Council Chambers at City Hall Tuesday, May 7, 2024 7 p.m.



William E. Dollar Municipal Building 200 N. Fifth St. Garland, Texas

# CITY OF GARLAND REGULAR MEETING OF THE CITY COUNCIL

The Garland City Council extends to all visitors a sincere welcome. We value your interest in our community and your participation in the meetings of this governing body. Visit GarlandTX.gov/Council for a full list of meeting dates.

The Council Chambers at Garland City Hall is wheelchair accessible, and ADA parking is available on the street as well as in the public parking garage. Persons with disabilities who may need auxiliary aids or services must contact the City Secretary's Office at 972-205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. Braille is not available.

**NOTICE**: Pursuant to Section 551.127 of the Texas Government Code, one or more members of the City Council may attend this meeting by internet/video remote means. A quorum of the City Council, as well as the presiding officer, will be physically present at the above identified location. Members of the public that desire to make a public comment must attend the meeting in person.

# LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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

#### MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations, recognize attendees or accomplishments, and make announcements regarding City events or other matters of interest to citizens including but not limited to listed items. There will be no Council discussion or votes on these matters.

• Public Service Recognition Week

#### CONSENT AGENDA

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

#### 1. MINUTES

a. Approval of minutes of the April 16, 2024, Regular Meeting

Consider approval of the minutes from the April 16, 2024 meeting.

- 2. Approve the following bids:
  - a. GP&L Holford Switch Station Security Fence

# Construction Rent-A-Fence, Inc.

\$1,050,000.00

The purpose of this bid is for the purchase and installation of an anti-scale security fence and security-controlled access gates for the Holford Switch Station. This is part of the approved Holford 138kV Line Loop Addition CIP project. An owner's contingency has been included for any unforeseen material items needed.

# b. GP&L & TMPA Crane Rental & Equipment Services

Bid No. 0889-16

#### **Davis Motor Crane**

\$100,000.00

This request is to obtain change order No. 1 to Contract Bid Award 0889-19 for as-needed crane rental and equipment relocation services for GP&L and TMPA necessary to install and relocate transformers, generation circuit breakers, and other electrical apparatus in the delivery of electric service. The contract is at the end of its term and a change order is needed to continue scheduled operations while a new contract is bid. Expenses associated with TMPA will be reimbursed at 100%.

# GP&L College to Jupiter Distribution Underbuild Reconstruction

Bid No. 0584-24

Mas Tec North America. Inc.

\$820,088.37

This request is to obtain labor services for the reconstruction of the distribution underbuild service on the GP&L College to Jupiter 138kV Transmission Line. This is part of the approved GP&L College to Jupiter 138kV Transmission Line CIP project.

# d. Purchase of Furniture for Central Library

Bid No. 0821-24

Library Interiors of Texas, LLC

\$1,333,591.22

This request is to provide new furniture for Central Library as part of the major renovations underway. The furniture being purchased from Library Interiors of Texas includes study room tables and chairs, tables and a stage for the multi-purpose room, a work bench table, chairs and storage carts for the maker space, furniture for the teen and children spaces, and staff work stations. This project is part of the 2019 Bond Program and approved in the 2024 CIP.

# e. Purchase of Furniture for Central Library

Bid No. 0820-24

My Unique Office

\$284,204.00

This request is to provide new furniture for Central Library as part of the renovations underway. The furniture being purchased from My Unique Office includes the service desk and shelving in the children's area, display cabinets, self check-out tables, and study pods. This project is part of the 2019 Bond Program and approved in the 2024 CIP.

# f. GP&L Shiloh to Marquis 138kV Transmission Line Conductor Upgrade Materials

Bid No. 0513-24

Techline, Inc.

\$633,745.20

This request is for the purchase of steel structures and associated materials needed for the conductor upgrade of the GP&L Shiloh to Marquis Transmission Line. This is part of the approved GP&L Shiloh to Marquis 138kV Transmission Line Upgrade CIP project. An optional contingency has been included for any additional material items that may be needed.

# g. GP&L Nevada Switch Station Grading and Site Work

Bid No. 0512-24

DynaGrid Construction Group, LLC.

\$1,963,701.19

This request is to obtain grading and site work needed for a terminal addition at the Nevada Switch Station to serve a battery storage facility. This is part of the approved Nevada Switch Terminal CIP project. An optional contingency has been included for any additional material items that may be needed.

# h. GP&L Ben Davis to Olinger 138kV Transmission Line Engineering Services

Bid No. 0850-24

Burns & McDonnell Engineering Company, Inc.

\$411,700.00

This request is to obtain professional environmental, permitting, and engineering support services to obtain a Certificate of Convenience and Necessity (CCN) for the rerouting of the GP&L Ben Davis to Olinger 138kV Transmission Line. Services will also include land acquisition and survey services to acquire a new easement for the reroute. This is part of the approved GP&L OPGW Install-OL1-BD 138kV CIP project.

i. GP&L Holford Switch Station Steel Structures

Bid No. 0695-24

Texas Electric Cooperatives, Inc.

\$980,000.00

This request is for the purchase of steel structures and associated materials for the construction of the GP&L Holford Switch Station. This is part of the approved GP&L Holford Road Switch Station CIP project. An optional contingency has been included for any additional material items that may be needed.

j. Lou Huff Park - Design Services

Bid No. 1188-22

Teague Nall and Perkins, Inc.

\$316,500.00

This request and change order is to initiate Task 2 of the Lou Huff Park design services, which was contemplated in the RFP.

k. TMPA Ben Davis Flood Mitigation Engineering Services Addendum

Bid No. 0900-21

Black & Veatch

\$277,762.51

This request is to obtain Addendum No. 1 Black & Veatch services agreement COG053 TMPA Ben Davis Substation Flood Mitigation. Black & Veatch will provide additional engineering design services to support the raising of breakers and other equipment at the substation for flood mitigation and provide construction management services to monitor project schedules and outage coordination. This is part of the approved TMPA Ben Davis 345kV Breaker Replacement CIP project and will be reimbursed at 100%.

I. GP&L Substation Wildlife Protection Guards

Bid No. 0788-24

Techline, Inc.

\$331,400.00

This request is for the purchase of Green Jacket Wildlife protection guards to be used in GP&L Substations to protect critical infrastructure and to prevent outages caused by wildlife.

- 3. A public hearing was previously conducted for the zoning case(s) below. Council approved the zoning request(s) and instructed staff to bring forth the following ordinances:
  - a. Z 24-11 Kimley Horn (District 7)

Consider and take appropriate action on an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a

Restaurant, Drive-through Use on a 1.148-acre tract of land located at 2301 Arapaho Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

# b. Z 23-28 David Gibbons (District 2)

Consider and take appropriate action on an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 17-25 for Multifamily-1 (MF-1) uses and 2) a Detail Plan for an Elder Care -- Assisted Living Use on a 2.52-acre tract of land located at 1922 Castle Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

# c. Z 24-04 Golden Bee Trove, LLC (District 4)

Consider and take appropriate action on an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use at 5501 Broadway Boulevard, Suite 105; 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. Consider an ordinance approving the sale of Certificates of Obligation, Series 2024 Council is requested to consider the approval of a ordinance to issue Certificates of Obligation, Series 2024 to fund a portion of the 2024 CIP.

# ITEMS FOR INDIVIDUAL CONSIDERATION

Members of the audience may provide public comment in favor, in opposition or about any of the items for individual consideration. Anyone wishing to speak must fill out a speaker card (located at the entrance to the Council Chambers) and give it to the City Secretary in advance of the respective agenda item. Speakers are grouped by agenda item and will be called in the order of the agenda. All comments and testimony are to be presented from the podium. The Mayor may impose a time limit and may provide for rebuttal.

- 4. Hold public hearing(s) on the following Item(s):
  - a. Public Hearing to Solicit Input from Stakeholders for the 2024-2025 Upcoming Federal Grant Programs

Conduct a Public Hearing to gather feedback from all Stakeholders regarding the upcoming CDBG, HOME, and ESG grant programs for the 2024-2025 fiscal year.

- 5. Hold public hearing(s) on the following Zoning Case(s):
  - a. Consider a request by Barraza Consulting Group proposing to construct a general office use. The site is located at 2002 West Campbell Road in District 7.

Consider and take appropriate action on the application of Barraza Consulting Group, requesting approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use. This property is located at 2002 West Campbell Road (District 7) (File Z 24-06)

# CITIZEN COMMENTS

Members of the audience wishing to address issues not on the meeting agenda may have three minutes to speak. However, according to the Texas Open Meetings Act, Council is prohibited from discussing any item not on the posted agenda.

#### **ADJOURN**

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**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 dismissalof 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]



Each year, the City Council reviews and updates its goals for the Garland community and City operations. City management uses these goals to guide operational priorities, decision-making and resource allocation.



# **GARLAND** CITY COUNCIL STAFF REPORT

City Council Regular Session

1. a.

Meeting Date: 05/07/2024

Consider approval of the minutes from the April 16, 2024 meeting

Submitted By: Tracy Allmendinger, Deputy City Secretary

Issue/Summary

Approve the minutes of the April 16, 2024, Regular Meeting

Background

Title:

Consideration / Recommendation

**Attachments** 

Minutes April 16, 2024



# **MINUTES**

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, April 16, 2024, 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

Deputy City Manager Mitch Bates Assistant City Manager Andy Hesser Assistant City Manager Crystal Owens Assistant City Manager Phil Urrutia

City Attorney Brian England

Deputy City Secretary Tracy Allmendinger

## LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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# MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations, recognize attendees or accomplishments, and make announcements regarding City events or other matters of interest to citizens including but not limited to listed items. There will be no Council discussion or votes on these matters.

- National Day of Prayer
- Volunteer Appreciation Week
- 2023 Achievement of Excellence in Libraries Award

#### 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 or his designee to execute each item. The Mayor will announce the consent agenda and provide an opportunity for members of the audience, as well as Council, to request that any

Motion was made by Council Member Ott to approve the Consent Agenda as presented, seconded by Council Member Dutton. **Motion carried**: 9 ayes, 0 nayes.

- 1. APPROVED Approve the minutes of the April 2, 2024, Regular Meeting
- 2. Approve the following bids:
  - a. APPROVED Two replacement Aerial Bucket Trucks for the Transportation Department

Bid No. 0789-24

Altec Industries, Inc.

\$541,391.00

This purchase is for the replacement of one 2027 Ram 5500 Aerial Bucket Truck, and for one 2028 Ram 5500 Aerial Bucket Truck for the Transportation Department.

b. APPROVED 2024 Where the Heart Is Sidewalk Replacement Project

Bid No. 0447-24

R&A Legacy, LLC

\$356,804.00

This request is to award the 2024 "Where the Heart Is" Sidewalk Replacement Project to R&A Legacy, LLC in the amount of \$356,804.00 for the reconstruction of portions of concrete sidewalks in Western Heights and Gatewood Estates subdivisions.

c. APPROVED GP&L Holford to Campbell Switch 138kV
Transmission Line Engineering Services

Bid No. 0794-24

Burns & McDonnell Engineering Company, Inc. \$547,000.00

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Campbell Switch 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

d. APPROVED GP&L Holford to Lookout 138kV Transmission Line Engineering Services

Bid No. 0795-24

Burns & McDonnell Engineering Company, Inc. \$651,000.00

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Lookout 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

e. APPROVED GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying Addendum No. 1

Bid No. 0601-20

R-Delta Engineers, Inc.

\$103,000.00

This request is to obtain Change Order # 1 to Purchase Order 29988 with an addendum for engineering services associated with GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying. The addendum will include additional studies, design services, design changes, and revised engineering plans and bid packages to accelerate the increased power flow capacity of the line to meet ERCOT required upgrades.

f. APPROVED Term Contract for Median Maintenance and Porter Service

Bid No. 0634-24

# **Carruthers Landscape Management**

This request is for a term contract for median mowing maintenance and porter service for downtown and park areas. This approval is for a term agreement with four (4) optional renewals.

- 3. A public hearing was previously conducted for the zoning case(s) below. Council approved the zoning request(s) and instructed staff to bring forth the following ordinances:
  - a. APPROVEDZ 24-09 Texas Taco Cabana, LP (District 4)

**Ordinance No. 7521** amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision Renewal for a Restaurant, Drive-Through use on a property zoned Community Retail (CR) District and on a 1.2697-acre tract of land located at 5959 Broadway Boulevard; 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 First Amendment to the Project Specific Agreement with Dallas County for Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard

Resolution No. 10611 authorizing the City Manager to execute the First Amendment to the Project Specific Agreement with Dallas County.

5. APPROVED Water Conservation and Resource Emergency Management Plan Update

Consider and take appropriate action on an ordinance amending the Water Conservation and Resource Emergency Management Plan.

#### ITEMS FOR INDIVIDUAL CONSIDERATION

Members of the audience may provide public comment in favor, in opposition or about any of the items for individual consideration. Anyone wishing to speak must fill out a speaker card (located at the entrance to the Council Chambers) and give it to the City Secretary in advance of the respective agenda item. Speakers are grouped by agenda item and will be called in the order of the agenda. All comments and testimony are to be presented from the podium. The Mayor may impose a time limit and may provide for rebuttal.

- 6. Hold public hearing(s) on the following Item(s):
  - a. APPROVEDYouth Programs Standards of Care Ordinance

Consider and take appropriate action regarding approval of an ordinance for the youth programs Standards of Care.

Motion was made by Council Member Ott to approve the request as presented, seconded by Mayor Pro Tem Bass. **Motion carried**: 9 ayes, 0 nayes approving Ordinance No. 7523.

- 7. Hold public hearing(s) on the following Zoning Case(s):
  - a. APPROVED Consider amendments to the Garland Development Code

Consideration to amend various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas. This GDC amendment is regarding requiring Concept Plans instead of Detail Plans and other detailed site plans with Zoning applications. This item was recommended by the Development Services Committee and directed by the City Council during the December 4, 2023 Work Session.

Staff Report was presented by William Guerin, Director of Planning.

Motion was made by Council Member Hedrick to approve the request as presented, seconded by Council Member Lucht. **Motion carried**: 9 ayes, 0 nayes approving Ordinance No. 7524.

b. APPROVED Consider a request by David Gibbons to construct twenty (20) senior assisted living units. The site is located at 1922 Castle Drive in District 2.

Consider and take appropriate action on the application of David Gibbons, requesting approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care-Assisted Living Use. This property is located at 1922 Castle Drive. (District 2) (File Z 23-28)

Staff Report was presented by William Guerin, Director of Planning. The speaker on this item David Gibbons, applicant.

There was discussion by the Council.

Motion was made by Council Member Morris to approve the request as presented, seconded by Mayor Pro Tem Bass. Motion carried 9 ayes, 0 nayes.

c. APPROVED Consider a request by Kimley Horn to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road in District 7.

Consider and take appropriate action on the application of Kimley Horn, requesting approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use. This property is located at 2301 Arapaho Road (District 7) (File Z 24-11)

Staff Report was presented by William Guerin, Director of Planning. The speaker on this item was Garrett Johnson, applicant.

Motion was made by Council Member Hedrick to approve the request as presented, seconded by Council Member Dutton. **Motion carried**: 9 ayes, 0 nayes.

d. APPROVED Consider a request by Golden Bee Trove LLC for a Specific Use Provision for a thrift store use. The site is located at 5501 Broadway Boulevard, Suite 105 in District 4.

Consider and take appropriate action on the application of Golden Bee Trove LLC, requesting approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40. This property is located at 5501 Broadway Boulevard, Suite 105. (District 4) (File Z 24-04)

Staff Report was present by William Guerin, Director of Planning. The speaker on this item was Ann Duran, applicant.

There was discussion by Council.

The motion was made by Council Member Williams to deny the request, seconded by Council Member Morris. The motion failed: 4 ayes, 5 nayes (Mayor LeMay, Deputy Mayor Pro Tem Moore, Council Members Dutton, Hedrick and Ott)

Motion was made by Council Member Hedrick to approve the request as presented, seconded by Deputy Mayor Pro Tem Moore. **Motion carried**: 5 ayes, 4 nayes (Mayor Pro Tem Bass, Council Members Morris, Williams, and Lucht)

#### CITIZEN COMMENTS

Members of the audience wishing to address issues not on the meeting agenda may have three minutes to speak. However, according to the Texas Open Meetings Act, Council is prohibited from discussing any item not

on the posted agenda.

Citizen comments were made by: Billy J. Bagwell and Dr. Theresa Daniel.

# **ADJOURN**

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Submitted By:	
Scott LeMay, Mayor	
Tracy Allmendinger, Deputy City Secretary	



#### PURCHASING REPORT

City Council Regular Session 2. a.

Meeting Date: 05/07/2024

Item Title: GP&L Holford Switch Station Security Fence

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number**: 0701-24

#### Purchase Justification:

The purpose of this bid is for the purchase and installation of an anti-scale security fence and security-controlled access gates for the Holford Switch Station. This is part of the approved Holford 138kV Line Loop Addition CIP project. An owner's contingency has been included for any unforeseen material items needed.

#### **Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on published criteria. Construction Rent-A-Fence, Inc. received the highest evaluated score, offering the Best Value for the City. As only one (1) bid was received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Construction Rent-A-Fence, Inc.	All	\$873,500.00
Owner's Contingency		176,500.00
	TOTAL:	\$1,050,000.00

Basis for Award: Best Value Purchase Requisition #: 51152

Fiscal Impact

Total Project/Account: \$12,425,000 Expended/Encumbered to Date (Including this Item): \$7,319,180 Proposed Balance: \$5,105,820

Account #: 210-3799-3177701-6051

Fund/Dept/Project Description and Comments:

Electric CIP / Substations Upgrades Program

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 278

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/23/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/23/2024



#### PURCHASING REPORT

City Council Regular Session 2. b.

Meeting Date: 05/07/2024

Item Title: GP&L & TMPA Crane Rental & Equipment Services

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number**: 0889-19

#### **Purchase Justification:**

This request is to obtain change order No. 1 to Contract Bid Award 0889-19 for as-needed crane rental and equipment relocation services for GP&L and TMPA necessary to install and relocate transformers, generation circuit breakers, and other electrical apparatus in the delivery of electric service. The contract is at the end of its term and a change order is needed to continue scheduled operations while a new contract is bid. Expenses associated with TMPA will be reimbursed at 100%.

#### **Evaluation:**

Davis Motor Crane was awarded the original PO 28824 with four (4) optional renewals in the amount of \$100,000 at the June 18, 2019 City Council Meeting. As competitive bids were not received for the change order, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Davis Motor Crane	All	\$100,000.00
	TOTAL:	\$100,000.00

Basis for Award: Change Order

Purchase Requisition #: 51223

Fiscal Impact

Total Project/Account:

Expended/Encumbered to Date (Including this Item): NA
Proposed Balance:

NA
Account #:

451-6999

Fund/Dept/Project Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to the appropriate Electric Operating and/or CIP account(s) as incurred.

Budget Type: Operating Budget

CIP

Fiscal Year: 2023-24

Document Location: Op. - Page 231 and 2024 Prop. CIP - Page 267

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

O4/17/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/16/2024



#### PURCHASING REPORT

City Council Regular Session 2. c.

Meeting Date: 05/07/2024

Item Title: GP&L College to Jupiter Distribution Underbuild Reconstruction

Submitted By: Jonas Whitehead, GP&L Distribution

Director

**Bid Number**: 0584-24

#### Purchase Justification:

This request is to obtain labor services for the reconstruction of the distribution underbuild service on the GP&L College to Jupiter 138kV Transmission Line. This is part of the approved GP&L College to Jupiter 138kV Transmission Line CIP project.

#### **Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated based on published criteria. Ferreira Power South LLC did not include a proposal document with their bid response and was deemed non-responsive. MasTec North America, Inc. received the highest evaluated score, offering the Best Value for the City.

#### Award Recommendation:

Vendor	Item	Amount
Mas Tec North America, Inc.	All	\$820,088.37
	TOTAL:	\$820,088.37

Basis for Award: Best Value Purchase Requisition #: 50960

Fiscal Impact

Total Project/Account: \$3,957,910 Expended/Encumbered to Date (Including this Item): \$2,240,203 Proposed Balance: \$1,717,707

Account #: 210-3599-3144201-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Lines Program - College to Jupiter 138kV Transmission Line

**Attachments** 

Bid Recap

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/17/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/17/2024

OPE REC BID PAG	NED: I. NO NO. E:	Marc PR 5 0584 1 of	-24	MasTec North America, Inc.		Power Standard, LLC		Altitude Energy, LLC NorthStar Energy Solutions Axis, Power LLC Ferrei		Altitude Energy, LLC NorthStar Energy Solutions Axis, Power LLC Ferreira Po		, LLC Altitude Energy, LLC NorthStar Energy Solutions Axis, Power LLC Ferreira Power Sc		Axis, Power LLC		er South LLC
I T E		U N I														
М	QTY	Т	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	1	Lt.	Price for Evaluation		\$820,088.37		\$974,802.34		\$873,675.00		\$1,268,660.00		\$2,258,338.68		\$1,430,000.00	
															Non-Responsive	
			Evaluation Criteria:													
			Price	Maximum=50	50.00		42.10		46.90		32.30		18.20			
			Experience and Qualifications	Maximum=25	25.00		25.00		25.00		25.00		25.00			
			Safety	Maximum=20	13.80		20.00		14.70		14.50		12.90			
			Pre-bid Meeting Attendance	Maximum=5	5.00		5.00		5.00		5.00		5.00			
			Tota	Maximum=100	93.80		92.10		91.60		76.80		61.10			
		1														
		1														
<u> </u>		<u> </u>								<u> </u>						
			TOTAL GROSS PRICE	<del>                                     </del>	\$820,088.37		\$974,802.34		\$873,675.00		\$1,268,660.00		\$2,258,338.68			
			CASH DISCOUNT	<u> </u>						<u> </u>						
			TOTAL NET PRICE		\$820,088.37		\$974,802.34		\$873,675.00		\$1,268,660.00		\$2,258,338.68			
			F.O.B.	DELIV	ERED	DELIV	ERED	DELIV	ERED	DELIV	/ERED	DELIV	/ERED	DELIV	/ERED	
L			DELIVERY													
				-		All bide su	hmitted for the des	ignated project are	reflected on this big	d tab sheet. Howeve	or the listing of a					

 NEXT LOW:
 \$974,802.34

 LOW:
 \$820,088.37

 SAVINGS:
 \$154,713.97

343 # IonWave Notifications 30 # IonWave HUBS 1 # Direct Contact HUBS

0 # HUBS Responded

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



#### PURCHASING REPORT

City Council Regular Session 2. d.

Meeting Date: 05/07/2024

Item Title: Central Library Furniture (Library Interiors of Texas, LLC)

Submitted By: Laura Dunn, Capital Project

Management Director

**Bid Number:** 0821-24

# Purchase Justification:

This request is to provide new furniture for Central Library as part of the major renovations underway. The majority of the existing furniture in Central Library is 20-25 years old and not in a condition to work with the new design direction of the library. Furniture is an Owner-initiated purchase, outside of the general construction contract. Furniture for the library is being purchased from multiple different vendors based upon product availability. The furniture being purchased from Library Interiors of Texas includes study room tables and chairs, tables and a stage for the multi-purpose room, a work bench table, chairs and storage carts for the makerspace, furniture for the teen and children spaces, and staff work stations. This project is part of the 2019 Bond Program and approved in the 2024 CIP.

#### **Evaluation:**

The Central Library furniture is available from Library Interiors of Texas, LLC through the Choice Partners Cooperative Purchasing Contract 23-02MF-14. As competitive bids were not received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Library Interiors of Texas, LLC	All	\$1,333,591.22
	TOTAL:	\$1,333,591.22

Basis for Award: Cooperative Purchase

Purchase Requisition #: 51231

Fiscal Impact

Total Project/Account: \$18,068,386 Expended/Encumbered to Date (Including this Item): \$15,645,897 Proposed Balance: \$2,422,489

Account #: 692-1429-1959000-9007

Fund/Dept/Project Description and Comments: Library CIP / Modernization/Upgrades to Central Library

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 132

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/19/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/18/2024



#### PURCHASING REPORT

City Council Regular Session 2. e.

Meeting Date: 05/07/2024

Item Title: Central Library Furniture (My Unique Office)

Submitted By: Laura Dunn, Capital Project

Management Director

**Bid Number:** 0820-24

# Purchase Justification:

This request is to provide new furniture for Central Library as part of the renovations underway. Furniture is an Owner-initiated purchase, outside of the general construction contract. Furniture for the library is being purchased from multiple different vendors based upon product availability. The furniture being purchased from My Unique Office includes the service desk and shelving in the children's area, display cabinets, self check-out tables, and study pods. This project is part of the 2019 Bond Program and approved in the 2024 CIP.

#### **Evaluation:**

The furniture for Central Library is available from My Unique Office through the BuyBoard Cooperative Purchasing Contract 667-22. As competitive bids were not received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
My Unique Office	All	\$284,204.00
	TOTAL:	\$284,204.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 51233

Fiscal Impact

Total Project/Account: \$18,068,386 Expended/Encumbered to Date (Including this Item): \$15,930,101 Proposed Balance: \$2,138,285

Account #: 692-1429-1959000-9007

Fund/Dept/Project Description and Comments:

Library CIP / Modernization/Upgrades to Central Library

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 132

Budget Director Approval:

Allyson Bell Steadman

Approval Date: 04/19/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date: 04/18/2024



#### PURCHASING REPORT

City Council Regular Session 2. f.

Meeting Date: 05/07/2024

Item Title: GP&L Shiloh to Marquis 138kV Transmission Line Conductor Upgrade Materials

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number:** 0513-24

#### Purchase Justification:

This request is for the purchase of steel structures and associated materials needed for the conductor upgrade of the GP&L Shiloh to Marquis Transmission Line. This is part of the approved GP&L Shiloh to Marquis 138kV Transmission Line Upgrade CIP project. An owner's contingency has been included for any additional material items that may be needed.

#### **Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated. KD Johnson, Inc., KBS Electrical Distributors, Inc., Texas Electric Cooperatives, Inc. and Anixter, Inc. did not meet our specifications and were deemed non-responsive. MVA Power, Inc. is not an approved steel manufacturer and is deemed non-responsive. Techline, Inc. is a qualified bidder, quoted all items, and met all requirements of the specifications and is recommended as the Lowest Responsible Bid.

#### Award Recommendation:

Vendor	Item	Amount
Techline, Inc.	All	\$576,132.00
Owner's Contingency		57,613.20
	TOTAL:	\$633,745.20

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 50859

**Fiscal Impact** 

Total Project/Account: \$2,645,000 Expended/Encumbered to Date (Including this Item): \$1,601,476 Proposed Balance: \$1,043,524

Account #: 210-3599-3137801-6051

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Lines Program

Attachments

Bid Recap

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 272

Budget Director Approval: Allyson Bell Steadman Approval Date: 04/19/2024
Purchasing Director Approval: Gary L. Holcomb Approval Date: 04/19/2024

OPE REC BID PAG	NED I. NO NO. E:	: Marc PR 5 0513 1 of	3-24	Techline, Inc.		KD Johnson, Inc.		KBS ELectrical Distributors, Inc.		MVA Po	MVA Power, Inc.		c Cooperative, nc.	Anixte	er, Inc.
T E M	ОΤ	N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1			Steel Structures for Shiloh to		\$576,132.00		\$309,451.00		\$372,307.00		\$553,547.00		\$595,715.00		\$724,283.00
			Marquis Line Upgrade Steel		, , , , , , , , , , , , , , , , , , ,		Non-Responsive		Non-Responsive		Non-Responsive		Non-Responsive		Non-Responsive
			Structures				'								
	1	1													
	<b>!</b>	1													
			TOTAL GROSS PRICE		\$576,132.00		\$309,451.00		\$372,307.00		\$553,547.00		\$595,715.00		\$724,283.00
			CASH DISCOUNT												
			TOTAL NET PRICE		\$576,132.00		\$309,451.00		\$372,307.00		\$553,547.00		\$595,715.00		\$724,283.00
			F.O.B.	DELIV	/ERED	DELIV	/ERED	DELI\	/ERED	DELI	/ERED	DELI\	/ERED	DELIV	ÆRED
			DELIVERY							1					
			1												

NEXT LOW:

LOW:

SAVINGS: \$0.00

342 # IonWave Notifications 32 # IonWave HUBS 2 # Direct Contact HUBS

0 # HUBS Responded

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



#### PURCHASING REPORT

City Council Regular Session 2. g.

Meeting Date: 05/07/2024

Item Title: GP&L Nevada Switch Station Grading and Site Work

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number:** 0512-24

#### Purchase Justification:

This request is to obtain grading and site work needed for a terminal addition at the Nevada Switch Station to serve a battery storage facility. Services include the demolition and removal of several existing structures and foundations, the installation of several new structures and foundations, and the moving of existing structures. This is part of the approved Nevada Switch Terminal CIP project. An owner's contingency has been included for any additional material items that may be needed.

#### **Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on published criteria. DynaGrid Construction Group, LLC received the highest evaluated score, offering the Best Value for the City. As only one (1) bid was received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
DynaGrid Construction Group, LLC.	All	\$1,785,182.90
Owner's Contingency		178,518.29
	TOTAL:	\$1,963,701.19

Basis for Award: Best Value Purchase Requisition #: 50710

Fiscal Impact

Total Project/Account: \$5,500,000 Expended/Encumbered to Date (Including this Item): \$3,331,709 Proposed Balance: \$2,168,291

Account #: 210-3799-3180601-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Substations Upgrades Program - Nevada Switch Terminal

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 278

Budget Director Approval: Allyson Bell Steadman Approval Date: 04/17/2024
Purchasing Director Approval: Gary L. Holcomb Approval Date: 04/17/2024



#### PURCHASING REPORT

City Council Regular Session 2. h.

Meeting Date: 05/07/2024

Item Title: GP&L Ben Davis to Olinger 138kV Transmission Line Engineering Services

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number**: 0850-24

#### Purchase Justification:

This request is to obtain professional environmental, permitting, and engineering support services to obtain a Certificate of Convenience and Necessity (CCN) for the rerouting of the GP&L Ben Davis to Olinger 138kV Transmission Line. Services will also include land acquisition and survey services to acquire a new easement for the reroute. This is part of the approved GP&L OPGW Install-OL1-BD 138kV CIP project.

#### **Evaluation:**

Burns & McDonnell Engineering Company, Inc. was selected as the Most Qualified firm for this project from RFQ 0753-19. As competitive bids were not received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Burns & McDonnell Engineering Company, Inc.	All	\$411,700.00
	TOTAL:	\$411,700.00

Basis for Award: Most Qualified

Purchase Requisition #: 51368

Fiscal Impact

Total Project/Account: \$3,665,778 Expended/Encumbered to Date (Including this Item): \$2,951,990 Proposed Balance: \$713,788

Account #: 210-3599-3142201-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Lines Program - Ben Davis to Olinger 138kV Transmission Line

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/17/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/17/2024



#### PURCHASING REPORT

City Council Regular Session 2. i.

Meeting Date: 05/07/2024

Item Title: GP&L Holford Switch Station Steel Structures

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number**: 0695-24

#### Purchase Justification:

This request is for the purchase of steel structures and associated materials for the construction of the GP&L Holford Switch Station. This is part of the approved GP&L Holford Road Switch Station CIP project. An owner's contingency has been included for any additional material items that may be needed.

#### **Evaluation:**

A request for bids was issued in accordance with Purchasing procedures. Eight (8) bids were received and evaluated. KD Johnson, Inc. submitted an incomplete bid and is considered non-responsive. Klute Inc. Steel Fabrication submitted a long lead time that does not meet project timelines and is considered non-responsive. Grid Structures is considered non-responsible due to past poor performance. Texas Electric Cooperatives, Inc. is a qualified bidder, quoted all items, and met all requirements of the specifications and is recommended as the Lowest Responsible Bid.

#### Award Recommendation:

Vendor	Item	Amount
Texas Electric Cooperatives, Inc.	All	\$815,000.00
Owner's Contingency		165,000.00
	TOTAL:	\$980,000.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 51151

Fiscal Impact

Total Project/Account: \$12,425,000 Expended/Encumbered to Date (Including this Item): \$6,758,126 Proposed Balance: \$5,666,874

Account #: 210-3799-3177701-6051

Fund/Dept/Project Description and Comments:

Electric CIP / Substations Upgrades Program - Holford Road Switch Station

**Attachments** 

Bid Recap

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 278

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/17/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/17/2024

CITY OF GARLAND - BID RECAP SHEET OPENED: March 28, 2024 REQ. NO. PR 51151 BID NO. 0695-24 PAGE: 1 of 2 BUYER: Teresa Smith		Texas Electric Cooperatives, Inc.		DIS-TRAN Steel, LLC		KBS Electrical Distributors, Inc.		Anixter Inc.			
T E M	QTY	N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1		Holford Switch Steel Structures		\$815,000.00		\$831,292.00		\$868,494.85		\$932,834.99
	TOTAL GROSS PRICE CASH DISCOUNT TOTAL NET PRICE			\$815,000.00		\$831,292.00		\$868,494.85		\$932,834.99	
				\$815,000.00		\$831,292.00		\$868,494.85		\$932,834.99	
						\$831,292.00 DELIVERED		DELIVERED		DELIV	
			F.O.B. DELIVERY	DELIV	LINED	DELIV	LUED	DELIV	LINED	DELIV	LIJED
<b>N</b>	IEXT L	OW:	\$831,292.00	345	# IonWave Notifica	tions bid on this	sheet should not b	ignated project are reconstrued as a co	mment on the resp	onsiveness of such	bid or as any

LOW:

\$815,000.00 \$16,292.00 SAVINGS:

32 # IonWave HUBS

3 # Direct Contact HUBS 0 # HUBS Responded

indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

CITY OF GARLAND - BID RECAP SHEET OPENED: March 28, 2024 REQ. NO. PR 51151 BID NO. 0695-24 PAGE: 2 of 2 BUYER: Teresa Smith		Techline, Inc.		KD Johnson, Inc.		Klute Inc. Steel Fabrication		Grid Structures			
T E M	QTY	N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Lt.	Holford Switch Steel Structures		\$1,293,729.00		\$279,132.00		\$774,181.05		\$808,390.00
							Non-Responsive		Non-Responsive		Non-Responsible
	TOTAL GROSS PRICE CASH DISCOUNT			\$1,293,729.00							
F.O.B.			\$1,293,729.00 DELIVERED		DELIVERED		DELIVERED		DELIVERED		
NEXT LOW: \$831,292.00					# IonWave Notifica	tions bid on this	ubmitted for the desi	e construed as a co		onsiveness of such	n bid or as any

LOW:

\$815,000.00

SAVINGS: \$16,292.00

345 # IonWave Notifications
32 # IonWave HUBS

3 # Direct Contact HUBS

0 # HUBS Responded

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



# **PURCHASING REPORT**

City Council Regular Session 2. j.

Meeting Date: 05/07/2024

Item Title: Lou Huff Park - Design Services
Submitted By: Mark Ellender, Landscape Architect

**Bid Number:** 1188-22

# Purchase Justification:

This request and change order is to initiate Task 2 of the Lou Huff Park design services, which was contemplated in the RFP.

#### **Evaluation:**

Teague Nall and Perkins, Inc. were awarded the original PO 34354 for \$133,500 on February 13, 2023. As competitive bids were not received for the change order, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Teague Nall and Perkins, Inc.	All	\$316,500.00
	TOTAL:	\$316,500.00

Basis for Award: Change Order

Purchase Requisition #: 51349

Fiscal Impact

Total Project/Account: \$1,906,000 Expended/Encumbered to Date (Including this Item): \$450,000 Proposed Balance: \$1,456,000

Account #: 691-2499-1859000-7101

Fund/Dept/Project Description and Comments:

Park CIP / Lou Huff Park

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 67

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/19/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/18/2024



#### PURCHASING REPORT

City Council Regular Session 2. k.

Meeting Date: 05/07/2024

Item Title: TMPA Ben Davis Flood Mitigation Engineering Services Addendum

Submitted By: Steve Martin, GP&L Transmission

Director

**Bid Number:** 0900-21

#### Purchase Justification:

This request is to obtain Addendum No. 1 Black & Veatch services agreement COG053 TMPA Ben Davis Substation Flood Mitigation. Black & Veatch will provide additional engineering design services to support the raising of breakers and other equipment at the substation for flood mitigation and provide construction management services to monitor project schedules and outage coordination. This is part of the approved TMPA Ben Davis 345kV Breaker Replacement CIP project and will be reimbursed at 100%.

#### **Evaluation:**

Black & Veatch was awarded the original PO 31846 in the amount of \$305,500 at the June 8, 2021 City Council Meeting. As competitive bids were not received for the change order, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Black & Veatch	All	\$277,762.51
	TOTAL:	\$277,762.51

Basis for Award: Change Order

Purchase Requisition #: 51318

Fiscal Impact

Total Project/Account: \$2,494,019 Expended/Encumbered to Date (Including this Item): \$397,242 Proposed Balance: \$2,096,777

Account #: 215-3542-3127301-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Lines Program - TMPA Ben Davis Breaker Repairs

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/17/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

04/17/2024



#### PURCHASING REPORT

City Council Regular Session 2. I.

Meeting Date: 05/07/2024

Item Title: GP&L Substation Wildlife Protection Guards

Submitted By: Steve Martin, GP&L Transmission

Director

Bid Number: 0788-24

# **Purchase Justification:**

This request is for the purchase of Greenjacket Wildlife protection guards to be used in GP&L Substations to protect critical infrastructure and to prevent outages caused by wildlife.

#### **Evaluation:**

Techline, Inc. is being awarded as a Sole Source based on being the exclusive distributor for Greenjacket. As competitive bids were not received, a Bid Recap is not included.

#### Award Recommendation:

Vendor	Item	Amount
Techline, Inc.	All	\$331,400.00
	TOTAL:	\$331,400.00

Basis for Award: Sole Source
Purchase Requisition #: 51214

# **Fiscal Impact**

Total Project/Account: \$17,002,219
Expended/Encumbered to Date (Including this Item): \$9,624,292
Proposed Balance: \$7,377,927
Account #: Various

# Fund/Dept/Project Description and Comments:

Electric CIP / Substations Upgrades Program

Project	Account	Amount
McCree Substation Autotransformer	210-3799-3178401-6051	\$72,150
Naaman Substation Rebuild	210-3799-3177601-6051	89,950
Jupiter Substation Modifications	210-3799-3178801-6051	68,930
Brand Terminal Upgrade	210-3799-3179501-6051	64,650
Ben Davis Flood Mitigation	210-3799-3176801-6051	35,720
	Total	\$331,400

Budget Type: CIP Fiscal Year: 2024

Document Location: 2024 Prop. CIP - Page 278

Budget Director Approval: Allyson Bell Steadman Approval Date: 04/17/2024
Purchasing Director Approval: Gary L. Holcomb Approval Date: 04/17/2024



# GARLAND CITY COUNCIL STAFF REPORT

3. a.

City Council Regular Session

Meeting Date: 05/07/2024

Title: Z 24-11 Kimley Horn (District 7)
Submitted By: Will Guerin, Planning Director

Issue/Summary

Zoning Ordinance Z 24-11 Kimley Horn

Background

Case Z 24-11 was approved via public hearing during the April 16, 2024 Regular City Council meeting.

Consideration / Recommendation

Consider adoption of the attached ordinance.

# **Attachments**

Z 24-11 Ordinance

Z 24-11 Exhibit A

Z 24-11 Exhibit B

Z 24-11 Exhibits C-E

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DEVELOPMENT DISTRICT 99-49 FOR NEIGHBORHOOD OFFICE USES TO COMMUNITY RETAIL (CR) DISTRICT AND 2) A SPECIFIC USE PROVISION FOR A RESTAURANT, DRIVE-THROUGH USE ON A 1.148-ACRE TRACT OF LAND LOCATED AT 2301 ARAPAHO ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 25th day of March, 2024, the Plan Commission did consider and make recommendations on a certain request for 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use by Kimley Horn; and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the 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 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use.

# 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, and continuing compliance with all the complete, 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 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, 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 24-11								
PASSED AN	ID APPROVED	this		day	of			
			THE	CITY	OF	GARLAND,	, TEXAS	
			By:					
					Má	ayor		
ATTEST:								
	City Secret	ary						

Published:

#### EXHIBIT A

#### LEGAL DESCRIPTION

# Zoning File Z 24-11

BEING A 1.148 ACRE TRACT OF LAND LOCATED IN THE THOMAS MONTGOMERY SURVEY, ABSTRACT NO. 962, CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 35.11 ACRE TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED WITH VENDOR'S LIEN TO WILLIAM F. CALLEJO, TRUSTEE, FILED FOR RECORD IN VOLUME 67197, PAGE 1530, DEED RECORDS, DALLAS COUNTY, TEXAS (DRDCT), SAID 1.148 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2 INCH CAPPED IRON ROD FOUND STAMPED "AEC" FOR THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, GRAUE ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2003093, PAGE 113, PLAT RECORDS, DALLAS COUNTY, TEXAS (PRDCT), BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF ARAPAHO ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY (100.00' WIDTH AT THIS POINT), FROM WHICH A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, BEARS NORTH 72 DEGREES 03 MINUTES 57 SECONDS WEST, A DISTANCE OF 272.15 FEET, SAID BEGINNING POINT HAVING A NAD83 - TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7036908.5 E:2531830.3, (BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE NAD 83 - TEXAS COORDINATE SYSTEM - NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK);

THENCE NORTH 02 DEGREES 27 MINUTES 25 SECONDS EAST, DEPARTING SAID NORTHEAST RIGHT-OF-WAY LINE, AND ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, GRAUE ADDITION, A DISTANCE OF 58.61 FEET, TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT IN THE EAST LINE OF SAID LOT 1, BLOCK 1, GRAUE ADDITION, SAME BEING SOUTHWEST CORNER OF LOT 9R, BLOCK 4, WOOD GLEN ADDITION NO. 1, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 86052, PAGE 5225, PRDCT, FROM WHICH AN 'X" CUT FOUND IN CONCRETE FOR THE NORTHWEST CORNER OF SAID LOT 9R, BEARS NORTH 42 DEGREES 15 MINUTES 25 SECONDS EAST, A DISTANCE OF 129.42 FEET;

THENCE NORTH 88 DEGREES 56 MINUTES 03 SECONDS EAST, DEPARTING SAID EAST LINE, AND ALONG THE SOUTH LINE OF BLOCK 4, OF SAID WOOD GLEN ADDITION NO. 1, AT A DISTANCE OF 426.5 FEET, PASSING A 1/2 INCH IRON ROD FOR THE SOUTHEAST CORNER OF LOT 1R, BLOCK 4, OF SAID WOOD GLEN ADDITION, AND CONTINUING IN ALL A TOTAL DISTANCE OF 440.60 FEET, TO A PK NAIL WITH SHINER SET IN A CONCRETE WING-WALL, BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF OLD HOLFORD ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, SAME BEING THE NORTHEAST CORNER OF A CALLED 0.568 ACRE TRACT OF LAND AS DESCRIBED IN THE QUITCLAIM DEED WITH RESERVATIONS, TO WILLIAM F. CALLEJO, TRUSTEE, FILED FOR RECORD IN VOLUME 95224, PAGE 3766, DRDCT;

THENCE SOUTH 43 DEGREES 44 MINUTES 57 SECONDS WEST, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, BEING COMMON WITH THE EAST LINE OF SAID CALLED 0.568 ACRE TRACT OF LAND, A DISTANCE OF 85.24 FEET, TO A POINT FOR CORNER (CORNER FALLS INTO EXISTING POWER POLE), BEING THE SOUTHEAST CORNER OF SAID CALLED 0.568 ACRE TRACT OF LAND;

THENCE SOUTH 89 DEGREES 13 MINUTES 31 SECONDS WEST, ALONG THE SOUTH LINE OF SAID CALLED 0.568 ACRE TRACT OF LAND, A DISTANCE OF 7.42 FEET, TO A PK NAIL WITH SHINER SET IN CONCRETE, BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF NEW HOLFORD ROAD, AN 80.00' PUBLIC RIGHT-OF-WAY, AND BEING THE NORTHWEST CORNER OF A RIGHT-OF-WAY DEED TO THE CITY OF GARLAND, FILED FOR RECORD IN VOLUME 87025, PAGE 4756, DRDCT, AND AS SHOWN ON CITY OF GARLAND RIGHT-OF-WAY AS-BUILT MAP FOR ARAPAHO ROAD (PROJECT: JUPITER ROAD TO NORTH STAR ROAD) DATED 07-10-1989;

THENCE SOUTH 44 DEGREES 05 MINUTES 55 SECONDS WEST, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 197.87 FEET, TO A PK NAIL WITH SHINER SET IN CONCRETE;

THENCE SOUTH 86 DEGREES 20 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 9.14 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "MYCOSKIE MCINNIS", BEING THE WESTERNMOST CORNER OF SAID CITY OF GARLAND RIGHT-OF-WAY DEED, AND BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD, ALSO BEING ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 967.86 FEET, SAID POINT HAVING A NAD83 - TEXAS COORDINATE SYSTEM POSITION (GRID) OF N: 7036770.9 E: 2532060.2;

THENCE ALONG SAID CURVE TO THE LEFT AND IN A NORTHWESTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 15 DEGREES 54 MINUTES 37 SECONDS, AN ARC LENGTH OF 268.76 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 59 DEGREES 05 MINUTES 38 SECONDS

WEST, A CHORD LENGTH OF 267.90 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 1.148 ACRES (50,000 SQUARE FEET) OF LAND, MORE OR LESS.

#### SPECIFIC USE PROVISION CONDITIONS

#### ZONING FILE Z 24-11

#### 2301 Arapaho Road

- I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.
- II. Statement of Effect: This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations: All regulations of the Community Retail (CR) District 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:

<u>Site Layout</u>: 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 GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

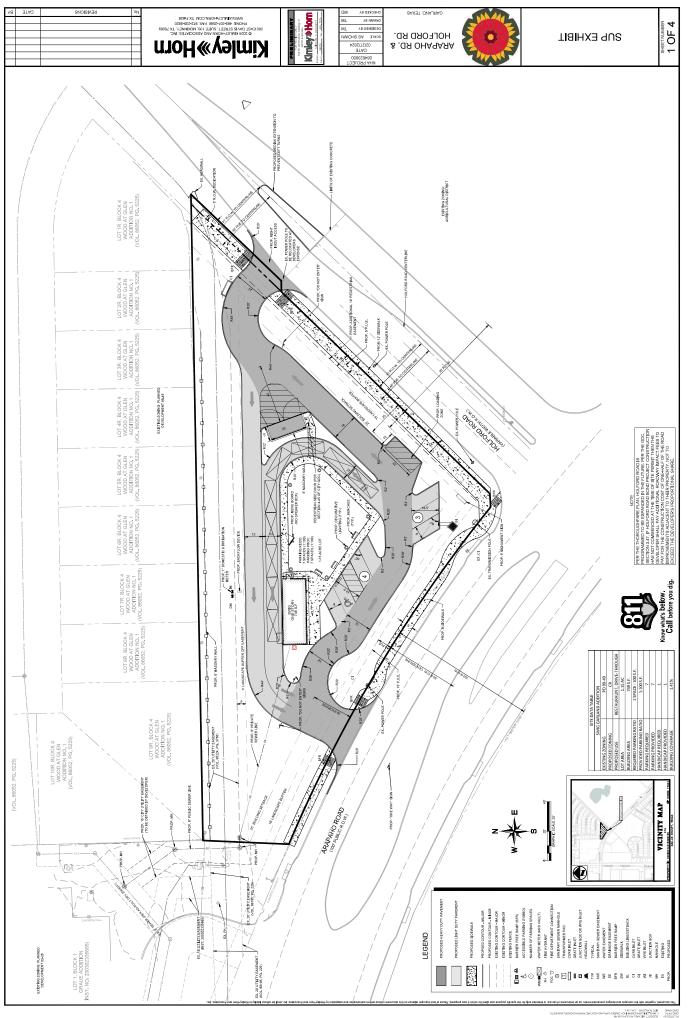
- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;

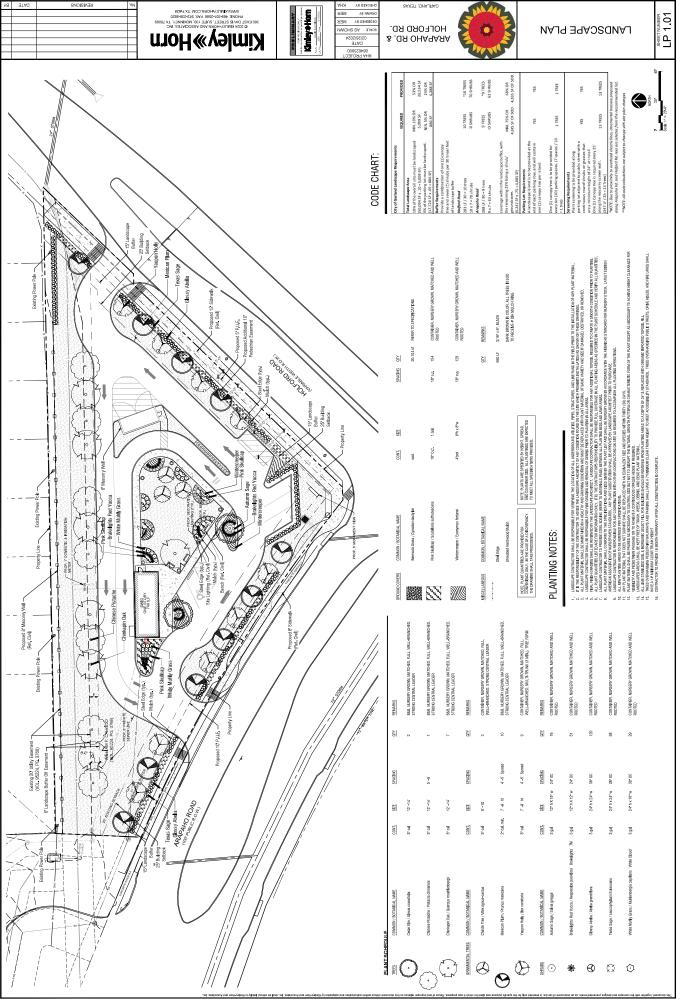
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land 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.

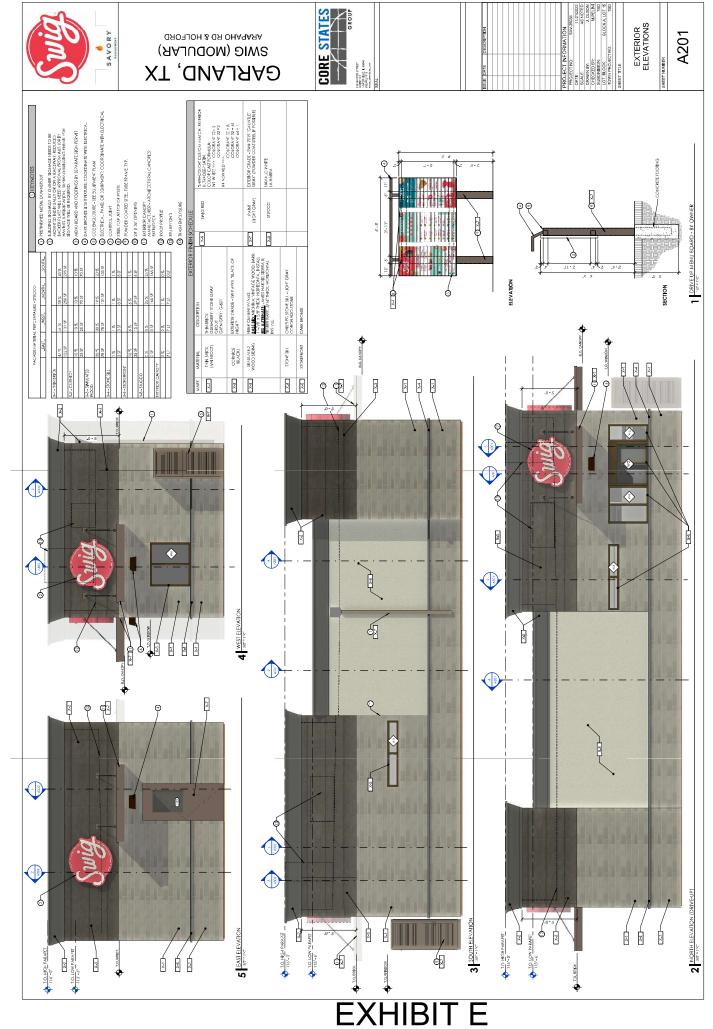
The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

# VI. Specific Regulations:

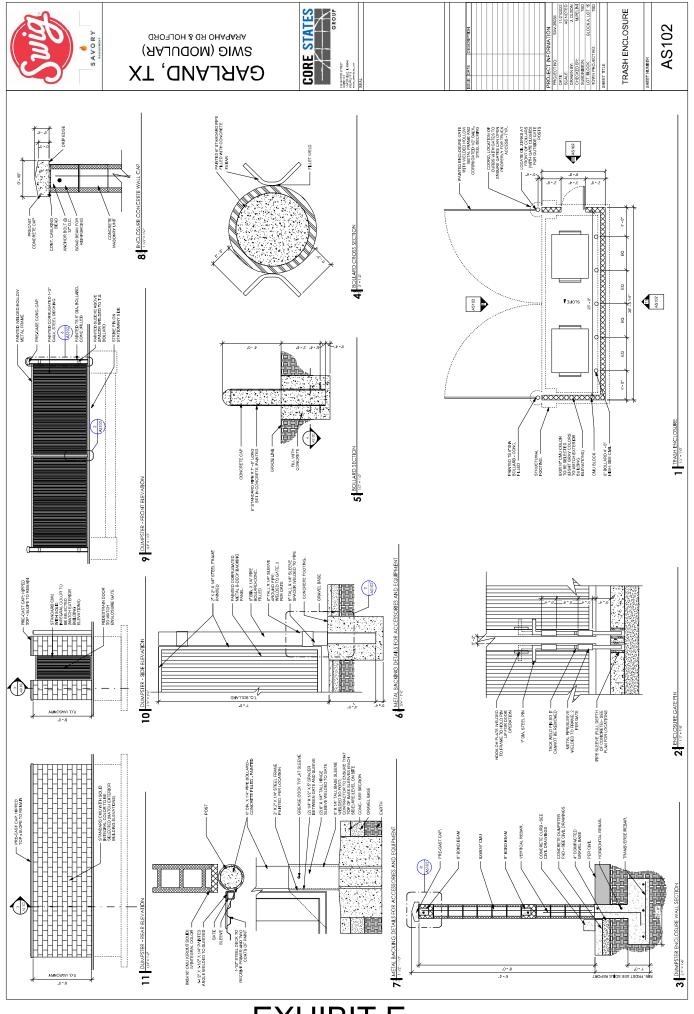
- A. <u>Time Period:</u> The Specific Use Provision shall have a twenty-five (25) year time period.
- B. Menu Board: The menu board, as shown on Exhibit C, shall not have a speaker.







# **EXHIBIT E**





# GARLAND CITY COUNCIL STAFF REPORT

City Council Regular Session

sion 3. b.

Meeting Date: 05/07/2024

Title: Z 23-28 David Gibbons (District 2) Submitted By: Will Guerin, Planning Director

Issue/Summary

Zoning Ordinance Z 23-28 David Gibbons

Background

Case Z 23-28 was approved via public hearing during the April 16, 2024 Regular City Council meeting.

Consideration / Recommendation

Consider adoption of the attached ordinance.

**Attachments** 

Z 23-28 Ordinance

Z 23-28 Exhibit A

Z 23-28 Exhibit B

Z 23-28 Exhibits C-E

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 17-25 FOR MULTI-FAMILY-1 (MF-1) USES AND 2) A DETAIL PLAN FOR AN ELDER CARE - ASSISTED LIVING USE ON A 2.52-ACRE TRACT OF LAND LOCATED AT 1922 CASTLE DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 25th day of March 2024, the Plan Commission did consider and make recommendations on a certain request for 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care-Assisted Living Use by David Gibbons; 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 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care- Assisted Living 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 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, 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.

<b>PASSED</b> 2024.	AND	APPROVED	this		day	of		
				THE	CITY	OF	GARLAND,	TEXAS
				By:				
						Ma	ayor	
ATTEST:								
	Ci	ity Secret	ary					

Published:

#### EXHIBIT A

#### LEGAL DESCRIPTION

## Zoning File Z 23-28

Being a 2.52-acre tract of land situated in the W. CARTER SURVEY, ABSTRACT NO. 324 according to Special Warranty Deed recorded in Instrument number 201400133931 Official Public Records of Dallas County, Texas, and being Lot 1, Block A, of Northlake Estates No. 6, Second Section, an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 73147 Page 1060 of Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the south line of Castle Drive said point being 2327.98 feet from its intersection with the East line of Country Club Road (65' ROW), an iron stake for corner;

THENCE S  $45^{\circ}$  25' E, 235.87 feet to the beginning of a curve to the left, an iron stake for corner;

THENCE Easterly along the side south line of Castle drive and curve to the left, said curve having a radius of 603.0 feet, an arc distance of 64.55 feet to an iron stake for corner;

THENCE S  $46^{\circ}$  33' W, 339.18 feet to a point in the center of a creek, for corner;

THENCE upstream with the meanders of said creek the following: THINCE N 43 $^{\circ}$  33' W, 147.79 feet; S 73 $^{\circ}$  38' W, 74.16 feet; N 54 $^{\circ}$ 

33' W, 94.68 feet; N 50 $^{\circ}$  11' W, 25.72 feet to a point for corner;

THENCE N 46° 33' E, and leaving said creek 412.95 feet to the place of Beginning and containing 2.52 acres of land.

### PLANNED DEVELOPMENT CONDITIONS

#### ZONING FILE Z 23-28

### 1922 Castle Drive

- I. Statement of Purpose: The purpose of this Planned Development is to approve an Elder Care-Assisted Living 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-1 (MF-1) 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:

<u>Detail Plan</u>: 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. <u>Permitted Uses</u>: Elder Care Assisted Living Use and Elder Care Independent Living Use, as defined by the Garland Development Code, only shall be permitted.
- B. <u>Site Plan</u>: The site layout, building placement, parking, and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. <u>Dwelling Units:</u> A total of twenty (20) dwelling units shall be permitted.
- D. <u>Landscape Plan</u>: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D. The existing wood fence along the northwest property line shall remain. At all other locations the perimeter fencing shall be developed with ornamental

metal fence with masonry columns.

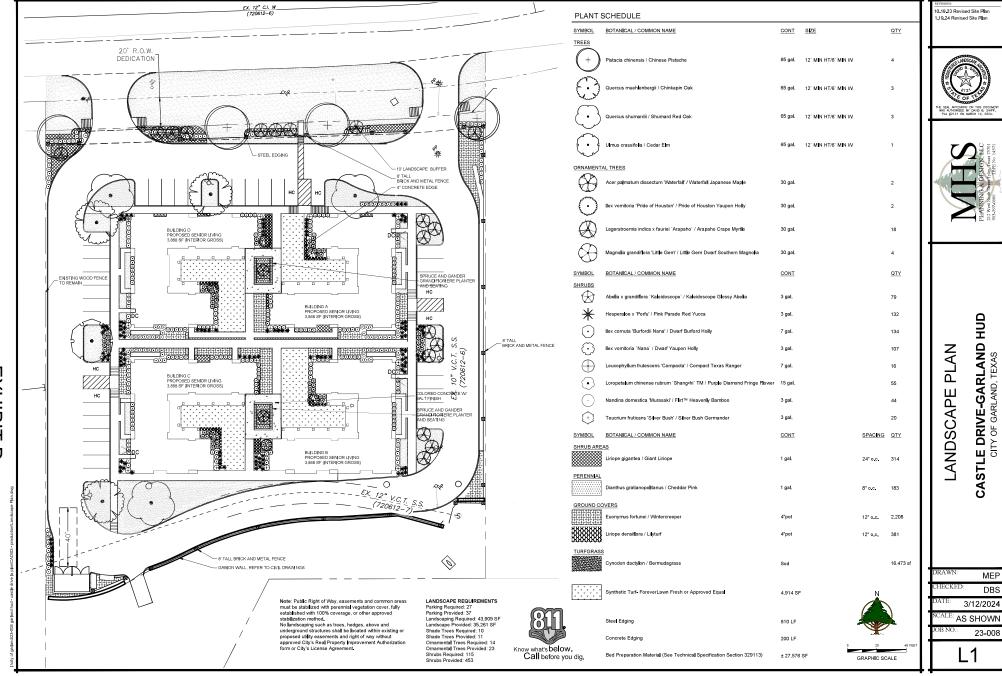
- 1. Landscaping must be regularly maintained in a healthy, growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, 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.

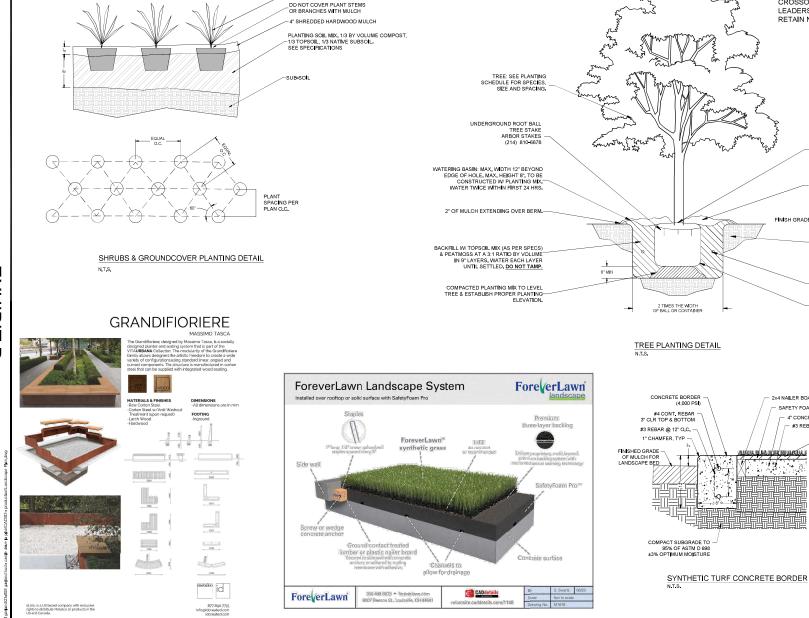
E. <u>Elevations</u>: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.

1/24/24

1"=30"

C101





SHRUBS & GROUNDCOVERS

10.19.23 Revised Site Plan

PRUNING: DO NOT HEAVILY PRUNE TREES AT PLANTING. PRUNE ONLY

CROSSOVER LIMBS, CO-DOMINANT

SET PLUMB IN CENTER OF PIT. NO SOIL SHALL BE PLACED ON TOP OF BALL: MULCH ONLY.

4" SHREDDED HARDWOOD MULCH, DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK

FERTILIZER TABLET AS PER SPECS

- SYNTHETIC TURF FOREVER LAWN "EXPLORE" OR APPROVED EQUAL (SEE FOREVER LAWN DETAIL FOR INSTALLATION PRACTICES)

SCARIFY SIDES OF HOLE TO BREAK GLAZE, HOLE TO BE CIRCULAR W/VERTICAL SIDES.

UNDISTURBED NATIVE SOIL

FINISH GRADE

2x4 NAILER BOARD

4" CONCRETE PAD

- #3 REBAR 12" O.C.

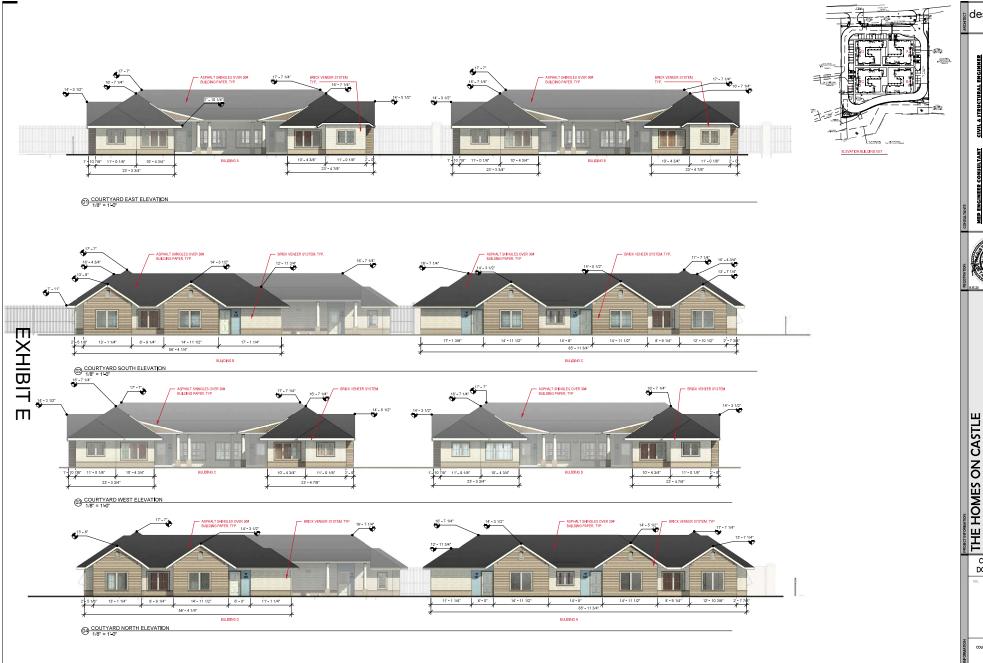
LEADERS & BROKEN BRANCHES. RETAIN NATURAL FORM OF TREE.





CASTLE DRIVE-GARLAND HUD CITY OF GARLAND, TEXAS -ANDSCAPEDETAIL

MEP DBS 3/12/2024 AS SHOWN 23-008



designkör

CIVIL & STRUCTURAL ENCINNER MONK CONSULTING ENGINEERS, INC GERALD E. MONK, PE 972-272-763

GHFC 1922 CASTLE DRIVE GARLAND, TEXAS Case Number: 230228

CONTRACT DOCUMENTS

COURTYARD ELEVATIONS A-200





#### **ELEVATION FACING CASTLE DRIVE**



ZONING CALCULATIONS:

ELEVATION AREA = WINDOWS & DOORS = WINDOW & DOOR % =

520 SQ. FT. 134.75 SQ. FT 25.9%

HORIZONTAL LENGHT OF FACADE= 25% UNARTICULATED FACADE ALLOWED= UNARTICULATED FACADE AS DESIGNED= 56'-4' 14'-1' 11'-1' ZONING CALCULATIONS:

ELEVATION AREA = WINDOWS & DOORS = WINDOW & DOOR % = 797.75 SQ. FT. 211.8 SQ. FT 26.5%

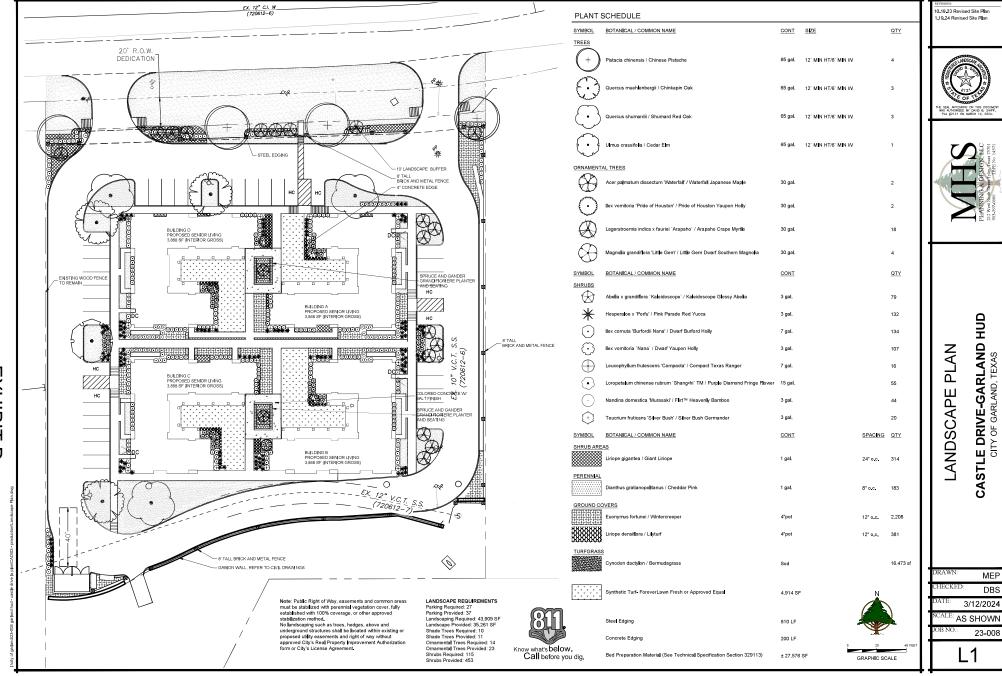
HORIZONTAL LENGHT OF FACADE= 25% UNARTICULATED FACADE ALLOWED= UNARTICULATED FACADE AS DESIGNED= 86'-0" 21'-6" 11'-1" g designkör

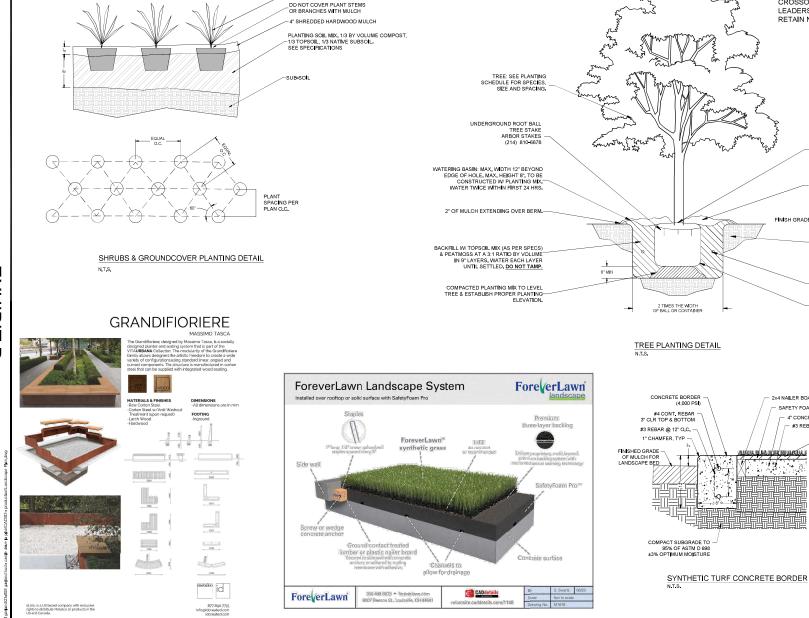


THE HOMES ON CASTLE GHFC 1922 CASTLE DRIVE GARLAND, TEXAS Case Number: 230228-

CONTRACT DOCUMENTS

05.30.23 A-202





SHRUBS & GROUNDCOVERS

10.19.23 Revised Site Plan

PRUNING: DO NOT HEAVILY PRUNE TREES AT PLANTING. PRUNE ONLY

CROSSOVER LIMBS, CO-DOMINANT

SET PLUMB IN CENTER OF PIT. NO SOIL SHALL BE PLACED ON TOP OF BALL: MULCH ONLY.

4" SHREDDED HARDWOOD MULCH, DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK

FERTILIZER TABLET AS PER SPECS

- SYNTHETIC TURF FOREVER LAWN "EXPLORE" OR APPROVED EQUAL (SEE FOREVER LAWN DETAIL FOR INSTALLATION PRACTICES)

SCARIFY SIDES OF HOLE TO BREAK GLAZE, HOLE TO BE CIRCULAR W/VERTICAL SIDES.

UNDISTURBED NATIVE SOIL

FINISH GRADE

2x4 NAILER BOARD

4" CONCRETE PAD

- #3 REBAR 12" O.C.

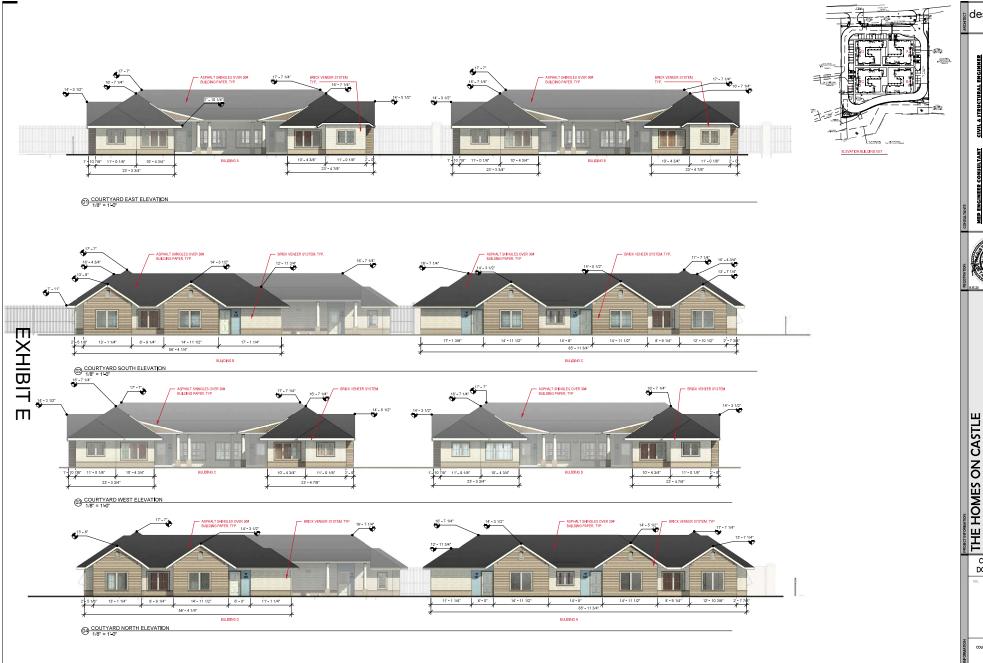
LEADERS & BROKEN BRANCHES. RETAIN NATURAL FORM OF TREE.





CASTLE DRIVE-GARLAND HUD CITY OF GARLAND, TEXAS -ANDSCAPEDETAIL

MEP DBS 3/12/2024 AS SHOWN 23-008



designkör

CIVIL & STRUCTURAL ENCINNER MONK CONSULTING ENGINEERS, INC GERALD E. MONK, PE 972-272-763

GHFC 1922 CASTLE DRIVE GARLAND, TEXAS Case Number: 230228

CONTRACT DOCUMENTS

COURTYARD ELEVATIONS A-200





#### **ELEVATION FACING CASTLE DRIVE**



ZONING CALCULATIONS:

ELEVATION AREA = WINDOWS & DOORS = WINDOW & DOOR % =

520 SQ. FT. 134.75 SQ. FT 25.9%

HORIZONTAL LENGHT OF FACADE= 25% UNARTICULATED FACADE ALLOWED= UNARTICULATED FACADE AS DESIGNED= 56'-4' 14'-1' 11'-1' ZONING CALCULATIONS:

ELEVATION AREA = WINDOWS & DOORS = WINDOW & DOOR % = 797.75 SQ. FT. 211.8 SQ. FT 26.5%

HORIZONTAL LENGHT OF FACADE= 25% UNARTICULATED FACADE ALLOWED= UNARTICULATED FACADE AS DESIGNED= 86'-0" 21'-6" 11'-1" g designkör



THE HOMES ON CASTLE GHFC 1922 CASTLE DRIVE GARLAND, TEXAS Case Number: 230228-

CONTRACT DOCUMENTS

05.30.23 A-202



# GARLAND CITY COUNCIL STAFF REPORT

City Council Regular Session

3. c.

Meeting Date: 05/07/2024

Z 24-04 Golden Bee Trove, LLC (District 4)

Submitted By: Will Guerin, Planning Director

Issue/Summary

Zoning Ordinance Z 24-04 Golden Bee Trove, LLC

Background

Title:

Zoning Case Z 24-04 was approved via public hearing during the April 16, 2024 Regular City Council meeting.

Consideration / Recommendation

Consider adoption of the attached ordinance.

**Attachments** 

Z 24-04 Ordinance

Z 24-04 Exhibit A

Z 24-04 Exhibit B

Z 24-04 Exhibit C

ORDINANCE	NO.

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A USED GOODS, RETAIL SALES (INDOORS) USE AT 5501 BROADWAY BOULEVARD, SUITE 105; 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 25th day of March, 2024, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use by Golden Bee Trove, LLC; and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the 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 Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use.

## 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, and continuing compliance with complete, 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, regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

## Section 5

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

# Section 6

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

# Section 7

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

PASSED	AND	APPROVED	this	day	of	
2024.						

THE CITY OF GARLAND, TEXAS

	Mayor
ATTEST:	
	-
City Secretary	

Published:

#### EXHIBIT A

#### LEGAL DESCRIPTION

# Zoning File Z 24-04

Being a 2.009-acre tract of land situated in the John Little League Survey Abstract No. 761 in the City of Garland Dallas County. Texas and being part of Lot 4, all of lot 5. Block 1 of Triangle Addition No. 2 an addition to the City of Garland according to the map thereof recording in Volume 80206. Page 0866, all of Lot 6. Block 1 of the Triangle Addition No. 4, an addition to the City of Garland according to the map thereof recorded in volume 82119. Page 1057 all of Lot 7. Block 1 of Triangle Addition No. 4 an addition to the City of Garland according to the map thereof recorded in volume 83077. Page 795, all additions of the Map Records, Dallas County. Texas, some being two (2) tracts of land conveyed to Armstrong Holden Broadway Center L.C. a Texas limited liability company by deed recorded in volume 95097. Page 04620. Deed Records. Dallas County. Texas and being all of a 0.3636-acre tract of land conveyed to Kenneth W. Blanton by deed recorded in Volume 85166. Page 4451, Deed Records, Dallas County. Texas and being all of lot 8, Block 1. Triangle Addition No. 6 an addition to the City of Garland according to the map thereof recorded in Volume 86088. Page 6215, Map Records Dallas County. Texas more particularly described by metes and bounds as follows.

BEGINNING a an "X" aet in concrete at the east corner of the Replat of Lot 10RR, Block R of the Triangle Addition No. 5 according to the map thereof recorded in Volume 96232. Page 2265. Map Records. Dallas County, Texas on the southwest right of way line of Broadway Boulevard (100 foot right - of - way):

THENCE South 27 degrees 30 minutes 00 seconds East along said Broadway Boulevard southwest right- of - way line and the northwest line of said Blanton tract the northeast line of said Lot 7 the northwest line of said Lot 6 and the northwest line of said Lot 5 passing the east corner of said Lot 5 and the north corner of said Lot 4 at a distance of 422.59 feet and continuing along said Broadway Boulevard

southwest right - of - way line and the northwest line of said Lot 4 a total distance of 436.62 feet to a  $\frac{1}{2}$  inch iron rod found.

THENCE South 62 degrees 25 minutes 45 seconds West a distance of 218.03 feet to a  $\frac{1}{2}$  inch iron rod found on the southwest line of said Lot4 and the northwest right - of - way line of Robin Road (50 foot right - of - way):

THENCE North 44 degrees 37 minutes 29 seconds West along said Lot 4 southwest line and said Robin Road northeast right- of - way line a distance of 14.60 feet to a ½ inch iron rod found at the west corner of said Lot 4 and the south corner of said Lot 5:

THENCE North 44 degrees 29 minutes 37 seconds West along said lot 5 southwest line and said Robin Road northeast right - of - way line a distance of 67.98 feet to a  $\frac{1}{2}$  inch iron rod found at the west corner of said Lot 5 and the south corner of said Lot 6:

THENCE North 42 degrees 51 minutes 08 seconds West along said Lot 6 southwest line and said Robin Road northeast right - of - way line a distance of 72.46 feet to a  $\frac{1}{2}$  inch iron rod found at the west corner of said Lot 6 and the south corner of said Lot 8:

THENCE North 44 degrees 38 minutes 49 seconds West along said Lot 8 southwest line and said Robin Road northwest right - of - way line a distance of 62.77 feet ½ inch rod found at the west corner of said Lot 8 and the south corner of a tract of land conveyed to Marvin L. Morris by deed recorded in Volume 87012. Page 5766. Deed Records Dallas County. Texas:

THENCE North 62 degrees 30 minutes 41 seconds East along the southeast line of said Morris tract a distance of 139.68 feet to a 5/8 inch iron rod said at the east corner of said Morris tract:

THENCE North 35 degrees 18 minutes 50 seconds West along the northwest line of said Morris tract, a distance of 230.22 feet to a 5/8 inch iron rod set at the south corner of said Lot 10RR:

THENCE North 62 degrees 30 minutes 00 seconds East along the southeast line of said Lot 10RR a distance of 171.52

feet to the POINT OF BEGINNING and containing 87.519 square feet or 2.009 acres of land.

#### SPECIFIC USE PROVISION CONDITIONS

#### ZONING FILE Z 24-04

## 5501 Broadway Boulevard, Suite 105

- I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Used Goods, Retail Sales (Indoors) 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 Planned Development (PD) District 18-40 for Community Retail (CR) District Uses 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:

<u>Site Layout</u>: The site shall be in general conformance with the approved Site Plan labeled Exhibit C. 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 GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

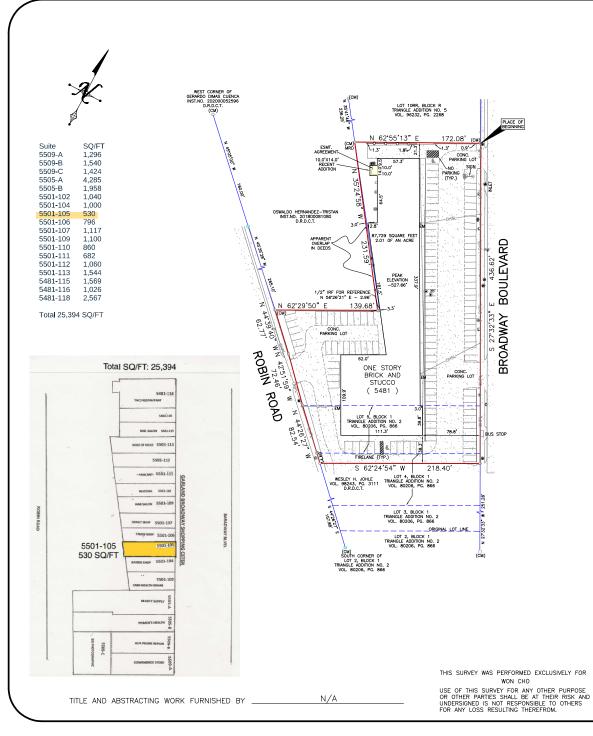
- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;

- 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. <u>SUP Time Period:</u> The Specific Use Provision for a Used goods, Retail Sales Use shall be in effect for a period of twenty (20) years.
- B. <u>Site Plan</u>: The Used Goods, Retail Sales (Indoors) Use shall be limited to the approximately 530 square-foot tenant space as shown in Exhibit C.



BEING all that certain lot, tract or parcel of land situated in the John Little League Survey, Abstract No. 761, City of Garland, Dallas County, Texas, being a part of Lot 4 and all of Lot 5, Block 1 of Triangle Addition No. 2, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 80206, Page 866, Map Records, Dallas County, Texas (M.R.D.C.T.), being all of Lot 6, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 82119, Page 1057 (M.R.D.C.T.), being all of Lot 7, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 83077, Page 795 (M.R.D.C.T.), being all of Lot 8, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 88088, Page 6215 (M.R.D.C.T.), being a tract of land described in deed to Garland Broadway Shopping Center, Inc., a Texas, according to the Map thereof recorded in Volume 80088, Page 6215 (M.R.D.C.T.), being a tract of land described in deed to Garland Broadway Shopping Center, Inc., a Texas according to the Map thereof recorded in Volume 80088, Page 6215 (M.R.D.C.T.), and being more particularly described by the following metes

BEGINNING at an "X" found for corner in the Southwest line of Broadway Boulevard, at the East corner of Lot 10RR, Block R, Triangle Addition No. 5, an addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 96232, Page 2288 (M.R.D.C.T.), being the North corner of herein described tract of land;

THENCE South 27 deg. 32 min. 33 sec. East, with the Southwest line of said Broadway Boulevard, a distance of 436.62 feet to a 1/2 inch iron rod found for corner at the North corner of a tract of land described in deed to Wesley H. Johle, recorded in Volume 98243, Page 3111 (D.R.D.C.T.):

THENCE South 62 deg. 24 min. 54 sec. West, a distance of 218.40 feet to a 1/2 inch iron rod found for corner in the Northeast line of Robin Road, at the West corner of said Johle tract:

THENCE North 44 deg. 26 min. 27 sec. West, with the Northeast line of said Robin Road, passing a 1/2 inch iron rod found at a distance of 1/4.60 feet, and continuing a total distance of 1/2 inch iron rod found for corner;

THENCE North 42 deg. 51 min. 59 sec. West, with the Northeast line of said Robin Road a distance of 72.46 feet to a 1/2 inch iron rod found for corner;

THENCE North 44 deg. 39 min. 40 sec. West, with the Northeast line of said Robin Road a distance of 62.77 feet to a 1/2 inch iron rod found for corner at the South corner of a tract of land described in deed to Oswaldo Hernandez-Tristan, recorded under Instrument No. 201800081080 (D.R.D.C.T.);

THENCE North 62 deg. 29 min. 50 sec. East, a distance of 139.68 feet to a 1/2 inch iron rod found for corner at the East corner of said Hernandez-Tristan tract, from which a 1/2 inch iron rod found for reference bears North 56 deg. 26 min. 21 sec. East, a distance of 2.98 feet.

THENCE North 35 deg. 24 min. 58 sec. West, a distance of 231.59 feet to a 1/2 inch iron rod found for corner in the Northeast line of said Hernandez-Tristan tract, at the South corner of said Lot 10RR of said Block R of Triangle Addition No. 5;

THENCE North 62 deg. 55 min. 13 sec. East, a distance of 172.08 feet to the PLACE OF BEGINNING and containing 87,729 square feet or 2.01 acres of land.

Bearings shown hereon are references to the Texas Coordinate System of 1983, North Central Zone (4202), and are based upon the North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010. THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE THILE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.



### TLTA



BARRY S. RHODES

3691 N

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 5481 BROADWAY BOULEVARD , in the city of GARLAND Texas

The plat hereon is true, correct, and occurate representation of the property as determined by survey, the lines and dimensions of soid property being as indicated by the plat the size, location and type of building and improvements are as shown, all improvements being within the boundarie of the property, set back from property lines the distance indicated.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 60'
Date: 02-19-2024
G. F. No.: N/A
Job no.: 202106748-01
Drawn by: BM

SET X'

FOLIND X'

S/B' IRON ROD FOUND

S/B' IRON ROD FOUND

PK NML FOUND

— CASH

— CASH OUT PE POOL FOUND

— CASH MITER

— PIRE HYDRANT () TELEPHONE

— LIGHT POULE (#) — WATER METER

H — MANHOLE (V) — WATER WATER

H — MANHOLE (V) — WATER WAYER

H — WANHOLE (V) — WATER WAYER

H — MANHOLE (V) — WATER WAYER

H — MANHOLE (V) — WATER WAYER

H — WANHOLE (V) — WATER WAYER

H — WATER WAYER

H — WANHOLE (V) — WATER WAYER

H — WANHOLE (V)

2701 SUNSET RIDGE DRIVE, STE. 303 ROCKWALL, TEXAS 75032

FIRM REGISTRATION NO. 10194366



# GARLAND CITY COUNCIL STAFF REPORT

City Council Regular Session 3. d.

Meeting Date: 05/07/2024

Title: Consider an ordinance approving the sale of Certificates of Obligation, Series 2024

Submitted By: Matt Watson, Chief Financial Officer Strategic Focus Area: Sound Governance and Finances

#### Issue/Summary

At the March 5, 2024, Regular Meeting, Council approved a resolution directing the publication of Notice of Intention to Issue approximately \$45 million in Certificates of Obligation to fund a portion of the Approved 2024 CIP. This notice also contemplated formal authorization of the issuance of Certificates of Obligation to occur on May 7, 2024. Staff has met the legal posting requirements and has been working with the City's Financial Advisor, Bond Counsel, and an underwriter syndicate to draft the attached ordinance and market the sale of Certificates of Obligation. Council is requested to consider approval of the attached ordinance and the issuance of Certificates of Obligation, series 2024, to fund a portion of the 2024 CIP.

## Background

The City Manager formally submitted the proposed CIP to Council on January 8, 2024 and staff made copies of the proposed CIP available for public inspection and review the next day in libraries and the City Secretary's Office. The City Council held a Special Budget Work Session on January 20, 2024, to review the proposed program. In addition, a Public Hearing on the Proposed CIP was held on January 23, 2024. The 2024 Capital Improvement Program was adopted by Council on February 6, 2024 and requires the issuance of Certificates of Obligation. The CO's will fund approximately \$45 million in projects.

In compliance with City Council's Financial Policy, Certificates of Obligation debt is issued so the debt maturities are aligned with the useful lives of the capital improvements being funded. CO's require approval by Council and publication of a notice of intention for issuance.

## Consideration / Recommendation

By ordinance, approve the sale of Certificates of Obligation, Series 2024 to fund a portion of the approved 2024 CIP.

	Attachments	
Draft Ordinance		

AN ORDINANCE CONSIDERING ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF [\$45,000,000] IN PRINCIPAL AMOUNT OF "CITY OF GARLAND, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024;" AUTHORIZING THE ISSUANCE OF THE CERTIFICATES; APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING TO SAID CERTIFICATES; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

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

WHEREAS, the City Council of the City of Garland, Texas (the "Issuer"), deems it advisable to issue Certificates of Obligation in the amount of [\$45,000,000] for the purposes hereinafter set forth; and

WHEREAS, the Certificates of Obligation hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Texas Local Government Code and Subchapter B, Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has heretofore passed a resolution authorizing and directing the City Secretary to give notice of intention to issue Certificates of Obligation, and said notice has been duly published in a newspaper of general circulation in said Issuer, said newspaper being a "newspaper" as defined in Section 2051.044, Texas Government Code; and

WHEREAS, the Issuer received no petition from the qualified electors of the Issuer protesting the issuance of such Certificates of Obligation; 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 Texas Government Code Chapter 551; Now, Therefore

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The Certificates of Obligation of the City of Garland, Texas (the "Issuer") are hereby authorized to be issued and delivered in the aggregate principal amount of [\$45,000,000], for the purpose of paying all or a portion of the Issuer's contractual obligations incurred pursuant to contracts for the purchase, construction, renovation and acquisition of certain real and personal property, to wit: (a) acquiring, constructing, renovating, improving, installing and equipping park and recreational improvements and the acquisition of land and interests in land related thereto; (b) constructing, renovating and equipping municipal drainage improvements; (c) constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; (d) acquisition of vehicles and equipment for the fire, police, and stormwater management departments and programs; (e) constructing, renovating, installing and equipping of buildings, streets and traffic control facilities, and public safety facilities for the police and fire departments, stormwater management department, parks and recreation department, and street department; (f) acquisition of vehicles and equipment for, and acquiring, constructing, installing and equipping additions, extensions, renovations and improvements for the Issuer's sanitation department,

including the landfill and transfer station; (g) constructing, equipping and improving information management services systems; (h) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement/upgrades, roof replacement, parking lot upgrades, and safety upgrades; and (i) for the purpose of paying all or a portion of the Issuer's contractual obligations for professional services, including engineers, architects, attorneys, map makers, auditors, and financial advisors, in connection with said projects (collectively, the "Projects") and the issuance of the Certificates of Obligation.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES AND INTEREST RATES OF CERTIFICATES. Each certificate issued pursuant to this Ordinance shall be designated: "CITY OF GARLAND, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2024," and initially there shall be issued, sold, and delivered hereunder one fully registered certificate, without interest coupons, dated May 1, 2024, in the principal amount stated above and in the denominations hereinafter stated, numbered T-1 (the "Initial Certificate"), with certificates issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof (with the Initial Certificate being made payable to the Underwriters as described in Section 10 hereof), or to the registered owner"), and said Certificates or any portion or portions thereof (in each case, the "Registered Owner"), and said Certificates shall mature and be payable serially on February 15 in each of the years and in the principal amounts, respectively, and shall bear interest from the dates set forth in the FORM OF CERTIFICATE set forth in Section 4 of this Ordinance to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

Year	Principal Amount (\$)	Interest Rate (%)	Year	Principal Amount (\$)	Interest Rate (%)
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		
2030			2040		
2031			2041		
2032			2042		
2033			2043		
2034			2044		

The term "Certificates" as used in this Ordinance shall mean and include collectively the certificates of obligation initially issued and delivered pursuant to this Ordinance and all substitute certificates of obligation exchanged therefor, as well as all other substitute certificates of obligation and replacement certificates of obligation issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

## Section 3. CHARACTERISTICS OF THE CERTIFICATES.

(a) Registration, Transfer, Conversion and Exchange; Authentication. The Issuer shall keep or cause to be kept at the principal corporate trust office of Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas, (the "Paying Agent/Registrar"), books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the Issuer 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 Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall

make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered 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 Issuer 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 Issuer 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 Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 3(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Government Code, as amended, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates that initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General of the State of Texas (the "Attorney General") and registered by the Comptroller of Public Accounts of the State of Texas (the "Comptroller").

- (b) Payment of Certificates and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, 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 Issuer. Notice of the past due interest 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 Registered 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.
- (c) In General. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may or shall be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in

the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Initial Certificate is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates 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 CERTIFICATE.

- (d) Paying Agent/Registrar for the Certificates. The Issuer covenants with the Registered Owners of the Certificates that at all times while the Certificates are outstanding the Issuer 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 Certificates under this Ordinance, and that the Paying Agent/Registrar will be a single entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 60 days written notice to the Paying Agent/Registrar, to be effective not later than 60 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 Issuer 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 Certificates, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificates, 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.
- (e) <u>Authentication</u>. Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Paying Agent/Registrar's Authentication Certificate substantially in the form provided 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 Paying Agent/Registrar's Authentication Certificate on all of the Certificates. In lieu of the executed Paying Agent/Registrar's Authentication Certificate described above, the Initial Certificate 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 or by her duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General and that it is a valid and binding obligation of the Issuer, and has been registered by the Comptroller.
- (f) <u>Book-Entry-Only System</u>. The Certificates issued in exchange for the Initial Certificate shall be initially issued in the form of a separate single fully registered Certificate for each of the maturities thereof. Upon initial issuance, the ownership of each such Certificate 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 (g) hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the Issuer 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 Certificates. Without limiting the immediately preceding sentence, the Issuer 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 Certificates, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner of Certificates, as shown on the Registration Books, of any notice with respect to the Certificates, or (iii) the payment to any DTC Participant or any other person, other than a Registered Owner of Certificates, as shown in the Registration Books of any amount with respect to principal of or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal and interest with respect to such Certificate, for the purpose of registering transfers with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the Registered 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 Issuer's obligations with respect to payment of principal of and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the Issuer 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 Registered 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 Issuer Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Certificates.

- (g) Successor Securities Depository; Transfers Outside Book-Entry-Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the Blanket Issuer Letter of Representations to DTC or that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, the Issuer 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 Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate certificated Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates 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 Registered Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.
- (h) <u>Payments to Cede & Co.</u> Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations to DTC.
- (i) <u>Cancellation of Initial Certificate</u>. On the closing date, the Initial Certificate, representing the entire principal amount of the Certificates, payable in stated installments to the purchaser designated in Section 10 or its designee, executed by manual or facsimile signature of the Mayor or Mayor Pro-Tem and City Secretary of the Issuer, approved by the Attorney General, and registered and manually signed by the

Comptroller, will be delivered to such purchaser or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of such purchaser one registered definitive Certificate for each year of maturity of the Certificates, in the aggregate principal amount of all of the Certificates 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 Certificates in safekeeping for DTC.

(j) <u>Conditional Notice of Redemption</u>. With respect to any optional redemption of the Certificates, unless the 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 Certificates 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 Issuer, 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 Issuer shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

Section 4. FORM OF CERTIFICATES. The form of the Certificates, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Comptroller's Registration Certificate to be attached to the Certificates 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.

(a) [Form of Certificate]

NO. R-

UNITED STATES OF AMERICA STATE OF TEXAS CITY OF GARLAND, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION SERIES 2024 PRINCIPAL AMOUNT \$

Interest Rate	Delivery Date	Maturity Date	CUSIP No.
	May 30, 2024	February 15,	

**REGISTERED OWNER:** 

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of Garland, Texas in Dallas, Collin and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer 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 Delivery Date specified above at the Interest Rate per annum specified above. Interest is payable on February 15, 2025 and semiannually on each August

15 and February 15 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Certificate 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 Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of Zions Bancorporation, National Association, Amegy Bank Division, in Houston, Texas, which is the "Paying Agent/Registrar" for this Certificate. The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered 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 Issuer required by the ordinance authorizing the issuance of this Certificate (the "Certificate 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 Registered Owner hereof, at its address as it appeared on the last business 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 Registered 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 Issuer. 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 Registered Owner of a Certificate 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 Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate 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 CERTIFICATE is one of a series of Certificates dated May 1, 2024, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of [\$45,000,000] for the purpose of paying all or a portion of the Issuer's contractual obligations incurred pursuant to contracts for the purchase, construction, renovation and acquisition of certain real and personal property, to wit: (a) acquiring, constructing, renovating, improving, installing and equipping park and recreational improvements and the acquisition of land and interests in land related thereto; (b) constructing, renovating and equipping municipal drainage improvements; (c) constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; (d) acquisition of vehicles and equipment for the fire, police, and stormwater management departments and programs; (e) constructing, renovating, installing and equipping of buildings, streets and traffic control facilities, and public safety facilities for the police and fire departments, stormwater management department, parks and recreation department, and street department; (f) acquisition of vehicles and equipment for, and acquiring, constructing, installing and equipping additions, extensions, renovations and improvements for the Issuer's sanitation department, including the landfill and transfer station; (g) constructing, equipping and improving information management services systems; (h) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement/upgrades, roof replacement, parking lot upgrades, and safety upgrades; and (i) for the purpose of paying all or a portion of the Issuer's contractual obligations for professional services, including engineers, architects, attorneys, map makers, auditors, and financial advisors, in connection with said projects and the issuance of the Certificates.

ON [February 15, 2034], or on any date thereafter, the Certificates of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Certificates, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Certificate 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 Certificates 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, to the Registered Owner of each Certificate 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 Registered 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 Certificate. 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 Certificates 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 Certificates 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 Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates 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 Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Certificate Ordinance.

WITH RESPECT TO ANY OPTIONAL REDEMPTION of the Certificates, unless the prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that

said redemption is conditional upon the 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 Issuer shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Certificates, without interest coupons, payable to the appropriate Registered 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 Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate 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 Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The Form of Assignment printed or endorsed on this Certificate may be executed by the Registered 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 Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the Issuer. 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 Certificate 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 Certificates is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Certificate Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law; and that this Certificate is additionally secured by and payable from a limited pledge (not to exceed \$1,000) of the surplus revenues derived by the Issuer from the ownership and operation of the Issuer's System (consisting of the Issuer's combined waterworks system and sewer system), all as provided in the Certificate Ordinance.

THE ISSUER HAS RESERVED THE RIGHT to issue, in accordance with law, and in accordance with the Certificate Ordinance, other and additional obligations, and to enter into contracts, payable from ad valorem taxes and/or revenues of the Issuer's System, on a parity with, or with respect to said revenues, superior in lien to, this Certificate.

THE ISSUER HAS RESERVED THE RIGHT to amend the Certificate Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owners of a majority in aggregate principal amount of the outstanding Certificates.

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

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

	(signature)	(signature)	
City Secretary		Mayor	
(SEAL)			
	[INSERT BOND INSUF	RANCE LEGEND, IF ANY]	

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

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Certificate is not accompanied by an executed Comptroller's Registration Certificate)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates 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:	
	ZIONS BANCORPORATION, NATIONAL
	ASSOCIATION
	Houston, Texas,
	Paying Agent/Registrar
	By:
	Authorized Representative

# (c) [Form of Assignment]

received,

the

value

For

# ASSIGNMENT

hereby

assigns

and

sells,

transfers

unto

undersigned

	·
Please insert Social Security or Taxpayer Identification	n Number of Transferee
(Please print or typewrite name and address, including	g zip code, of Transferee.)
the within Certificate and all rights thereunder,	and hereby irrevocably constitutes and appoints
Certificate on the books kept for registration thereof,	, attorney, to register the transfer of the within with full power of substitution in the premises.
Dated:	
Signature Guaranteed:	
NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.	NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.
(d) [Form of Comptroller's Registration Certi	ificate]
COMPTROLLER'S REGISTRATION CERT	ΓΙFICATE: REGISTER NO
I hereby certify that this Certificate of Obliga approved by the Attorney General of the State of Ter registered by the Comptroller of Public Accounts of the	ation has been examined, certified as to validity and xas, and that this Certificate of Obligation has been ne State of Texas.
Witness my signature and seal this	
Compti	roller of Public Accounts of the State of Texas
(COMPTROLLER'S SEAL)	
(e) [Initial Certificate Insertions]	
(i) The Initial Certificate shall be in the f that:	Form set forth in paragraph (a) of this Section, except

A. immediately under the name of the Certificate, 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 "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

	Principal	Interest
Years	Installments (\$)	Rates (%)
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		

The Issuer 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 Delivery Date at the respective Interest Rate per annum specified above. Interest is payable on February 15, 2025, and semiannually on each August 15 and February 15 thereafter to the date of payment of the principal installment specified above; or the date of redemption prior to maturity; except, that if this Certificate 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 Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

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

# Section 5. INTEREST AND SINKING FUND; SURPLUS REVENUES.

- (a) A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Certificates, and the Interest and Sinking Fund shall be established and maintained by the Issuer at an official depository bank of the Issuer. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the Issuer, and shall be used only for paying the interest on and principal of the Certificates. All ad valorem taxes levied and collected for and on account of the Certificates, together with any accrued interest received upon sale of the Certificates, shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any of the Certificates or interest thereon are outstanding and unpaid, the governing body of the Issuer shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Certificates as such interest becomes due, and to provide and maintain a sinking fund adequate to pay the principal of its Certificates as such principal matures or is scheduled for redemption (but never less than 2% of the original principal amount of the Certificates as a sinking fund each year). Said tax shall be based on the latest approval tax rolls of the Issuer, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the Issuer for each year while any of the Certificates or interest thereon are outstanding and unpaid; and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Certificates, as such interest comes due and such principal matures or is scheduled for redemption, are hereby pledged for such payment, within the limit prescribed by law.
- (b) The Certificates, together with other obligations of the Issuer, are additionally secured by and shall be payable from and secured by the collection of the surplus revenues of the Issuer's Waterworks and Sewer System (the "System"), after payment of all expenses of operation and maintenance thereof, and all debt service, reserve, and other requirements in connection with all of the Issuer's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all of any part of the net revenues of the Issuer's System, constituting "Surplus Revenues", not to exceed \$1,000. The Issuer shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to subsection (a) of this Section, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of subsection (a) of this Section, if revenues are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to subsection (a) of this Section may be reduced to the extent and by the amount of the revenues then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.
- (c) Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section and Section 9, respectively, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Certificates are outstanding and unpaid, the result of such amendment being that the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, in order to preserve to the Registered Owners of the Certificates a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

#### Section 6. DEFEASANCE OF CERTIFICATES.

- (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities, and thereafter the Issuer will have no further responsibility with respect to amounts available to such paying agent (or other financial institution permitted by applicable law) for the payment of such Defeased Certificates, including any insufficiency therein caused by the failure of such paying agent (or other financial institution permitted by applicable law) to receive payment when due on the Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Certificates that is made in conjunction with the payment arrangements specified in Subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the Registered Owners of the Defeased Certificates 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 Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Certificates and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Certificates may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in Subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Certificates, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.
- (c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by state law that are eligible to discharge obligations such as the Certificates, including (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America., (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the Issuer adopts or approves the proceedings authorizing the financial arrangements, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (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 the governing body of the Issuer adopts or approves the proceedings authorizing the financial arrangements, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent.

- (d) Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.
- (e) In the event that the Issuer elects to defease less than all of the principal amount of Certificates of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Certificates by such random method as it deems fair and appropriate.

# Section 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

- (a) <u>Replacement Certificates</u>. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.
- (b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement Certificate shall furnish to the Issuer 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 Certificate, the Registered Owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.
- (c) No Default Occurred. Notwithstanding the foregoing provisions of this Ordinance, in the event any such Certificate shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificate, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.
- (d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement Certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Certificate 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 Certificates duly issued under this Ordinance.
- (e) <u>Authority for Issuing Replacement Certificates</u>. In accordance with Section 1206.022, Texas Government Code, this Section 7 of this Ordinance shall constitute authority for the issuance of any such replacement Certificate without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Certificates is hereby authorized and imposed upon

the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

Section 8. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

- (a) The Mayor of the Issuer is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining to the Initial Certificate pending its delivery and its investigation, examination, and approval by the Attorney General, and its registration by the Comptroller. Upon registration of the Initial Certificate said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.
- (b) The obligation of the Underwriters to accept delivery of the Certificates is subject to the Underwriters being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Certificates to the Underwriters. The engagement of such firm as bond counsel to the Issuer in connection with the issuance, sale and delivery of the Certificates is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer 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 Mayor Pro-Tem, and the Mayor or Mayor Pro-Tem is hereby authorized to execute such engagement letter.

# Section 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES.

- (a) <u>Covenants</u>. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Certificates 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 Issuer covenants as follows:
  - (1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates 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 Issuer, 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 Certificates, in contravention of section 141(b)(2) of the Code;
  - (2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates 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" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

- (3) to take any action to assure that no amount that is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (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;
- (4) to refrain from taking any action that would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;
- (5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;
- (6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Certificates, other than investment property acquired with B
  - (A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the bonds are issued,
  - (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury ("Treasury Regulations"), and
  - (C) 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 Certificates;
- (7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);
- (8) to refrain from using the proceeds of the Certificates or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Certificates in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and
- (9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) 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 Certificates 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.
- (b) <u>Rebate Fund</u>. In order to facilitate compliance with the above covenant (a)(9), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the Certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.
- (c) <u>Use of Proceeds</u>. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer 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 Certificates. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the United States Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Certificates, the Issuer 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 Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Certificates, the Issuer 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 Certificates under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor or Mayor Pro-Tem to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

- (d) Allocation of, and Limitation on, Expenditures for the Projects. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the construction and acquisition of the Projects on its books and records in accordance with the requirements of the Code. The Issuer recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Projects are completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the Issuer recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The Issuer agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes hereof, the issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.
- (e) <u>Disposition of Projects</u>. The Issuer covenants that the property constituting the Projects will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. 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 Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.
- (f) <u>Reimbursement</u>. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.
- Section 10. SALE OF CERTIFICATES AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.
- (a) The Initial Certificate is hereby sold and shall be delivered to RBC Capital Markets, LLC, Siebert Williams Shank & Co., LLC and Huntington Capital Markets (collectively, the "Underwriters") for the purchase price of [\$\_\_\_\_\_\_], representing an aggregate par amount of the Certificates of [\$45,000,000], plus a reoffering premium of [\$\_\_\_\_\_], and less an Underwriters' discount on the

Certificates of [\$\_\_\_\_\_], and [no accrued interest], pursuant to the terms and provisions of a Purchase Agreement, which the Mayor is hereby authorized to execute and deliver. It is officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable. The Initial Certificate shall be registered in the name of RBC Capital Markets, LLC.

- (b) The Issuer hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the offer and sale of the Certificates in final form, with such changes therein or additions thereto as the officer approving the same may deem advisable. The distribution and use of the Preliminary Official Statement dated [April \_\_\_, 2024] prior to the date hereof is hereby ratified and confirmed.
- (c) The Mayor and Mayor Pro Tem, the City Manager, the City Secretary, the Deputy City Secretary and the Finance Director and all other officers, employees and agents of the Issuer, and each of them, 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 Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar and all other certificates and 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 Certificates, the sale of the Certificates, any Purchase Agreement and the Official Statement. In case any officer whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, 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 11. INTEREST EARNINGS ON CERTIFICATE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Certificates issued for the Projects shall be used along with other Certificate proceeds for the Projects; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Certificate proceeds that are required to be rebated to the United States of America pursuant to Section 9 hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

#### Section 12. CONSTRUCTION FUND.

- (a) The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2024 Certificates of Obligation Construction Fund" (the "Construction Fund") for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Projects as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in said fund shall be transferred to the Interest and Sinking fund. Amounts so deposited to the Interest and Sinking Fund shall be used in the manner described in Section 5 of this Ordinance.
- (b) The Issuer may invest proceeds of the Certificates (including investment earnings thereon) issued for the Projects and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.
- (c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

#### Section 13. COMPLIANCE WITH RULE 15c2-12.

(a) <u>Definitions</u>. 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) a guarantee of (i) or (ii); provided however, that a "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.

# (b) Annual Reports.

- (i) The Issuer shall provide annually to the MSRB, in a designated electronic format as prescribed by the MSRB, financial information and operating data (the "Annual Operating Report") with respect to the Issuer of the general type included in the final Official Statement authorized by Section 10 of this Ordinance, being the information described in Exhibit A hereto. The Issuer will additionally provide financial statements of the Issuer ("Financial Statements"), that will be (1) prepared in accordance with the accounting principles described in Exhibit A hereto, or such other accounting principles as the Issuer 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 (2) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. The Issuer 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 2024. The Issuer 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 completed within 12 months after any such fiscal year end, then the Issuer shall provide unaudited Financial Statements within such 12-month period, and audited Financial Statements for the applicable fiscal year to the MSRB, when and if the audit report on such Financial Statements becomes available. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.
- (ii) If the Issuer 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 Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

# (c) Event Notices.

(i) The Issuer 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 Certificates:

- 1. Principal and interest payment delinquencies;
- 2. Non-payment related defaults, if material;
- 3. Unscheduled draws on debt service reserves reflecting financial

difficulties;

difficulties;

- 4. Unscheduled draws on credit enhancements reflecting financial
- 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 Certificates, or other material events affecting the tax status of the Certificates;
  - 7. Modifications to rights of holders of the Certificates, if material;
  - 8. Certificate calls, if material, and tender offers;
  - 9. Defeasances;
- 10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
  - 11. Rating changes;
  - 12. Bankruptcy, insolvency, receivership or similar event of the Issuer;
- 13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, 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 Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, 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 Issuer, 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 Issuer 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 Issuer, 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 Issuer.

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

# (d) <u>Limitations</u>, <u>Disclaimers</u>, and <u>Amendments</u>.

- (i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes the Certificates no longer to be outstanding.
- (ii) The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Certificates, 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 Issuer 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 Issuer'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 Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.
- (iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE 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.
- (iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.
- (v) The provisions of this Section may be amended by the Issuer 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 Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates 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 Registered 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 Certificates consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the Registered Owners and beneficial owners of the Certificates. The Issuer 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 Certificates in the primary offering of the Certificates. If the Issuer 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.

Section 14. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

- (a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.
- (b) Except as provided in paragraph (a) above, the holders of Certificates aggregating in principal amount a majority of the aggregate principal amount of then outstanding Certificates that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Certificates, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:
  - (1) Make any change in the maturity of any of the outstanding Certificates;
  - (2) Reduce the rate of interest borne by any of the outstanding Certificates;
  - (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates;
  - (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Certificates or any of them or impose any condition with respect to such payment; or
  - (5) Change the minimum percentage of the principal amount of Certificates necessary for consent to such amendment.
- (c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each Registered Owner of the affected Certificates a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Certificates.
- (d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least a majority in aggregate principal amount of all of the Certificates then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

- (e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.
- (f) Any consent given by the holder of a Certificate pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Certificate during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of a majority in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Certificates, the Issuer shall rely solely upon the registration of the ownership of such Certificates on the Registration Books kept by the Paying Agent/Registrar.

# Section 15. DEFAULT AND REMEDIES.

- (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:
  - (i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or
  - (ii) default in the performance or observance of any other covenant, agreement or obligation of the Issuer, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the Issuer.

#### (b) Remedies for Default.

- (i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.
- (ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

# (c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to

every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

- (ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.
- (iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or agents of the Issuer or the members of its governing body.
- Section 16. APPROPRIATION. To pay the debt service coming due on the Certificates prior to receipt of the taxes levied to pay such debt service, if any, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount, which together with capitalized interest received from the sale of the Certificates, if any, will be sufficient to pay such debt service, and such amount shall be used for no other purpose.
- Section 17. DISPOSITION OF FUNDS. Premium received from the sale of the Certificates in the amount of [\$\_\_\_\_\_] shall be applied to the costs of issuance and the Underwriters' discount; and the remainder shall be deposited into the Construction Fund.
- Section 18. EFFECTIVE DATE. In accordance with the provisions of Texas Government Code Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.
- Section 19. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

# **EXHIBIT A**

# **Annual Financial Statements and Operating Data**

The following information is referred to in Section 13(b) of this Ordinance:

The financial information and operating data with respect to the Issuer to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

1. Tables 1 through 5, and 7 through 14 in the Official Statement.

# **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements in Appendix B to the Official Statement.

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# GARLAND CITY COUNCIL STAFF REPORT

City Council Regular Session 4. a.

Meeting Date: 05/07/2024

Title: Public Hearing Regarding the Allocation of the 2024-2025 CDBG, HOME and ESG Federal

**Grant Programs** 

Submitted By: Mona Woodard, Neighborhood Services Administrator

Strategic Focus Area: Safe Community

Vibrant Neighborhoods and Commercial Centers

**Customer-Focused City Services** 

#### Issue/Summary

Public Hearing to provide input regarding the distribution of the Community Development Block Grant (CDBG) funding, HOME infill Partnership Grant (HOME) funding, and the Emergency Solutions grant (ESG) funding for the forthcoming 2024-2025 grant program year. As part of the allocation procedure, this hearing is mandated to gather feedback from any concerned parties regarding the 2024-2025 federal grant program allocations.

# **Background**

The City of Garland secures funding from the U. S. Department of Housing and Community Development (HUD) in the form of Community Development Block Grants, HOME Infill Partnership Funds, and Emergency Solutions Grants. Annually, the City is required to hold a formal Public Hearing to aid in the formulation of the 2024-2025 Annual Action Plan, delineating how these allocations will be utilized in the forthcoming program year. All interested parties are encouraged to attend the Public Hearing to provide input regarding the CDBG, HOME and ESG grant programs.

# Consideration / Recommendation

Conduct a Public Hearing to gather feedback from all stakeholders regarding the upcoming grant programs for the 2024-2025 program year.



#### **GARLAND**

#### PLANNING REPORT

City Council Regular Session 5. a.

Meeting Date: 05/07/2024

Item Title: Z 24-06 Barraza Consulting Group (District 7)
Submitted By: Nabiha Ahmed, Lead Development Planner

#### **REQUEST**

Approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use.

#### LOCATION

2002 West Campbell Road

#### **OWNER**

2004 Campbell 190, LLC

#### PLAN COMMISSION RECOMMENDATION

On April 8, 2024, the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use.

#### STAFF RECOMMENDATION

Approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use.

# **BACKGROUND**

The subject site is currently undeveloped. In 2018, a concept plan was approved for the overall site bounded by West Campbell Road, Naaman Forest Boulevard, Mansions Drive and North President George Bush Turnpike. The purpose of the concept plan was to establish the land uses on the tracts, open space location, key access points and general streets. Tract 1 was approved for a multi-family development. The subject property is in Tract 2 which allows retail, office and hotel uses, and a Detail Plan is required. Proposed is a general office building for a Civil Engineering and Surveying firm.

## SITE DATA

The overall site consists of approximately 5.769 acres with 251 lineal feet of frontage along West Campbell Road, 157 lineal feet of frontage along North President George Bush Turnpike frontage Road and 155 lineal feet of frontage along Naaman Forest Boulevard. The site plan (Exhibit C) shows one (1) access point from West Campbell Road and two (2) access point from the western property through mutual access easements.

#### USE OF PROPERTY UNDER CURRENT ZONING

The site is zoned Planned Development (PD) District 18-41. The purpose of this Planned Development is to create a mixed-use district defined by a grid of public and private streets, pedestrian-oriented streetscape amenities, a diverse open space system, and a range of building types and uses that all combine to promote activity from daytime through the evening.

Planned Development (PD) District 18-41 consists of two (2) tracts. Tract 1 is developed with a multi-family development. Tract 2 allows retail, office and hotel uses; therefore, the proposed use is allowed.

#### CONSIDERATIONS

#### 1. Development and Site Plan

The subject property is considered to be Tract 2 of Planned Development (PD) District 18-41. The applicant is proposing to subdivide "Tract 2" into two (2) lots, which will then also be known as Tract 1 and Tract 2 in the proposed PD 24-06. The Office, General use is proposed in the new Tract 1. Tract 2 will remain unimproved at this time.

The site plan (Exhibit C) reflects an 18,380 square-foot building to use as a Civil Engineering and Surveying Office [Barraza Consulting Group] .There is an existing office in Richardson and the applicant intends to relocate to the subject property in Garland.

Per the applicant's narrative, "The intent of the placement of the building and parking is to save as many existing trees as possible. This site is filled with beautiful, mature, and elegant trees that we did not want to remove. We designed the site to accommodate the existing trees and use them for visual interest."

# 2. Parking

This development complies with the parking requirements per the GDC. There are three (3) garage doors proposed to store company trucks and materials for the Surveyors. The garages will not be accessible to the public and will be located in the interior of the property, not facing any public street.

#### 3. Amenities

Planned Development (PD) District 18-41 requires street benches, trash receptacles, street lights and bicycle racks. The site plan (Exhibit C) reflects a bench, trash receptacle and a bicycle rack are located along West Campbell Road. The street light is located closer to the entrance of the property along West Campbell Road due to an Oncor easement.

Additionally, the applicant is proposing a covered patio in the southeast corner to encourage employees to enjoy the natural landscape of the property due to the preservation of several of the existing trees.

#### 4. Screening and Landscaping

Per the GDC, a fifteen (15) -- foot wide landscape buffer is required along West Campbell Road. The landscape plan (Exhibit D) reflects a twenty-five (25)-foot utility easement along the property line of West Campbell Road. The GDC allows the landscape buffer to overlap the utility easement as long as a minimum of six (6) feet is outside of the easement to allow large canopy trees and shrubs. The landscape buffer is required to be thirty-one (31) feet. The applicant is requesting to plant small ornamental trees within the twenty-five (25)-foot utility easements in lieu of large canopy trees, rather than widen the landscape buffer to thirty-one (31) feet.

The GDC allows up to twenty-five percent of the required number of large canopy trees within buffers may be replaced by small ornamental trees, at a rate of three small ornamental trees for each large canopy tree. The landscape buffer requires eight (8) large canopy trees and only two large canopy trees are allowed to be substituted with six (6) small ornamental trees. The applicant proposes twenty-four (24) small ornamental trees.

The landscape plan (Exhibit D) complies with all other applicable screening and landscaping standards.

#### 5. Building Design

The building design complies with the architectural elements and articulation requirements of the GDC and Planned Development (PD) District 18-41.

#### 6. Signage

No deviations were requested regarding signage.

#### 7. Transportation

A Traffic Impact Analysis (TIA) was not required by the Transportation Department. The submission was reviewed and approved by the Transportation Department.

# 8. Planned Development Standards

The applicant is requesting flexibility on the landscape buffer along West Campbell Road. However, the site otherwise complies with Planned Development (PD) 18-41 and the applicant has designed the layout with the intention of preserving as many trees as possible. In addition, the development provides an outdoor patio for employees to enjoy the natural landscape of the property.

# **ECONOMIC DEVELOPMENT STRATEGIC PLAN**

The proposal is considered "Office" per the Economic Development Strategic Plan; this category represents a property tax revenue per acre at \$4,088. In addition, the proposal brings new employment to Garland.

# **COMPREHENSIVE PLAN**

The Envision Garland Plan designates the subject property as Business Centers

Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity.

The proposed use is compatible with the Comprehensive Plan.

#### COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the northwest, across West Campbell Road, are zoned Planned Development (PD) District 97-04; it is developed with an apartment complex. The property to the east is zoned Planned Development (PD) District 18-41; it is undeveloped. The property to the southeast is zoned Planned Development (PD) District 18-41; it is developed with an apartment complex. The properties to the west are zoned Planned Development (PD) District 18-04 and Planned Development (PD) District 06-58 for Neighborhood Office Use; these properties are developed with office buildings.

#### **Attachments**

Z 24-06 Location Map

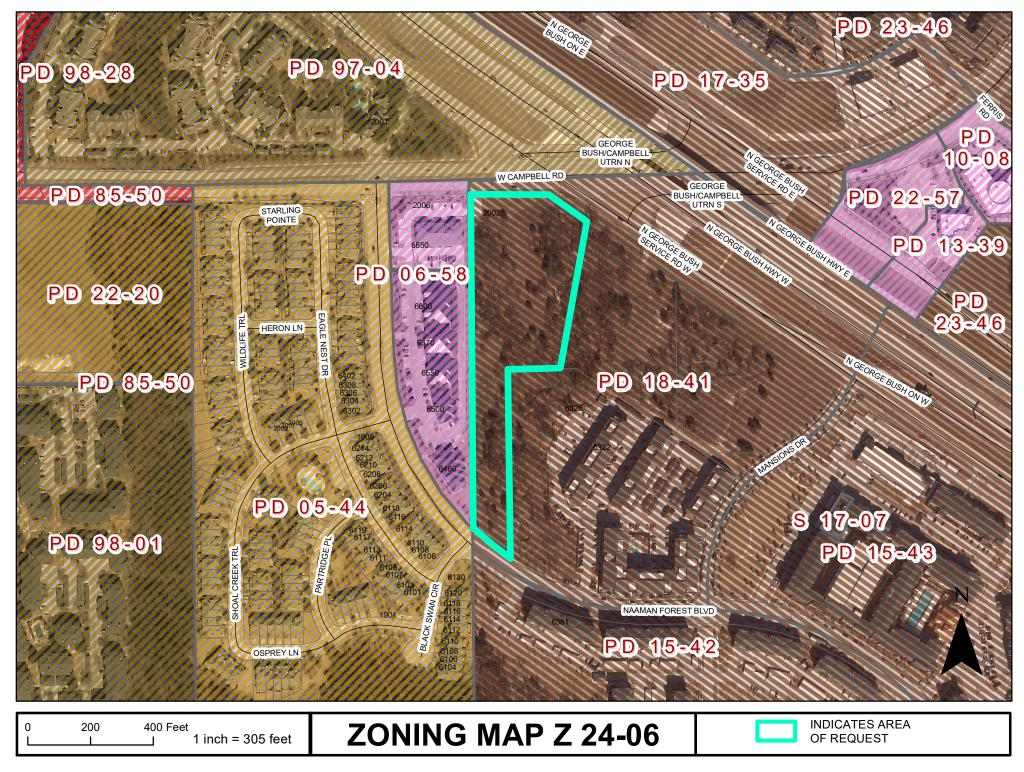
Z 24-06 PD Conditions

Z 24-06 Exhibits

Z 24-06 R&M

Z 24-06 Responses

Z 24-06 Staff Presentation



#### PLANNED DEVELOPMENT CONDITIONS

#### ZONING FILE Z 24-06

# 2002 West Campbell Road

- I. Statement of Purpose: The purpose of this Planned Development is to approve an Office, General Use.
- 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 as set forth in Planned Development (PD) District 12-41, Planned Development (PD) District 18-41, Division 4 in Chapter 2 and Chapter 4 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.

#### IV. Development Plans:

<u>Detail Plan</u>: 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.

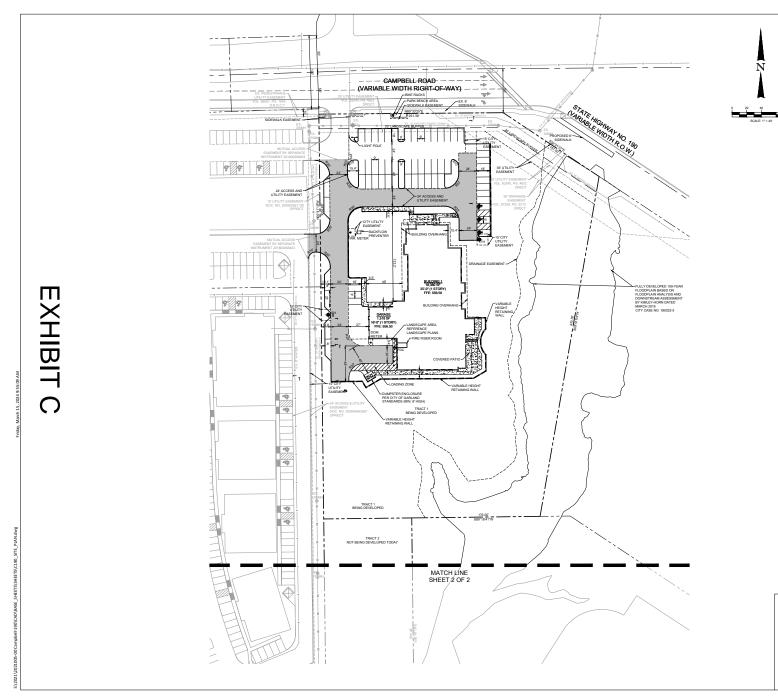
# V. Specific Conditions:

- A. <u>Permitted Uses</u>: An Office, General Use shall be permitted.
- B. <u>Site Plan</u>: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. <u>Amenities</u>: Bench, litter container, street light and bicycle rack shall be provided as reflected in Exhibit C.
- D. <u>Outside Storage:</u> No outside storage shall be permitted.

- E. <u>Company Trucks:</u> All company trucks shall be stored inside the garage overnight.
- F. <u>Landscape Plan</u>: 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.

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





#### LEGEND

PROPERTY LINE \_\_\_\_ss \_\_\_

EASEMENT LINE EXISTING SANITARY SEWER AND MANHOLE EXISTING WATER AND FIRE HYDRANT EXISTING STORM LINE EXISTING OVERHEAD ELECTRIC EXISTING GAS LINE EXISTING UNDERGROUND ELECTRIC

PROPOSED MANHOLE PROPOSED IRRIGATION METER PROPOSED DOMESTIC METER PROPOSED GATE VALVE FIRE DEPARTMENT CONNECTION PROPOSED FIRE HYDRANT ASSEMBLY

> PROPOSED FIRE LANE PROPOSED RETAINING WALL

ALL DIMENSIONS ARE LOT PAGE OF CURRO UNLESS OTHERWISE NOTED.

 ALL RADII ARE 3' UNLESS SHOWN OTHERWISE.
 ALL SIDEWALKS, BFRS, AND DRIVE APPROACHES SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE CITY OF GRALAND STANDARD DETAILS.

 MINIMUM FIRE LANE WIDTH IS 24' AND A MINIMUM RADIUS.

OF 20'.

CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS PRIOR TO CONSTRUCTION.

CONTRACTOR TO CONTROL EROSION ALONG PROPERTY LINE DURING CONSTRUCTION.

SITE DATA	TABLE	
SITE INFORMATION		
CURRENT USE:	VACANT	
PROPOSED USE:	OFFICE	
CURRENT ZONING:	PD 12-41/OFFICE	
PROPOSED ZONING:	OFFICE	
SITE AREA (SF):	5.769 AC. (251,297 SF)	
BUILDING INF	ORMATION	
BUILDING SF:	18,380 SF	
GARAGE SF:	1,518 SF	
BUILDING HEIGHT (STORY):	25'-0" (1 STORY)	
GARAGE HEIGHT (STORY):	16'-0" (1 STORY)	
BUILDING LOT COVERAGE:	7.92%	
FLOOR AREA RATIO:	1:0.07	
PARKING INF	ORMATION	
PARKING RATIO:	1/50 SF OF SANCTUAR	
FARRING RATIO.	INCLUDING BALCONIES	
PARKING REQUIRED:	62	
ADA REQUIRED:	3	
PARKING PROVIDED:	59	
ADA PROVIDED:	3	
TOTAL PROVIDED:	62	
IMPERVIOUS	SURFACE	
IMPERVIOUS AREA (%):	56,204 SF (22.4%)	
OPEN SPACE:	195,093 SF (77.6%)	
*ADA PARKING SHALL BE IN	ACCORDANCE WITH	

#### **DETAIL SITE PLAN**

CITY CASE #: 240109-1 5.769 ACRES SITUATED IN THE P.H. RICE SURVEY, ABSTRACT NO. 1241 CITY OF GARLAND DALLAS COUNTY, TEXAS

ARCHITECT

ALLIANCE ARCHITECTS 1600 N COLLINS BLVD SUITE 1000 RICHARDSON, TX 75080 CONTACT: ZACH WELDY PHONE: (972) 233 - 0400

OWNER / APPLICANT BARRAZA CONSULTING GROUP 801 F CAMPBELL ROAD SUITE 650 PHONE: (469) 498 - 9931

DATE 3/15/2024 DESIGN CHECKED

1 OF 2

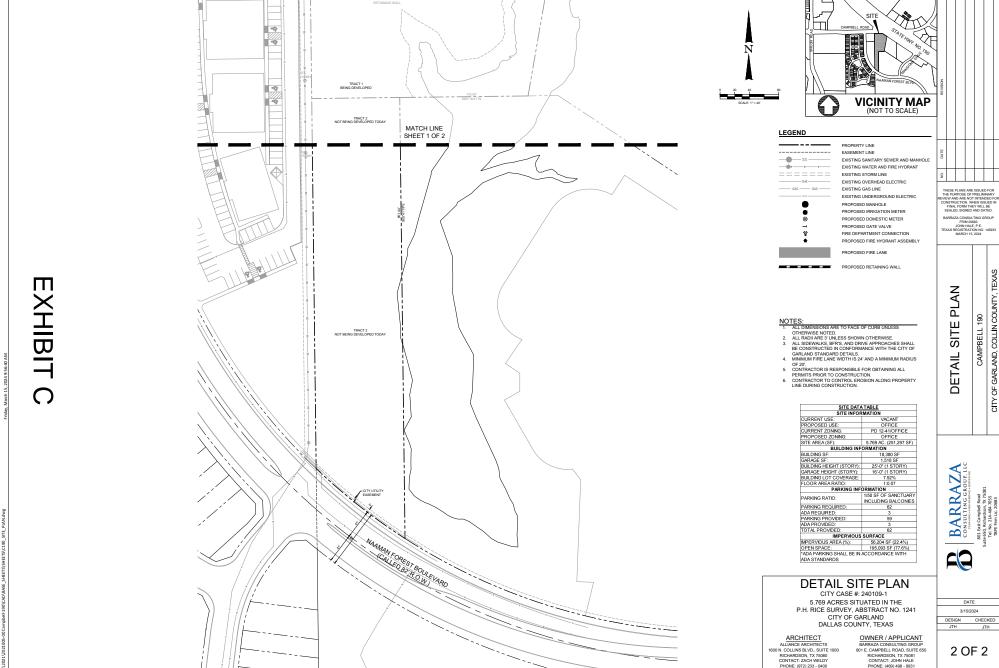
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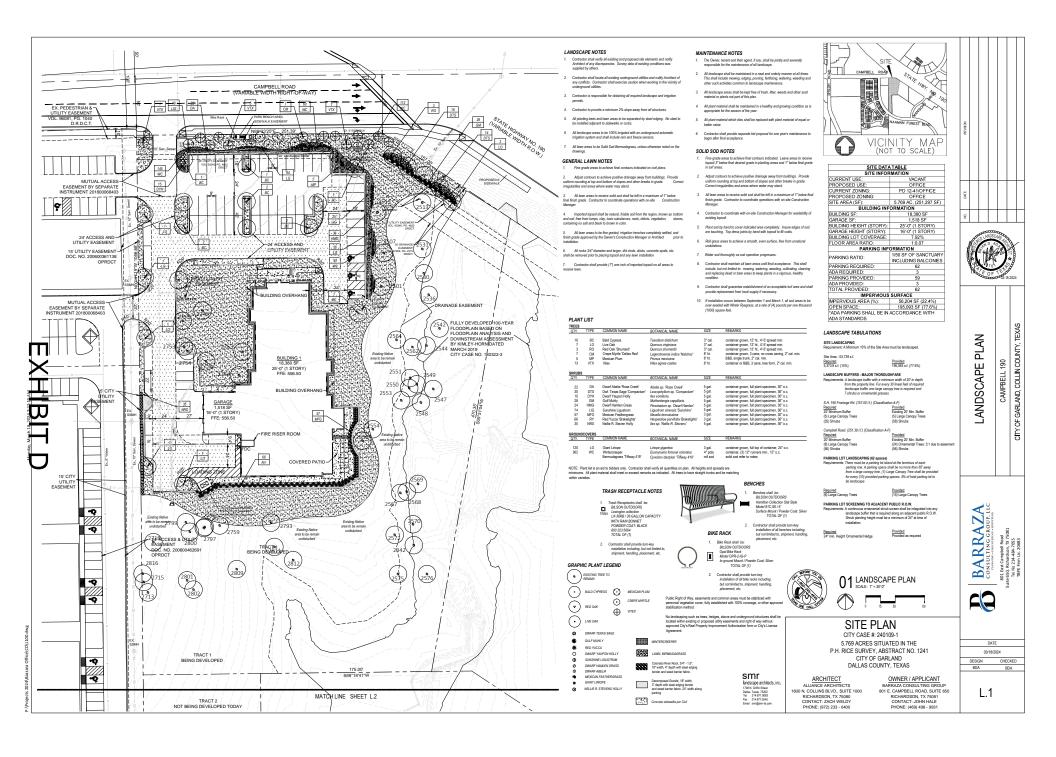
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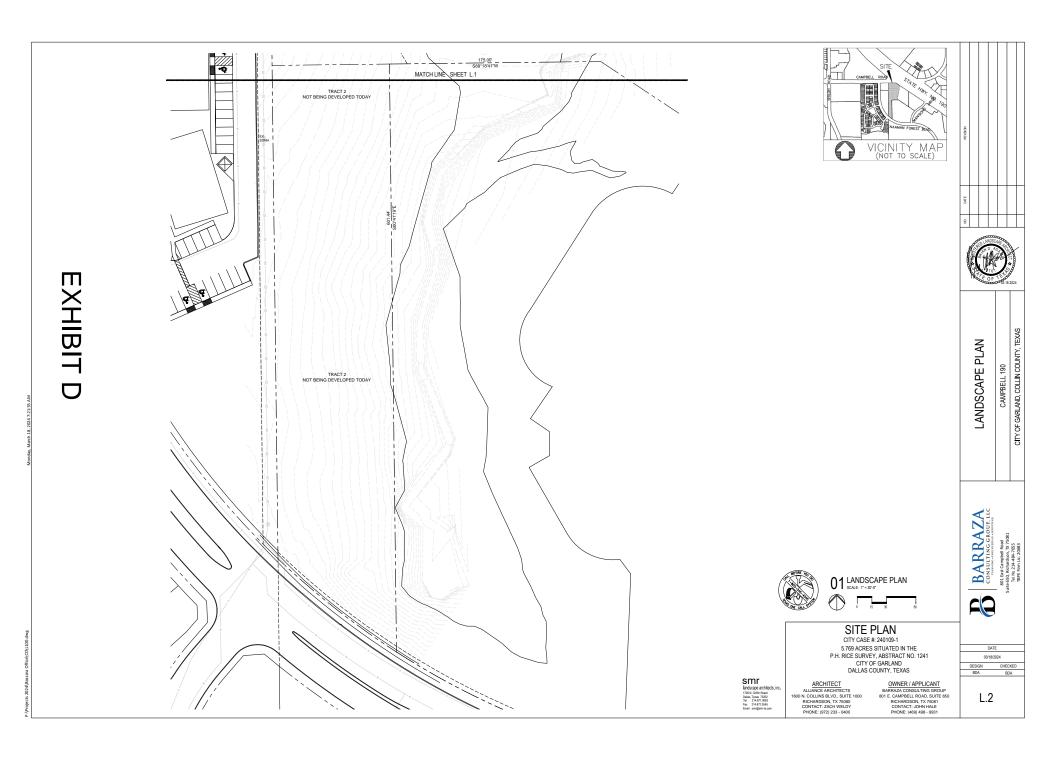
BARRAZA CONSULTING GROUP FRIM 20683 JOHN HALE, P.E. TEXAS REGISTRATION NO. 145933 MARCH 15, 2024

CITY OF GARLAND, COLLIN COUNTY, TEXAS









# SECTION 02900 - LANDSCAPE PART 1 - GENERAL

# Planting (trees, shrubs, and grass) Bed preparation and fertilization Notification of sources Water and Maintenance until final accepts Guarantee

- D. Hortis Third, 1976 Cornell University

# NOTIFICATION OF SOURCES AND SURMITTALS

# 3.1 BED PREPARATION & FERTILIZATION

- Prepare new planting beds by scraping away existing grass and weeds as necess Till existing self bits a depth of the (IP) inches prior to planting compost and fertilizer Apply fertilizers as premanufactures economisediators. Add is to (IP) inches of Apply fertilizers are premanufactures economisediators. Add is to (IP) inches of such as Sustane or Grieon Sense at the rate of twenty (20) pounds per one thins ILDOS square feet.

# Grass Areas:

- Para materials shall be delivered to the site only after the bods are prepared and area need for placking. All inhuments of musery materials shall be shoroughly protected from the placking of the placking of the placking of the protection of the the text of the plack placking of the placking of the protection of the placking by which and sum. Balls of earth of 18.8 It placks shall be legic covered with soil or other acceptable material. All placks served the property of the Contractor until this accompliance.

- Excavate pits with vertical sides and horizontal bottom. Tree pits shall be large enough to permit handling and planting without injury to balls of earth or roots and shall be of such depth that, when planted and selfs

- gloupsouré of gribles au ser environnement de l'activité d

Do not wrap trees.

3.3 CLEANUP AND ACCEPTANCE

- Three shall be guaranteed for a twelve (T) month portiod after acceptance. Shade for the parameter of the p

Dig a wide, rough sided hole exactly the same depth as the height of the ball, especially at the surface of the ground. The sides of the hole should be rough and jagged, never slok.

scars just be the parting leads as approved by the Laboseper virtuals. When Baddill only with poster solding load is arrang loam and it part bed preparation. When the hole is olig in sold most, bipsoil from the same area should not be used. Carefully exist by valenting to prevent air pockets. Remove the busing from the top to fill of the bit as well as all nylon, plastic string and when mesh. Container these will usually be pot bound, if so follow destinated mixing in protte of in rote southing.

Much the top of the ball. Do not plant grass all the way to the trunk of the tree. Leave the area above the top of the ball and much with at least two (2") inches of specified mulch. All plant beds and trees to be mulched with a minimum settled thickness of two (21) inches over the entire bed or pt. Obtaination believe ground. In the event that rick, or underground construction work or obstactions are encountered in any ident of excusation work for be done under this exception, alternate factors may be elected by the Outwar. When obtains carend to changing the obstactions are also encounted to a depth of not like that in the CT plant property and are also examined to the contraction of the contraction of

Pruning and Mulching: Pruning shall be cirected by the Architect and shall be pruned in accordance with standard herticultural practice following Fine Pruning, Class I pruning standards provided by National Arborial Association.

Stold Curvey measures.

1. Curlege plate laygood as indonted on plane. States out think of alset our being and other chorus approved piers to institutions.

2. All sets out only plane for the of being an audit stock borns.

2. All sets out only plane for the of being an additional borns.

3. Estates are to be instituted on the plane plane for the conting, as opposed to the conting as opposed to the continue to the contin

END OF SECTION

- The Owner agrees that for the guarantee to be effective, he will vater plants at least tokes a week during dry parieds and cutinost beta once a morth what final.
   The above guarantee stall not plany where plants do enth acceptance because of injury from storms, half, freeze, insects, diseases, injury by humans, machines or studi.

# Generat: Comply with applicable Federal, State, County and Local regulations governing landscape materials and work

- Personnel: Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to Landscape Architect.

# PRODUCT DELIVERY, STORAGE AND HANDLING

- Bailed and Burlapped (B&B) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape, and future development.
   Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect not mass.

2X DIAMETER

OF ROOTBALL

A TREE PLANTING DETAIL

- of multi-fillars. Protect materials from described outing device and with state of an administrative. Protect materials from described outing of the 2. Device on your particular that can be grained on the device and considerate strength 3. Institute of the device and the state of the sta

- Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched, and well rooted. The plants shall be fre-
- Approval: All plant materials shall be subject to the approval of the Owner. All plants which are found unsuitable in growth, or in any unhealthy, body shaped, or individual condition, will be rejected by the Landscape Architect, after before or after planting, and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plants as specified.
- Trees shall be healthy, fall-knanched, well-shaped and shall meet the tunk dameter and highly requirements of the pilot schedule. Blash shall be firm, mask, slightly largered, and will reappoin to louise, Any tree loose in the ball or with rechain all at time of plating will be rejected. Balls shall be ten (10') inched in dameter for each one (1') short of unit dameter. Measured is (0') inched allow or long size of plating shall be formed in dameter for each one (1') short of unit dameter. Measured is (0') inched allow (0') inched allow (0') inched allow (1) inched in the size of the size of the customary custom states of the size of
- F. Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect, shall be executed by the Landscape Contractor at no additional cost to the Owner.

F SHRUB PLANTING DETAIL

# 2.2 SOIL PREPARATION MATERIALS

- Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Uking Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equal
- D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equal.
- Commercial Festiger: 10-20-10 or similar analysis. Nitrogen source to be a minimum 50% slow release organic Nitrogen (SCU or UF) with a minimum 8% sulphur and 4% iron, plus micronistrients.

- B. Staking Material for Shade Trees:
- Post: Studded T-Post, #1 Armoo with anchor plate; 6'-0' length; paint green.
   Wire: 12 gauge, single strand, galvanized wire.
   Robber hose: 2 ply, fiber reinforced hose, minimum ½ inch inside diameter. Color:
- C. Gravet: Washed native pea gravet, graded 1 in, to 1-1/2 in.
- Fifter Fabric: Mirafi 140N by Celanese Fibers Marketing Company, available at Lottland Co., (214) 631-5250 or approved equal.





CITY OF GARLAND, COLLIN COUNTY,

CAMPBELL 190

A = ROW SPACING
B = ON CENTER SPACING
OF THE SPACING AND A TERABOTH AND ICATIONS / SPECIFION SETAILS LANDSCAPE S B GROUNDCOVER PLANTING DETAIL NOT TO SCALE APPEARANCE OF GOOD SOD PREPARED SOIL MIX PER SPECIFICATIONS 18" X 4" GREEN STEEL EDGING WITH STAKES THATCH - GRASS CLIPPINGS AND DEAD LEAVES. UP TO 1/2" THICK BOOT ZONE - SOIL AND ROOTS SHOULD BE 1/2" - 3/4" THICK, W DENSE ROOT MAT FOR D STEEL EDGING DETAIL E) SOD PLANTING DETAIL (3) METAL T-POST PAINTED GREEN TRIANGULAR SPACING. -FINISH GRADE SCARIFY SIDES -- ROOTBALL DO NOT DISTURE CRUSHED ROCK NOTE: LOCATE STAKES OUTSIDE OF TREE WELL. POSITION STAKES - NATIVE SOIL TO SECURE TREE AGAINST SEASONAL PREVAILING WINDS.



5.769 ACRES SITUATED IN THE P.H. RICE SURVEY, ABSTRACT NO. 1241 CITY OF GARLAND DALLAS COUNTY, TEXAS

# ARCHITECT

smr

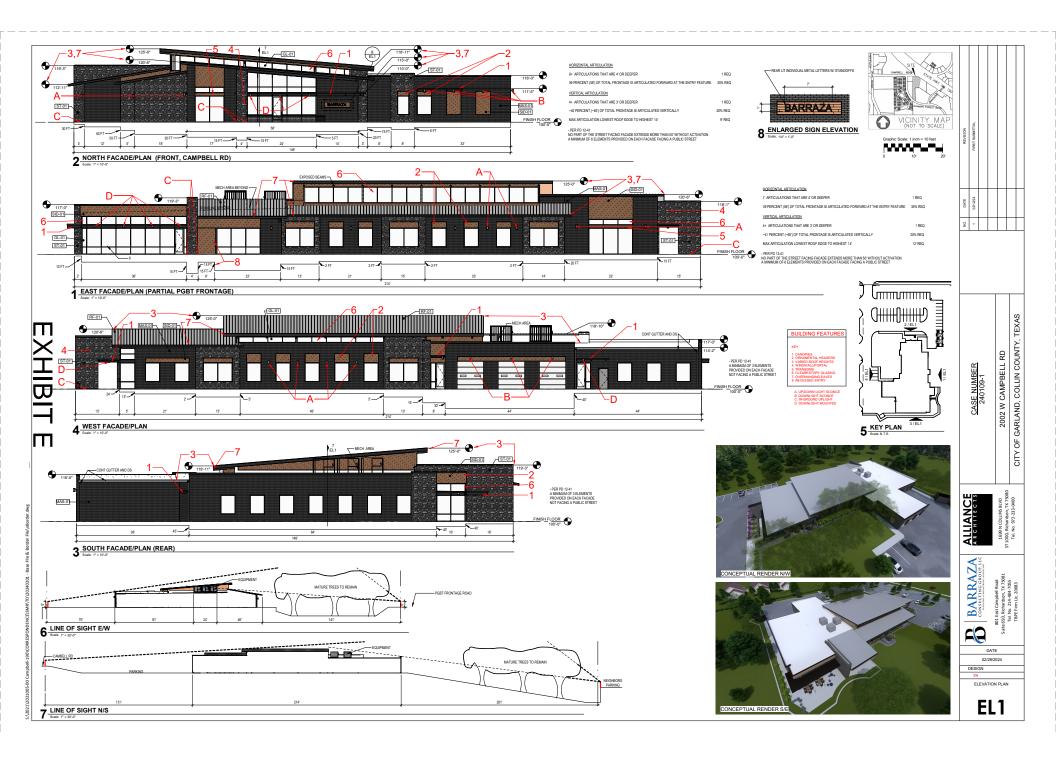
landscape architects, inc 1708 N. Griffin Street Delfos, Tenas 75202 Tal 214 871 0083 Fax 214 871 0545 Email sent@sent-la.com

ALLIANCE ARCHITECTS 1600 N. COLLINS BLVD., SUITE 1000 RICHARDSON, TX 75080 CONTACT: ZACH WELDY PHONE: (972) 233 - 0400

OWNER / APPLICANT BARRAZA CONSULTING GROUP 801 E. CAMPBELL ROAD, SUITE 650 RICHARDSON, TX 75081 CONTACT: JOHN HALE PHONE: (469) 498 - 9931 BARRAZA CONSULTING GROUP, LLC M Road n, TX 75081 -7055 20683 **L**(3

DATE 03/18/2024 DESIGN CHECKED BDA

L.3



# **EXHIBIT E**



















CASE NUMBER 240109-1

BARRAZA
CONSULTING GROUP, LLC
TANGENE THEORITISC THEORITISC. THE

02/28/2024

RENDERINGS

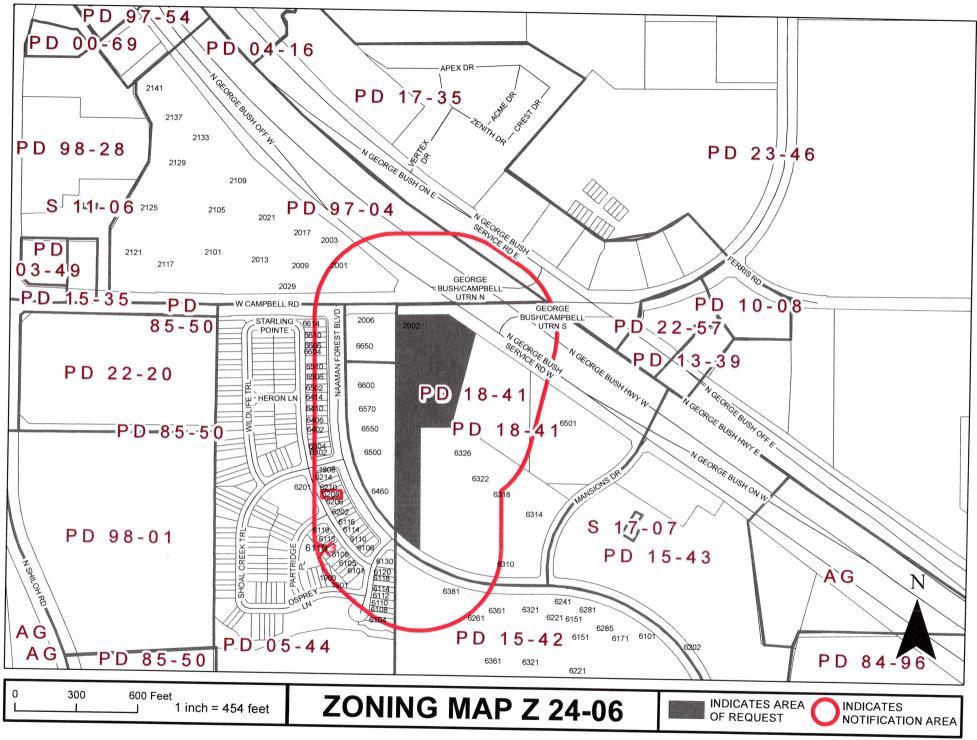
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# **REPORT & MINUTES**

# P.C. Meeting, April 8, 2024

**4a. APPROVED** Consideration of the application of **Barraza Consulting Group**, requesting approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use. This property is located at 2002 West Campbell Road. (District 7) (File Z 24-06).

**Motion** was made by Commissioner Jenkins to close the public hearing and **approve** the application as presented. Seconded by Commissioner Paris. **Motion carried**: **7** Ayes, **0** Nays.



# **Zoning Response Case Comments**

Planner Name CC Hearing Date PC Hearing Date Case Number Nabiha Ahmed May 7, 2024 Z 24-06 April 8, 2024 Z 24-06 Barraza Consulting Group. The applicant proposes to construct a general office use. The site is located at 2002 West Campbell Road. (District 7) Against Andrea Rodriguez 3601 Bluesage Lane 4/12/2024 8:58:02 PM **Outside the Notification Area** Garland Texas **United States** 75040 For **George Mones** georgemones@gmail.com 4/2/2024 6208 Eagle Nest Dr 4:15:02 PM 214-729-0146 Garland Texas **United States** 75044 My approval is contingent on the provision that every tree removed will be replaced. I would hope that council would always include the tree replacement provision in all projects **Against** Jennifer Morgan 6113 Eagle Nest Dr 3/30/2024 4:17:31 AM Garland Texas **United States** 75044 Small offices similar to what exist to the west of this plot could be fine. But down that strip is awfully small and near the creek. Not much usable space. Please no gas stations. 7-11 failed literally across the street as we have enough in the area already. Does demand analysis show office space would

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 24-06	April 8, 2024	May 7, 2024	Nabiha Ahmed
		s to the west sat mostly empty	
	remote work. Would hate to bulldoze green space and end up with an empty parking lot.		
Jennifer	Against		
Morgan			
3/30/2024 4:17:31 AM	6113 Eagle Nest Dr		
	Garland		
	Texas		
	United States		
	75044		
	Small offices similar to what exist to the west of this plot could be fine. But down that strip is awfully small and near the creek. Not much usable space. Please no gas stations. 7-11 failed literally across the street as we have enough in the area already. Does demand analysis show office space would succeed? The ones to the west sat mostly empty for a long time. Lots of remote work. Would hate to bulldoze green space and end up with an empty parking lot.		



The applicant proposes to construct a general office use.

# **City Council Meeting**

May 7, 2024

Z 24-06



# **CASE INFORMATION**

Location: 2002 West Campbell Road

Applicant: Barraza Consulting Group

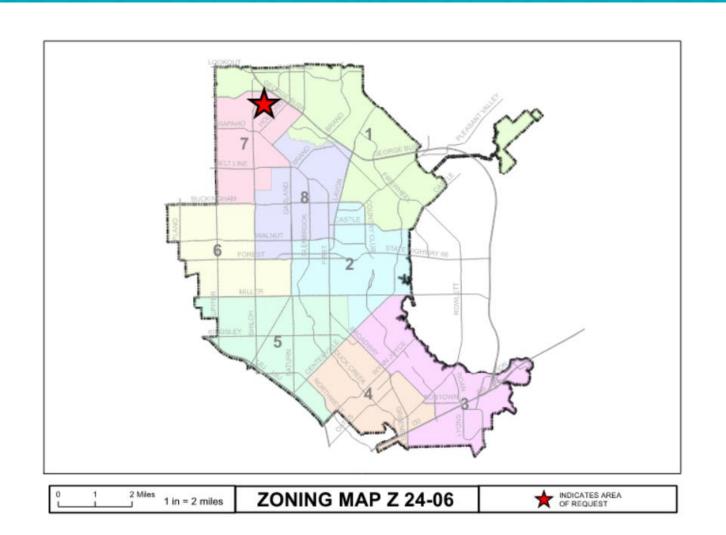
Owner: 2004 Campbell 190, LLC

Acreage: 5.769 acres

Zoning: Planned Development 18-41

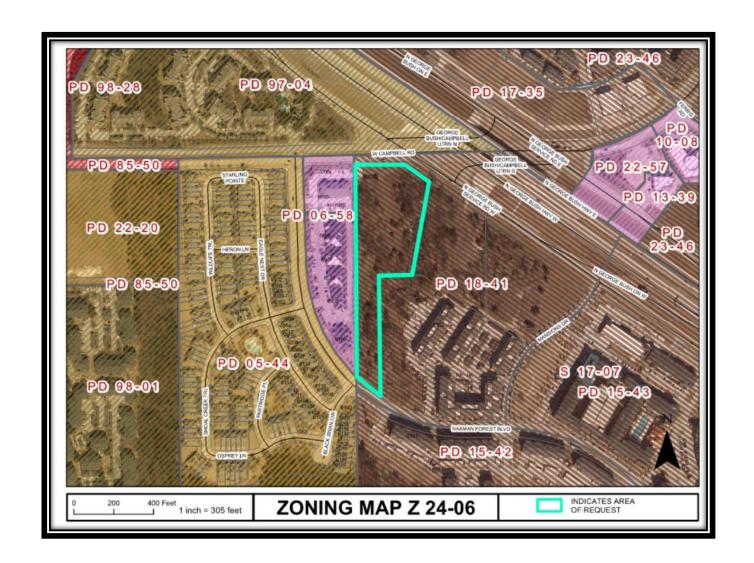


# **CITYWIDE LOCATION MAP**





# **LOCATION MAP**





# **COMPREHENSIVE PLAN**







# **COMPREHENSIVE PLAN**

The Envision Garland Plan designates the subject property as Business Centers.

Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity.

The proposed use is compatible with the Comprehensive Plan.



# ECONOMIC DEVELOPMENT STRATEGIC PLAN

The proposal is considered "Office" per the Economic Development Strategic Plan; this category represents a property tax revenue per acre at \$4,088. In addition, the proposal brings new employment to Garland.



# **PHOTOS**



View of the subject property

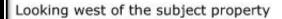


Looking west of the subject property



# **PHOTOS**



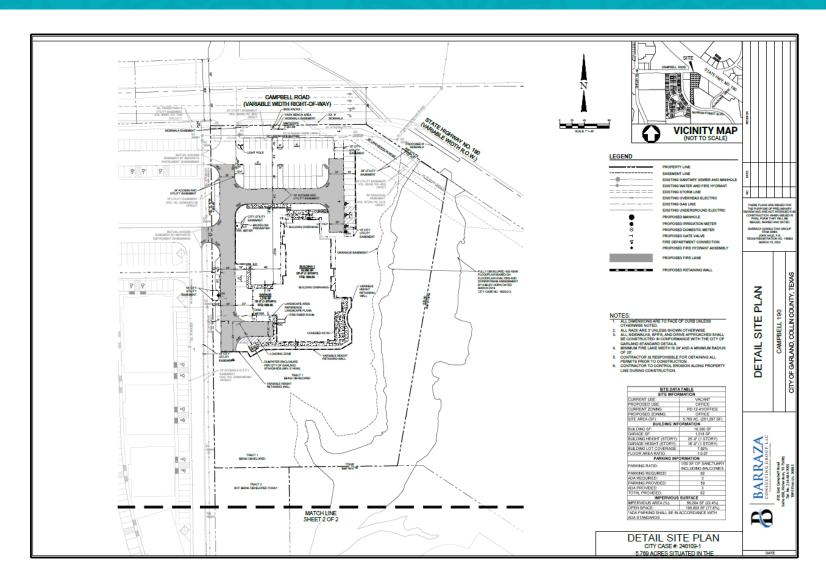




Looking north of the subject property

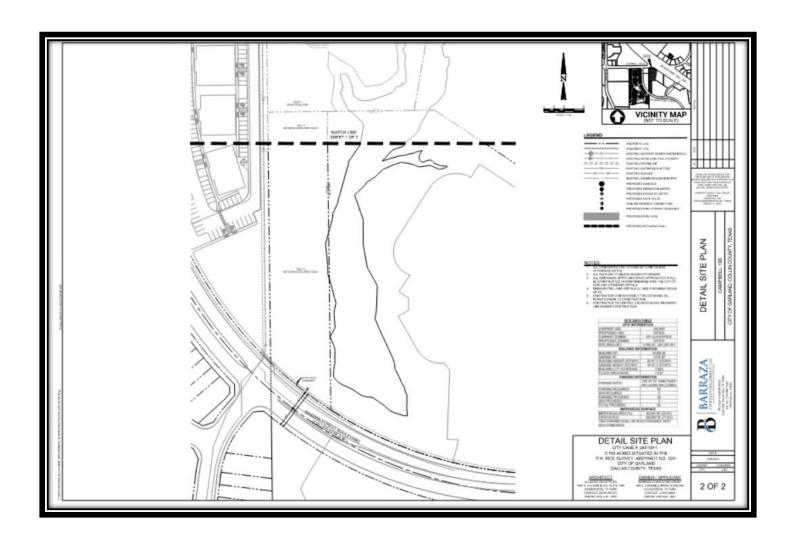


# SITE PLAN



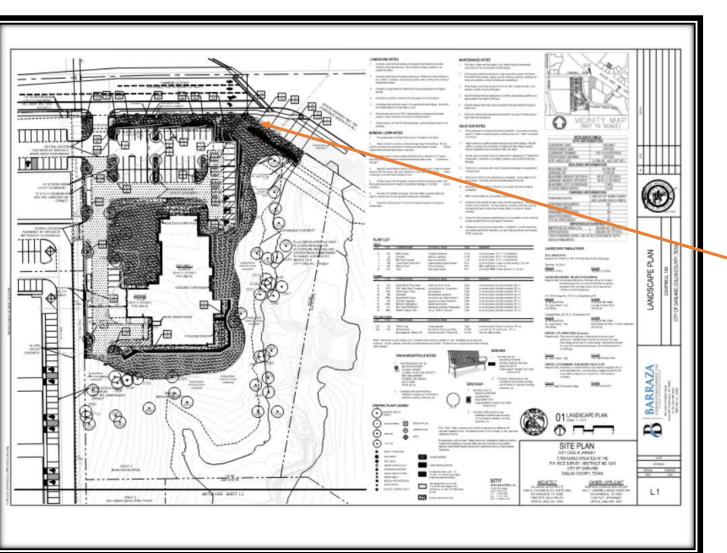


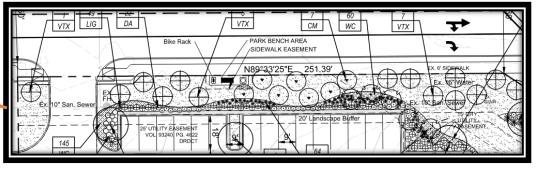
# **SITE PLAN**





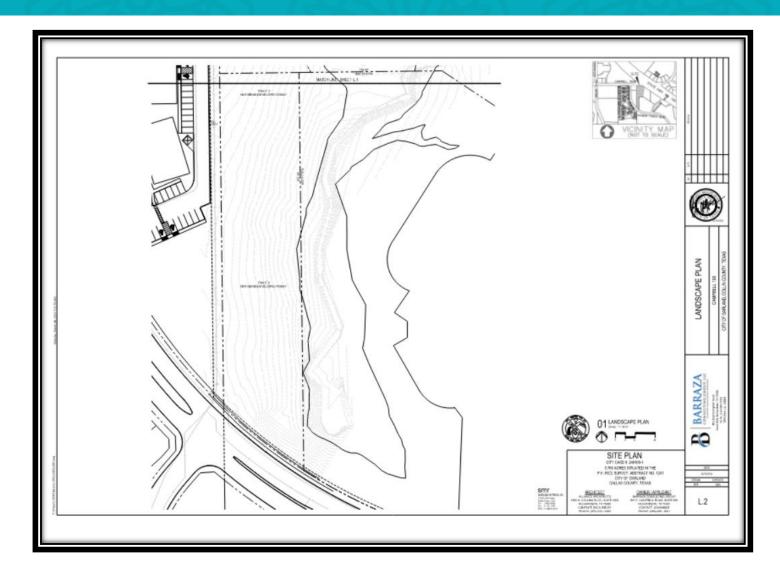
# LANDSCAPE PLAN





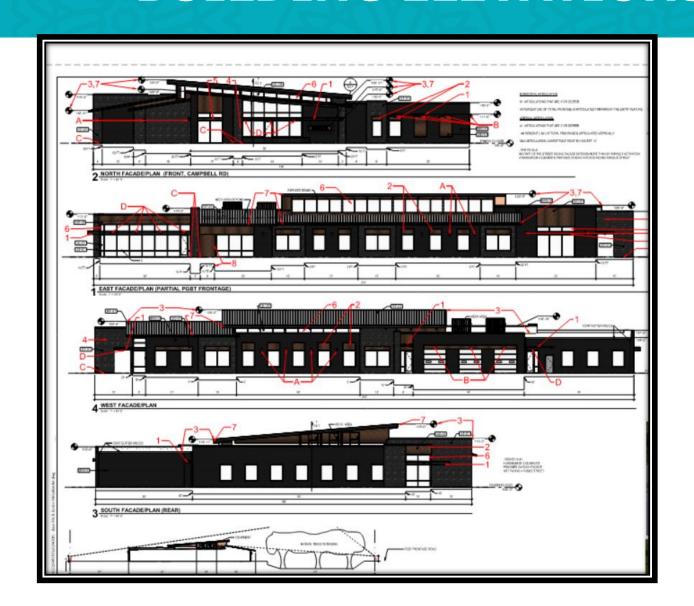


# LANDSCAPE PLAN





# **BUILDING ELEVATIONS**





# **BUILDING ELEVATIONS**











# **BUILDING ELEVATIONS**











# **Planned Development Standards**

The applicant is requesting flexibility on the landscape buffer along West Campbell Road. However, the site otherwise complies with Planned Development (PD) 18-41 and the applicant has designed the layout with the intention of preserving as many trees as possible. In addition, the development provides an outdoor patio for employees to enjoy the natural landscape of the property.



# STAFF RECOMMENDATION

Approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use.



# PLAN COMMISSION RECOMMENDATION

On April 8, 2024, the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of 1) an Amendment to Planned Development (PD) District 18-41 for Mixed Uses and 2) a Detail Plan for an Office, General Use.



