting Date:** 08/01/2023

**Item Title:** Submission of Appraisal Roll and Rates for FY 2023-2024

**Submitted By:** Corey Worsham, Tax Administrator

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**Summary of Request/Problem**

State law mandates an explicit, detailed and complex process for the adoption of municipal budgets and the setting of the tax rates by local governments. Those laws (as well as the City Charter) require a series of notices to the public and at least one public hearing for the adoption of the budget and tax rate. The tax rate setting and budget approval processes (the two being both legally and practically intertwined) are triggered by the receipt of appraisal rolls from County Central Appraisal Districts.

There are two key deadlines involved in the tax rate process: August 1 for the submission of the appraisal roll and August 7 for the submission of the rates. The appraisal rolls, together with a certification of a collection rate and a calculation of the "no new tax rate" and "voter approval rate" are being submitted to the City Council (notice of tax rates attached). The City Council must now establish dates for public hearings. Notices of the public hearing must be published and posted in the manner and form required by law and within certain windows of time. It is critical that the dates of the events match the timeframes provided by law and are properly noticed (including publication).

**Recommendation/Action Requested and Justification**

The City Council is being provided the attached tax rates, notice and appraisal certifications as required by law. Council is requested to provide a proposed tax rate and hearing dates in accordance with state law. Motions containing the public hearing dates and tax rates are attached.

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**Attachments**

2023 Tax Notice

2023 Worksheet

2023 Proposed Tax Rate

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# NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$0.689746 per \$100 valuation has been proposed by the governing body of City of Garland.

PROPOSED TAX RATE	\$0.689746 per \$100
NO-NEW-REVENUE TAX RATE	\$0.636388 per \$100
VOTER-APPROVAL TAX RATE	\$0.706895 per \$100

The no-new-revenue tax rate is the tax rate for the 2023 tax year that will raise the same amount of property tax revenue for City of Garland from the same properties in both the 2022 tax year and the 2023 tax year.

The voter-approval rate is the highest tax rate that City of Garland may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Garland is proposing to increase property taxes for the 2023 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON August 15, 2023 AT 7:00 PM AT City Hall 200 N. Fifth St. Garland, TX 75040.

A SECOND PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON August 22, 2023 AT 7:00 PM AT City Hall 200 N. Fifth St. Garland, TX 75040

A THIRD PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 5, 2023 AT 7:00 PM AT City Hall 200 N. Fifth St. Garland, TX 75040

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Garland is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the Garland City Council of City of Garland at their offices or by attending the public hearing mentioned above.

**YOUR TAXES OWED UNDER ANY OF THE RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:**

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

**FOR the proposal:**

**AGAINST the proposal:**

**PRESENT** and not voting:

**ABSENT:**

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.



The following table compares the taxes imposed on the average residence homestead by City of Garland last year to the taxes proposed to be imposed on the average residence homestead by City of Garland this year.

	<b>2022</b>	<b>2023</b>	<b>Change</b>
<b>Total tax rate (per \$100 of value)</b>	\$0.716692	\$0.689746	decrease of -0.026946, or -3.76%
<b>Average homestead taxable value</b>	\$207,743	\$228,501	increase of 20,758, or 9.99%
<b>Tax on average homestead</b>	\$1,488.88	\$1,576.08	increase of 87.20, or 5.86%
<b>Total tax levy on all properties</b>	\$147,250,845	\$161,559,230	increase of 14,308,385, or 9.72%

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For assistance with tax calculations, please contact the tax assessor for City of Garland at 972-205-2404 or [CitySecretary@GarlandTX.gov](mailto:CitySecretary@GarlandTX.gov), or visit [www.garlandtx.gov](http://www.garlandtx.gov) for more information.

# 2023 Tax Rate Calculation Worksheet

## Taxing Units Other Than School Districts or Water Districts

Form 50-856

City of Garland	972-205-2829
Taxing Unit Name	Phone (area code and number)
217 N Fifth St. Garland, TX 75040	www.garlandtx.gov
Taxing Unit's Address, City, State, ZIP Code	Taxing Unit's Website Address

**GENERAL INFORMATION:** Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements* or Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts* or Comptroller Form 50-860 *Developed Water District Voter-Approval Tax Rate Worksheet*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

### SECTION 1: No-New-Revenue Tax Rate

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	<b>2022 total taxable value.</b> Enter the amount of 2022 taxable value on the 2022 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). <sup>1</sup>	\$ 19,816,890,729
2.	<b>2022 tax ceilings.</b> Counties, cities and junior college districts. Enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2022 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>2</sup>	\$ 0
3.	<b>Preliminary 2022 adjusted taxable value.</b> Subtract Line 2 from Line 1.	\$ 19,816,890,729
4.	<b>2022 total adopted tax rate.</b>	\$ 0.716692 /\$100
5.	<b>2022 taxable value lost because court appeals of ARB decisions reduced 2022 appraised value.</b>	
	A. Original 2022 ARB values:.....	\$ 1,143,617,340
	B. 2022 values resulting from final court decisions:.....	- \$ 1,041,372,046
	C. 2022 value loss. Subtract B from A. <sup>3</sup>	\$ 102,245,294
6.	<b>2022 taxable value subject to an appeal under Chapter 42, as of July 25.</b>	
	A. 2022 ARB certified value:.....	\$ 1,683,107,630
	B. 2022 disputed value:.....	- \$ 764,349,844
	C. 2022 undisputed value. Subtract B from A. <sup>4</sup>	\$ 918,757,786
7.	<b>2022 Chapter 42 related adjusted values.</b> Add Line 5C and Line 6C.	\$ 1,021,003,080

<sup>1</sup> Tex. Tax Code §26.012(14)

<sup>2</sup> Tex. Tax Code §26.012(14)

<sup>3</sup> Tex. Tax Code §26.012(13)

<sup>4</sup> Tex. Tax Code §26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	<b>2022 taxable value, adjusted for actual and potential court-ordered adjustments.</b> Add Line 3 and Line 7.	\$ 20,837,893,809
9.	<b>2022 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2022.</b> Enter the 2022 value of property in deannexed territory. <sup>5</sup>	\$ 0
10.	<b>2022 taxable value lost because property first qualified for an exemption in 2023.</b> If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2023 does not create a new exemption or reduce taxable value.  <b>A. Absolute exemptions.</b> Use 2022 market value: ..... \$ 608,539  <b>B. Partial exemptions.</b> 2023 exemption amount or 2023 percentage exemption times 2022 value: ..... + \$ 43,393,936  <b>C. Value loss.</b> Add A and B. <sup>6</sup>	\$ 44,002,475
11.	<b>2022 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2023.</b> Use only properties that qualified in 2023 for the first time; do not use properties that qualified in 2022.  <b>A. 2022 market value:</b> ..... \$ 0  <b>B. 2023 productivity or special appraised value:</b> ..... - \$ 0  <b>C. Value loss.</b> Subtract B from A. <sup>7</sup>	\$ 0
12.	<b>Total adjustments for lost value.</b> Add Lines 9, 10C and 11C.	\$ 44,002,475
13.	<b>2022 captured value of property in a TIF.</b> Enter the total value of 2022 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which 2022 taxes were deposited into the tax increment fund. <sup>8</sup> If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ 442,558,238
14.	<b>2022 total value.</b> Subtract Line 12 and Line 13 from Line 8.	\$ 20,351,333,096
15.	<b>Adjusted 2022 total levy.</b> Multiply Line 4 by Line 14 and divide by \$100.	\$ 145,856,376
16.	<b>Taxes refunded for years preceding tax year 2022.</b> Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2022. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2022. This line applies only to tax years preceding tax year 2022. <sup>9</sup>	\$ 1,079,107
17.	<b>Adjusted 2022 levy with refunds and TIF adjustment.</b> Add Lines 15 and 16. <sup>10</sup>	\$ 146,935,483
18.	<b>Total 2023 taxable value on the 2023 certified appraisal roll today.</b> This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. <sup>11</sup>  <b>A. Certified values:</b> ..... \$ 23,597,359,887  <b>B. Counties:</b> Include railroad rolling stock values certified by the Comptroller's office: ..... + \$ .....  <b>C. Pollution control and energy storage system exemption:</b> Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: ..... - \$ 0  <b>D. Tax increment financing:</b> Deduct the 2023 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2023 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below. <sup>12</sup> ..... - \$ 540,626,793  <b>E. Total 2023 value.</b> Add A and B, then subtract C and D.	\$ 23,056,733,094

<sup>5</sup> Tex. Tax Code §26.012(15)  
<sup>6</sup> Tex. Tax Code §26.012(15)  
<sup>7</sup> Tex. Tax Code §26.012(15)  
<sup>8</sup> Tex. Tax Code §26.03(c)  
<sup>9</sup> Tex. Tax Code §26.012(13)  
<sup>10</sup> Tex. Tax Code §26.012(13)  
<sup>11</sup> Tex. Tax Code §26.012, 26.04(c-2)  
<sup>12</sup> Tex. Tax Code §26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	<p><b>Total value of properties under protest or not included on certified appraisal roll.</b> <sup>13</sup></p> <p><b>A. 2023 taxable value of properties under protest.</b> The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. <sup>14</sup>..... \$ <u>366,270,506</u></p> <p><b>B. 2023 value of properties not under protest or included on certified appraisal roll.</b> The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. <sup>15</sup>..... + \$ <u>0</u></p> <p><b>C. Total value under protest or not certified.</b> Add A and B. \$ <u>366,270,506</u></p>	
20.	<p><b>2023 tax ceilings.</b> Counties, cities and junior colleges enter 2023 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2022 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>16</sup></p>	\$ <u>0</u>
21.	<p><b>2023 total taxable value.</b> Add Lines 18E and 19C. Subtract Line 20. <sup>17</sup></p>	\$ <u>23,423,003,600</u>
22.	<p><b>Total 2023 taxable value of properties in territory annexed after Jan. 1, 2022.</b> Include both real and personal property. Enter the 2023 value of property in territory annexed. <sup>18</sup></p>	\$ <u>0</u>
23.	<p><b>Total 2023 taxable value of new improvements and new personal property located in new improvements.</b> New means the item was not on the appraisal roll in 2022. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2022 and be located in a new improvement. New improvements <b>do</b> include property on which a tax abatement agreement has expired for 2023. <sup>19</sup></p>	\$ <u>334,042,159</u>
24.	<p><b>Total adjustments to the 2023 taxable value.</b> Add Lines 22 and 23.</p>	\$ <u>334,042,159</u>
25.	<p><b>Adjusted 2023 taxable value.</b> Subtract Line 24 from Line 21.</p>	\$ <u>23,088,961,441</u>
26.	<p><b>2023 NNR tax rate.</b> Divide Line 17 by Line 25 and multiply by \$100. <sup>20</sup></p>	\$ <u>0.636388</u> /\$100
27.	<p><b>COUNTIES ONLY.</b> Add together the NNR tax rates for each type of tax the county levies. The total is the 2023 county NNR tax rate. <sup>21</sup></p>	\$ _____ /\$100

**SECTION 2: Voter-Approval Tax Rate**

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- Maintenance and Operations (M&O) Tax Rate:** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	<p><b>2022 M&amp;O tax rate.</b> Enter the 2022 M&amp;O tax rate.</p>	\$ <u>0.341092</u> /\$100
29.	<p><b>2022 taxable value, adjusted for actual and potential court-ordered adjustments.</b> Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i>.</p>	\$ <u>20,837,893,809</u>

<sup>13</sup> Tex. Tax Code §26.01(c) and (d)  
<sup>14</sup> Tex. Tax Code §26.01(c)  
<sup>15</sup> Tex. Tax Code §26.01(d)  
<sup>16</sup> Tex. Tax Code §26.012(6)(B)  
<sup>17</sup> Tex. Tax Code §26.012(6)  
<sup>18</sup> Tex. Tax Code §26.012(17)  
<sup>19</sup> Tex. Tax Code §26.012(17)  
<sup>20</sup> Tex. Tax Code §26.04(c)  
<sup>21</sup> Tex. Tax Code §26.04(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
30.	<b>Total 2022 M&amp;O levy.</b> Multiply Line 28 by Line 29 and divide by \$100	\$ 71,076,388
31.	<b>Adjusted 2022 levy for calculating NNR M&amp;O rate.</b>	
	<p><b>A. M&amp;O taxes refunded for years preceding tax year 2022.</b> Enter the amount of M&amp;O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2022. This line applies only to tax years preceding tax year 2022. ....</p>	+ \$ 513,575
	<p><b>B. 2022 taxes in TIF.</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2023 captured appraised value in Line 18D, enter 0.....</p>	- \$ 1,509,532
	<p><b>C. 2022 transferred function.</b> If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0. ....</p>	+/- \$ 0
	<p><b>D. 2022 M&amp;O levy adjustments.</b> Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function.....</p>	\$ -995,957
	E. Add Line 30 to 31D.	\$ 70,080,431
32.	<b>Adjusted 2023 taxable value.</b> Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 23,088,961,441
33.	<b>2023 NNR M&amp;O rate (unadjusted).</b> Divide Line 31E by Line 32 and multiply by \$100.	\$ 0.303523 /\$100
34.	<b>Rate adjustment for state criminal justice mandate.</b> <sup>23</sup> If not applicable or less than zero, enter 0.	
	<p><b>A. 2023 state criminal justice mandate.</b> Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. ....</p>	\$ 0
	<p><b>B. 2022 state criminal justice mandate.</b> Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies.....</p>	- \$ 0
	C. Subtract B from A and divide by Line 32 and multiply by \$100.....	\$ 0.000000 /\$100
	D. Enter the rate calculated in C. If not applicable, enter 0.	\$ 0.000000 /\$100
35.	<b>Rate adjustment for indigent health care expenditures.</b> <sup>24</sup> If not applicable or less than zero, enter 0.	
	<p><b>A. 2023 indigent health care expenditures.</b> Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state assistance received for the same purpose. ....</p>	\$ 0
	<p><b>B. 2022 indigent health care expenditures.</b> Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state assistance received for the same purpose.....</p>	- \$ 0
	C. Subtract B from A and divide by Line 32 and multiply by \$100.....	\$ 0.000000 /\$100
	D. Enter the rate calculated in C. If not applicable, enter 0.	\$ 0.000000 /\$100

<sup>22</sup> [Reserved for expansion]

<sup>23</sup> Tex. Tax Code §26.044

<sup>24</sup> Tex. Tax Code §26.0441



Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	<p><b>Rate adjustment for county indigent defense compensation.</b> <sup>25</sup> If not applicable or less than zero, enter 0.</p> <p><b>A. 2023 indigent defense compensation expenditures.</b> Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state grants received by the county for the same purpose.....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>B. 2022 indigent defense compensation expenditures.</b> Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state grants received by the county for the same purpose.....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100.....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>D.</b> Multiply B by 0.05 and divide by Line 32 and multiply by \$100.....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>E.</b> Enter the lesser of C and D. If not applicable, enter 0.</p>	<p>\$ <u>0.000000</u> /\$100</p>
37.	<p><b>Rate adjustment for county hospital expenditures.</b> <sup>26</sup> If not applicable or less than zero, enter 0.</p> <p><b>A. 2023 eligible county hospital expenditures.</b> Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2022 and ending on June 30, 2023. ....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>B. 2022 eligible county hospital expenditures.</b> Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2021 and ending on June 30, 2022. ....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100.....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>D.</b> Multiply B by 0.08 and divide by Line 32 and multiply by \$100.....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>E.</b> Enter the lesser of C and D, if applicable. If not applicable, enter 0.</p>	<p>\$ <u>0.000000</u> /\$100</p>
38.	<p><b>Rate adjustment for defunding municipality.</b> This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalities with a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code Section 26.0444 for more information.</p> <p><b>A. Amount appropriated for public safety in 2022.</b> Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year .....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>B. Expenditures for public safety in 2022.</b> Enter the amount of money spent by the municipality for public safety during the preceding fiscal year .....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100 .....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>D.</b> Enter the rate calculated in C. If not applicable, enter 0.</p>	<p>\$ <u>0.000000</u> /\$100</p>
39.	<p><b>Adjusted 2023 NNR M&amp;O rate.</b> Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.</p>	<p>\$ <u>0.303523</u> /\$100</p>
40.	<p><b>Adjustment for 2022 sales tax specifically to reduce property taxes.</b> Cities, counties and hospital districts that collected and spent additional sales tax on M&amp;O expenses in 2022 should complete this line. These entities will deduct the sales tax gain rate for 2023 in Section 3. Other taxing units, enter zero.</p> <p><b>A.</b> Enter the amount of additional sales tax collected and spent on M&amp;O expenses in 2022, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent .....</p> <p style="text-align: right;">\$ <u>0</u></p> <p><b>B.</b> Divide Line 40A by Line 32 and multiply by \$100 .....</p> <p style="text-align: right;">\$ <u>0.000000</u> /\$100</p> <p><b>C.</b> Add Line 40B to Line 39.</p>	<p>\$ <u>0.303523</u> /\$100</p>
41.	<p><b>2023 voter-approval M&amp;O rate.</b> Enter the rate as calculated by the appropriate scenario below.</p> <p><b>Special Taxing Unit.</b> If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08.</p> <p>- or -</p> <p><b>Other Taxing Unit.</b> If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.</p>	<p>\$ <u>0.314146</u> /\$100</p>

<sup>25</sup> Tex. Tax Code §26.0442  
<sup>26</sup> Tex. Tax Code §26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	<p><b>Disaster Line 41 (D41): 2023 voter-approval M&amp;O rate for taxing unit affected by disaster declaration.</b> If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of</p> <p>1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or</p> <p>2) the third tax year after the tax year in which the disaster occurred</p> <p>If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08.<sup>27</sup> If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).</p>	<p>\$ 0.000000 /\$100</p>
42.	<p><b>Total 2023 debt to be paid with property taxes and additional sales tax revenue.</b> Debt means the interest and principal that will be paid on debts that:</p> <p>(1) are paid by property taxes,</p> <p>(2) are secured by property taxes,</p> <p>(3) are scheduled for payment over a period longer than one year, and</p> <p>(4) are not classified in the taxing unit's budget as M&amp;O expenses.</p> <p><b>A. Debt</b> also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2021, verify if it meets the amended definition of debt before including it here.<sup>28</sup></p> <p>Enter debt amount ..... \$ 90,497,641</p> <p><b>B. Subtract unencumbered fund amount</b> used to reduce total debt. .... - \$ 1,133,000</p> <p><b>C. Subtract certified amount spent from sales tax to reduce debt</b> (enter zero if none) ..... - \$ 0</p> <p><b>D. Subtract amount paid</b> from other resources ..... - \$ 2,267,392</p> <p><b>E. Adjusted debt.</b> Subtract B, C and D from A. .... \$ 87,097,249</p>	<p>\$ 87,097,249</p>
43.	<p><b>Certified 2022 excess debt collections.</b> Enter the amount certified by the collector.<sup>29</sup></p>	<p>\$ 0</p>
44.	<p><b>Adjusted 2023 debt.</b> Subtract Line 43 from Line 42E.</p>	<p>\$ 87,097,249</p>
45.	<p><b>2023 anticipated collection rate.</b></p> <p><b>A.</b> Enter the 2023 anticipated collection rate certified by the collector.<sup>30</sup> ..... 99.00 %</p> <p><b>B.</b> Enter the 2022 actual collection rate. .... 98.83 %</p> <p><b>C.</b> Enter the 2021 actual collection rate. .... 99.13 %</p> <p><b>D.</b> Enter the 2020 actual collection rate. .... 98.96 %</p> <p><b>E.</b> If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%.<sup>31</sup></p>	<p>99.00 %</p>
46.	<p><b>2023 debt adjusted for collections.</b> Divide Line 44 by Line 45E.</p>	<p>\$ 87,977,019</p>
47.	<p><b>2023 total taxable value.</b> Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i>.</p>	<p>\$ 23,423,003,600</p>
48.	<p><b>2023 debt rate.</b> Divide Line 46 by Line 47 and multiply by \$100.</p>	<p>\$ 0.375600 /\$100</p>
49.	<p><b>2023 voter-approval tax rate.</b> Add Lines 41 and 48.</p>	<p>\$ 0.689746 /\$100</p>
D49.	<p><b>Disaster Line 49 (D49): 2023 voter-approval tax rate for taxing unit affected by disaster declaration.</b> Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.</p>	<p>\$ _____ /\$100</p>

<sup>27</sup> Tex. Tax Code §26.042(a)  
<sup>28</sup> Tex. Tax Code §26.012(7)  
<sup>29</sup> Tex. Tax Code §26.012(10) and 26.04(b)  
<sup>30</sup> Tex. Tax Code §26.04(b)  
<sup>31</sup> Tex. Tax Code §526.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	<b>COUNTIES ONLY.</b> Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2023 county voter-approval tax rate.	\$ 0.000000 /\$100

**SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes**

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	<b>Taxable Sales.</b> For taxing units that adopted the sales tax in November 2022 or May 2023, enter the Comptroller’s estimate of taxable sales for the previous four quarters. <sup>32</sup> Estimates of taxable sales may be obtained through the Comptroller’s Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2022, enter 0.	\$ 0
52.	<b>Estimated sales tax revenue.</b> Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. <sup>33</sup>  <b>Taxing units that adopted the sales tax in November 2022 or in May 2023.</b> Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. <sup>34</sup> - or - <b>Taxing units that adopted the sales tax before November 2022.</b> Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ 0
53.	<b>2023 total taxable value.</b> Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 23,423,003,600
54.	<b>Sales tax adjustment rate.</b> Divide Line 52 by Line 53 and multiply by \$100.	\$ 0.000000 /\$100
55.	<b>2023 NNR tax rate, unadjusted for sales tax.</b> <sup>35</sup> Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.636388 /\$100
56.	<b>2023 NNR tax rate, adjusted for sales tax.</b> <b>Taxing units that adopted the sales tax in November 2022 or in May 2023.</b> Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November 2022.	\$ 0.636388 /\$100
57.	<b>2023 voter-approval tax rate, unadjusted for sales tax.</b> <sup>36</sup> Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.689746 /\$100
58.	<b>2023 voter-approval tax rate, adjusted for sales tax.</b> Subtract Line 54 from Line 57.	\$ 0.689746 /\$100

**SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control**

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit’s expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	<b>Certified expenses from the Texas Commission on Environmental Quality (TCEQ).</b> Enter the amount certified in the determination letter from TCEQ. <sup>37</sup> The taxing unit shall provide its tax assessor-collector with a copy of the letter. <sup>38</sup>	\$ 0
60.	<b>2023 total taxable value.</b> Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 23,423,003,600
61.	<b>Additional rate for pollution control.</b> Divide Line 59 by Line 60 and multiply by \$100.	\$ 0.000000 /\$100
62.	<b>2023 voter-approval tax rate, adjusted for pollution control.</b> Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$ 0.689746 /\$100

<sup>32</sup> Tex. Tax Code §26.041(d)  
<sup>33</sup> Tex. Tax Code §26.041(i)  
<sup>34</sup> Tex. Tax Code §26.041(d)  
<sup>35</sup> Tex. Tax Code §26.04(c)  
<sup>36</sup> Tex. Tax Code §26.04(c)  
<sup>37</sup> Tex. Tax Code §26.045(d)  
<sup>38</sup> Tex. Tax Code §26.045(i)

**SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate**

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate adjusted to remove the unused increment rate for the prior three years.<sup>39</sup> In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the portion of the unused increment rate must be backed out of the calculation for that year.

The difference between the adopted tax rate and adjusted voter-approval tax rate is considered zero in the following scenarios:

- a tax year before 2020;<sup>40</sup>
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a);<sup>41</sup> or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval.<sup>42</sup>

Individual components can be negative, but the overall rate would be the greater of zero or the calculated rate.

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.<sup>43</sup>

Line	Unused Increment Rate Worksheet	Amount/Rate
<b>63.</b>	<b>Year 3 component.</b> Subtract the 2022 actual tax rate and the 2022 unused increment rate from the 2022 voter-approval tax rate.	
A.	Voter-approval tax rate (Line 67).....	\$ 0.733841 /\$100
B.	Unused increment rate (Line 66).....	\$ 0.017585 /\$100
C.	Subtract B from A.....	\$ 0.716256 /\$100
D.	Adopted Tax Rate.....	\$ 0.716692 /\$100
E.	Subtract D from C.....	\$ -0.000436 /\$100
<b>64.</b>	<b>Year 2 component.</b> Subtract the 2021 actual tax rate and the 2021 unused increment rate from the 2021 voter-approval tax rate.	
A.	Voter-approval tax rate (Line 67).....	\$ 0.774550 /\$100
B.	Unused increment rate (Line 66).....	\$ 0.017585 /\$100
C.	Subtract B from A.....	\$ 0.756965 /\$100
D.	Adopted Tax Rate.....	\$ 0.756965 /\$100
E.	Subtract D from C.....	\$ 0.000000 /\$100
<b>65.</b>	<b>Year 1 component.</b> Subtract the 2020 actual tax rate and the 2020 unused increment rate from the 2020 voter-approval tax rate.	
A.	Voter-approval tax rate (Line 65).....	\$ 0.787185 /\$100
B.	Unused increment rate (Line 64).....	\$ 0.000000 /\$100
C.	Subtract B from A.....	\$ 0.787185 /\$100
D.	Adopted Tax Rate.....	\$ 0.769600 /\$100
E.	Subtract D from C.....	\$ 0.017585 /\$100
<b>66.</b>	<b>2023 unused increment rate.</b> Add Lines 63E, 64E and 65E.	\$ 0.017149 /\$100
<b>67.</b>	<b>Total 2023 voter-approval tax rate, including the unused increment rate.</b> Add Line 66 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax) or Line 62 (taxing units with pollution control).	\$ 0.706895 /\$100

<sup>39</sup> Tex. Tax Code §26.013(a)

<sup>40</sup> Tex. Tax Code §26.013(c)

<sup>41</sup> Tex. Tax Code §§26.0501(a) and (c)

<sup>42</sup> Tex. Local Gov't Code §120.007(d), effective Jan. 1, 2022

<sup>43</sup> Tex. Tax Code §26.063(a)(1)

<sup>44</sup> Tex. Tax Code §26.012(8-a)

<sup>45</sup> Tex. Tax Code §26.063(a)(1)

**SECTION 6: De Minimis Rate**

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.<sup>44</sup> This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.<sup>45</sup>

Line	De Minimis Rate Worksheet	Amount/Rate
68.	<b>Adjusted 2023 NNR M&amp;O tax rate.</b> Enter the rate from Line 39 of the <i>Voter-Approval Tax Rate Worksheet</i>	\$ 0.303523 /\$100
69.	<b>2023 total taxable value.</b> Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 23,423,003,600
70.	<b>Rate necessary to impose \$500,000 in taxes.</b> Divide \$500,000 by Line 69 and multiply by \$100.	\$ 0.002134 /\$100
71.	<b>2023 debt rate.</b> Enter the rate from Line 48 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.375600 /\$100
72.	<b>De minimis rate.</b> Add Lines 68, 70 and 71.	\$ 0.000000 /\$100

**SECTION 7: Voter Approval Tax Rate Adjustment for Emergency Revenue Rate**

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.<sup>46</sup>

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year.<sup>47</sup>

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago. This section will apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
73.	<b>2022 adopted tax rate.</b> Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.716692 /\$100
74.	<b>Adjusted 2022 voter-approval tax rate.</b> Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line.  If a disaster occurred in 2022 and the taxing unit calculated its 2022 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2022 worksheet due to a disaster, complete the applicable sections or lines of Form 50-856-a, <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> . - or - If a disaster occurred prior to 2022 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2022, complete the separate <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> to recalculate the voter-approval tax rate the taxing unit would have calculated in 2022 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the year(s) following the disaster. <sup>48</sup> Enter the final adjusted 2022 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2022 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$ 0.000000 /\$100
75.	<b>Increase in 2022 tax rate due to disaster.</b> Subtract Line 74 from Line 73.	\$ 0.000000 /\$100
76.	<b>Adjusted 2022 taxable value.</b> Enter the amount in Line 14 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 20,351,333,096
77.	<b>Emergency revenue.</b> Multiply Line 75 by Line 76 and divide by \$100.	\$ 0
78.	<b>Adjusted 2023 taxable value.</b> Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 23,088,961,441
79.	<b>Emergency revenue rate.</b> Divide Line 77 by Line 78 and multiply by \$100. <sup>49</sup>	\$ 0.000000 /\$100

<sup>44</sup> Tex. Tax Code §26.042(b)

<sup>47</sup> Tex. Tax Code §26.042(f)

<sup>48</sup> Tex. Tax Code §26.042(c)

<sup>49</sup> Tex. Tax Code §26.042(b)



Line	Emergency Revenue Rate Worksheet	Amount/Rate
80.	<b>2023 voter-approval tax rate, adjusted for emergency revenue.</b> Subtract Line 79 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 67 (taxing units with the unused increment rate).	\$ <u>0.706895</u> /\$100

**SECTION 8: Total Tax Rate**


Indicate the applicable total tax rates as calculated above.

- No-new-revenue tax rate.** ..... \$ 0.636388 /\$100  
 As applicable, enter the 2023 NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax).  
 Indicate the line number used: 26
- Voter-approval tax rate.** ..... \$ 0.706895 /\$100  
 As applicable, enter the 2023 voter-approval tax rate from: Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (adjusted for sales tax), Line 62 (adjusted for pollution control), Line 67 (adjusted for unused increment), or Line 80 (adjusted for emergency revenue).  
 Indicate the line number used: 67
- De minimis rate.** ..... \$ 0.000000 /\$100  
 If applicable, enter the 2023 de minimis rate from Line 72.

**SECTION 9: Taxing Unit Representative Name and Signature**

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in the Tax Code.<sup>50</sup>

**print here** ▶ Corey Worsham, RTA  
 Printed Name of Taxing Unit Representative

**sign here** ▶   
 Taxing Unit Representative

8-1-23  
 Date

<sup>50</sup> Tex. Tax Code §526.04(c-2) and (d-2)



**GARLAND**  
TEXAS MADE HERE

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**TAX DEPARTMENT**

Date: August 1, 2023

Subject: Council action to schedule tax hearing dates and a proposed tax rate

Proposed Tax Rate

	2022-2023	2023-2024	
	Current	Proposed	Change
<i>O&amp;M</i>	34.1092	<b>31.4146</b>	-7.91 %
<i>Debt Service</i>	37.5600	<b>37.5600</b>	0%
<i>Total Tax Rate</i>	71.6692	<b>68.9746</b>	-3.8%

**Council Member 1 should read the following statement:**

**I move that the proposed 2023 tax rate of 68.9746 cents per \$100 of valuation be discussed at three public hearings. The public is encouraged to provide comment at the first public hearing to be held on August 15, 2023 at 7:00 PM at the Garland City Hall located at 200 N. Fifth St. in Garland.**

**A second public hearing to be held on August 22, 2023 at 7:00 PM at the Garland City Hall located at 200 N. Fifth St. in Garland.**

**An additional opportunity for public comment will be scheduled at a public hearing to adopt the 2023 tax rate. The third hearing and rate adoption will be held on September 05, 2023 at 7:00 PM at the Garland City Hall located at 200 N. Fifth St. in Garland.**

**Council Member 2 - Make a second.**

**Mayor - Call for a Vote.**



**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**7. e.**

**Meeting Date:** 08/01/2023

**Item Title:** Presentation of the 2023-24 Proposed Budget

**Submitted By:** Allyson Bell Steadman, Budget Director

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**Summary of Request/Problem**

In accordance with the City Charter and state law, the City Manager shall submit to the City Council a Proposed Budget for the coming fiscal year. The City Manager will formally present his Proposed Budget for FY 2023-24. Following the presentation to Council, copies of the Proposed Budget will be placed in each City Library, in the Office of the City Secretary, and on the City's website for public review and inspection.

**Recommendation/Action Requested and Justification**

1. City Manager's presentation of the FY 2023-24 Proposed Budget.
  2. Mayor reads the following dates for upcoming discussions and public hearings on the FY 2023-24 Proposed Budget and Tax Rate:
    - A Special Budget Work Session is scheduled for Saturday, August 12, 2023, beginning at 8:30 A.M. to discuss the FY 2023-24 Proposed Operating Budget.
    - The first Public Hearing on the Proposed Budget and Tax Rate will be held Tuesday, August 15, 2023, at 7:00 P.M.
    - The second Public Hearing on the Proposed Budget and Tax Rate will be held Tuesday, August 22, 2023, at 7:00 P.M.
    - The third Public Hearing on the Proposed Budget and Tax Rate will be held Tuesday, September 5, 2023, at 7:00 P.M.
    - The City Council is scheduled to adopt the FY 2023-24 Proposed Budget on September 5, 2023.
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**GARLAND**

**City Council Regular Session Agenda**

**8. a.**

**Meeting Date:** 08/01/2023

**Item Title:** Board and Commission Appointment

**Submitted For:** Tracy Allmendinger, Deputy City Secretary, City Secretary

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**Summary:**

**Deputy Mayor Pro Tem Ed Moore**

- Adam Greenup - Library Board
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