



## **AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
City of Garland  
Duckworth Building, Goldie Locke Room  
217 North Fifth Street  
Garland, Texas  
October 6, 2014  
7:00 p.m.**

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

The Duckworth Building is wheelchair accessible. Special parking is available on the north side of the building on Austin Street and may be accessed by a sloped ramp from the street to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.**

### **CITY COUNCIL GOALS 2020**

(Adopted by Resolution No. 9402 on December 20, 2005)

- **Sustainable quality development and redevelopment**
- **Financially stable government with tax base that supports community needs**
- **Defends rightful powers of municipalities**
- **Fully informed and engaged citizenry**
- **Consistent delivery of reliable City services**
- **Safe, family-friendly neighborhoods**
- **Embrace diversity**



*This request is for construction of a new playground in Central Park. This project incorporates enhanced universal access design elements that will improve wheelchair access throughout the play area.*

**c. Wood Utility Poles**

**Bid No. 4738-14**

**TEC Electric Utility Supply** **\$150,246.00**

*This request is for the purchase of wood utility poles as part of the Warehouse Department's inventory to be used to support Garland Power & Light's transmission and distribution operations.*

**d. Utility and Tax Billing Services**

**Bid No. 4785-14**

**CSG/Data Prose, Inc.** **\$676,550.00**

*This request is to provide utility and tax billing services including printing, insertion, and mailing.*

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

**a. Zoning File No. 14-33, Nandanvan One, Inc.**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 1.087-acre tract of land zoned Planned Development District 10-05 for Central Area 2 Uses and located at 509 West Avenue D.*

**b. Zoning File No. 14-35, INU USA, Inc.**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 1.706-acre tract of land zoned Shopping Center District and located at 2435 West Miller Road.*

**4. Consider an ordinance authorizing the issuance of "City of Garland, Texas, General Obligation Refunding Bonds, Series 2014A"; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain**

**outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement.**

*At the August 18, 2014 Work Session, Council considered authorizing a Bond Refunding of approximately \$44 million General Obligation Refunding Bonds Series 2005A. The purpose of the refunding transaction is to achieve future debt service savings of approximately \$4 million.*

- 5. Consider an ordinance authorizing an amendment to the 2014-15 Operating Budget (Budget Amendment No. 1) providing for supplemental appropriation of funds in the General Fund and the Infrastructure Repair & Replacement Fund.**

*At the September 15, 2014 Work Session, Council recommended amending the FY 2014-2015 Approved Budget to include one-time funding for specific items totaling \$3,268,250.*

- 6. Consider by minute action approval of revisions to City Council Policy No. OPNS-23, Council Committees.**

*At the September 2, 2014 Work Session, the Administrative Services Committee made a recommendation for revisions to City Council Policy OPNS-23, Council Committees. Council continued discussion of the proposed revisions at the September 15 Work Session.*

## ITEMS FOR INDIVIDUAL CONSIDERATION

### Speaker Regulations:

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

7. **Hold a public hearing and consider an ordinance amending Chapter 32, "Neighborhood Sanitation and Housing Services", of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a savings clause and a severability clause.**

*At the August 18, 2014 Work Session, Council considered a draft ordinance modifying the wording in Chapter 32 of the Code of Ordinances to include residential and non-residential premises within the scope of the minimum standards. The substandard property sections are also revised to include non-residential properties. Also, included is a change to allow the jurisdiction of the Housing Standards Board to be expanded to review cases involving non-residential property.*

8. **Hold a public hearing to consider an amendment of Section 10-200 and Section 38 of Comprehensive Zoning Ordinance No. 4647 regarding the creation of a zoning classification for Smoke Shops.**

*At the September 2 and 15, 2014 Work Sessions, Council considered proposed amendments to the Comprehensive Zoning Ordinance regarding the regulation of Smoke Shops.*

9. **Hold a public hearing on the following zoning case:**

**Consider the application of Shearer Design and Associates requesting approval of a change in zoning from Office 1 District to a Planned Development District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay. This property is located at the west side of Murphy Road,**

**approximately 480 feet south of the intersection of Murphy Road and Campbell Road (Lot 7, Block 1, Campbell Crossing Office Park). (District 1, File 14-36)**

*The proposal is to allow for Retail Sales/Personal Service Uses with approval of a Specific Use Permit on a lot within an office development. At the September 8, 2014 meeting, the Plan Commission recommended approval of this request.*

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

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

- *Allen (Mike) McCorstin – Library Board (District 3)*

**11. Citizen comments.**

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

**12. Adjourn.**

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

The Garland City Council and Plan Commission met in a Special Joint Meeting September 11, 2014, in the Plaza Theater, 521 W. State Street, Garland, Texas, with the following Council Members present:

Mayor	Douglas Athas
Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
Mayor Pro Tem	Jim Cahill
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	Billy Mack Williams, arrived 7:36
Council Member	Lori Barnett Dodson
Council Member	Scott LeMay

PLAN

COMMISSIONERS:

Chairman	Scott Roberts
Commissioner	Stan Luckie
Commissioner	Chester Johnson
1 <sup>st</sup> Vice Chairman	Wayne Dalton
Commissioner	John O'Hara
Commissioner	Truett Welborn
2 <sup>nd</sup> Vice Chairman	Robert Vera
Commissioner	Maxwell Fisher, absent
Commissioner	Christopher Ott

STAFF PRESENT:

Deputy City Manager	Martin Glenn
City Attorney	Brad Neighbor
Director of Planning	Anita Russelmann
City Secretary	Lisa Palomba

CALL TO ORDER:

Mayor Athas called the meeting to order at 7:00 p.m.

PRESENTATION:

Director of Planning Anita Russelmann and Planning Staff presented the draft of the Garland Department Code (GDC) and Zoning Map.

PUBLIC HEARING

Mayor Athas opened the public hearing at 7:26 p.m. to accept comment. The following persons offered comment:

John Abbott, 4701 Princeton Drive, antenna support structures and setbacks; Craig Turner, 310 E. IH-30, recreational vehicle facility; Garold May, 3302 Glenbrook, digital signage for churches in residential areas, Dino Quintanilla, 1214 Trinidad Lane, Document 1, Chapter 1 not clear; Holley Holleman, 1718 Melrose Street, illegally parked vehicles, Ken Garner, 1919 S. Shiloh Road, home occupations, Julie Borik, 502 Rivercove Drive, not enough

time to review draft; Reggie Boirk, 502 Rivercove Drive, not enough time to review draft, small business concerns, concern of property values; Philip Lanthrop, 2921 S. Garland Avenue, automotive uses, planned developments, zoning change process; Jamie Brittain, 1318 O' Shannon Lane, preservation of property rights, quality of life issues, infill development, transparency, accountability, alternative compliance, concerns about administrative approvals and eminent domain; Dorothy Zimmerman, 4802 Vera Cruz, mix use concerns, economic development; Kelly Rogala, 1120 W. Avenue A, sign toppers and street appearance; John Willis, 2116 Patricia Lane, consider Envision Garland, review of existing studies and catalyst areas; Jim Stafford, 1222 Tralee, antenna restrictions. The following persons completed a card requesting postponement of a vote but were not in attendance to speak: Linda Duffin, 2506 Ivanridge Circle; J.D. Ray, 2601 Duchess; Katrina Pierson, 3409 Queenswood Lane; Barb Stauffer, 5509 Castlevue Lane; Pamela Stoneham, 3618 Holly Tree Trail; Ladd Stauffer.

Mayor Athas noted the Public Hearing is continued until September 18, 2014 at 7 p.m. to be held at the same location. There being no further business, Mayor Athas adjourned the meeting at 9:15 p.m.

**CITY OF GARLAND**

Signed:

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Douglas Athas, Mayor

ATTEST:

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Lisa Palomba, City Secretary

The Garland City Council and Plan Commission met in a Special Joint Meeting September 18, 2014, in the Plaza Theater, 521 W. State Street, Garland, Texas, with the following Council Members present:

Mayor	Douglas Athas
Mayor Pro Tem	Jim Cahill, absent
Council Member	Anita Goebel, absent
Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	Billy Mack Williams
Council Member	Lori Barnett Dodson
Council Member	Scott LeMay, arrived 7:33 p.m.

PLAN

COMMISSIONERS:

Chairman	Scott Roberts
Commissioner	Stan Luckie
Commissioner	Chester Johnson
1 <sup>st</sup> Vice Chairman	Wayne Dalton
Commissioner	John O'Hara
Commissioner	Truett Welborn
2 <sup>nd</sup> Vice Chairman	Robert Vera, absent
Commissioner	Maxwell Fisher
Commissioner	Christopher Ott, absent

STAFF PRESENT:

Deputy City Manager	Martin Glenn
City Attorney	Brad Neighbor
Director of Planning	Anita Russelmann
City Secretary	Lisa Palomba

CALL TO ORDER:

Mayor Athas called the meeting to order at 7:00 p.m.

PUBLIC HEARING

Mayor Athas opened the public hearing to receive comments regarding the draft of the Garland Development Code (GDC) and Zoning Map (continued from September 11, 2014).

The following persons offered comment: Robert Smith, 115 N. 9<sup>th</sup> Street, property restrictions, hindrance of creativity, signage, look at each case individually; Dorothy Zimmerman, too many restrictions, consider small chunks of new development rather than all at once; Kenneth Saunter, 2633 Ashglen Drive, impressed so far, concern of Agenda 21, Garland should remain locally controlled, Julie Borik, 502 Rivercove Drive, notification of proposed zoning changes, Lucian Giambasu, 2203 English Drive, signage, historic sign preservation, excellent Garland housing stock, Highway 78 Catalyst area; Eric Suyvesant, 1212 W. Avenue E, pathway

to change; Paul Zimmerman, Centerville Market, Agenda 21 concerns; Regina Daniels, 5129 Wood Creek Lane, I-90 Corridor and Zoning notifications.

Mayor Athas noted the Public Hearing is continued until September 25, 2014 at 7 p.m. to be held at the same location. There being no further business, Mayor Athas adjourned the meeting at 8:02 p.m.

**CITY OF GARLAND**

Signed:

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Douglas Athas, Mayor

ATTEST:

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Lisa Palomba, City Secretary

The Garland City Council and Plan Commission met in a Special Joint Meeting September 25, 2014, in the Plaza Theater, 521 W. State Street, Garland, Texas, with the following Council Members present:

Mayor	Douglas Athas, absent
Mayor Pro Tem	Jim Cahill, absent
Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	Billy Mack Williams
Council Member	Lori Barnett Dodson
Council Member	Scott LeMay

PLAN

COMMISSIONERS:

Chairman	Scott Roberts
Commissioner	Stan Luckie
Commissioner	Chester Johnson
1 <sup>st</sup> Vice Chairman	Wayne Dalton
Commissioner	John O'Hara
Commissioner	Truett Welborn
2 <sup>nd</sup> Vice Chairman	Robert Vera, absent
Commissioner	Maxwell Fisher
Commissioner	Christopher Ott

STAFF PRESENT:

Deputy City Manager	Martin Glenn
City Attorney	Brad Neighbor
Director of Planning	Anita Russelmann
City Secretary	Lisa Palomba

CALL TO ORDER:

Deputy Mayor Pro Tem Campbell called the meeting to order at 7:00 p.m. and explained the purpose for tonight's meeting and introduced Plan Commission Chairman Scott Roberts who will preside in absence of Mayor Athas.

PUBLIC HEARING

Chairman Roberts opened the public hearing to receive comments regarding the draft of the Garland Development Code (GDC) and Zoning Map (continued from September 18, 2014).

The following persons offered comment: Jerry Chandler, 3212 Staghorn Circle, tiny house communities, meet up groups, provided handouts; Barbara Onstott representing Datatronic Control, 5130 Dexham Road, Rowlett, Inc., add digital signage to GDC; Bill Foose, 3129 Hanover Street, Dallas, 75225, concern regarding elimination of Freeway Zoning, IH-30 and Bobtown Road Vicinity; handouts

provided; Dorothy Zimmerman, 4802 Vera Cruz Drive, too much reliance on staff, colors on sign outside, consideration of more than one proposal; Julie Borik, 502 Rivercove Drive, Comprehensive Plan, Envision Garland, Agenda 21, home businesses, concern of integrity loss of owner occupied homes, staff control, downtown concerns and restriction on cars; Reggie Borik, 502 Rivercove Drive, Chapter 1, Article 7, 2.749(b) non conformity due to acquisition of public right-of-way; Chris Galusha, 4302 Glenleigh Drive, Dallas, masonry construction and definitions, lower square footage and tiny house movement; alternative compliance; Angela Alcorn, 3802 Roan Circle, tiny houses and reference to Portland tiny house community; John Willis, 2116 Patricia Lane, consider catalyst areas, existing schematic for IH-30 should be included; consider existing studies, incorporate all in document; and document still needs work; Barb Stauffer, 5509 Castleview Lane, consider population of Garland, number of households, median incomes, and objective of GDC; Janie Brittain, 1318 O'Shannon Lane, redevelopment and infill, private endeavors, HUD grants, apartments not family friendly, and against GDC.

Chairman Roberts closed the public hearing and offered information regarding next steps in the GDC adoption process. Deputy Mayor Pro Tem Campbell offered closing comments. There being no further business, Deputy Mayor Pro Tem Campbell adjourned the meeting at 8:50 p.m.

## **CITY OF GARLAND**

Signed:

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Douglas Athas, Mayor

ATTEST:

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Lisa Palomba, City Secretary

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, September 16, 2014, in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Jim Cahill
Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	Billy Mack Williams
Council Member	Lori Barnett Dodson
Council Member	Scott LeMay

STAFF PRESENT:

City Manager	William E. Dollar
City Attorney	Brad Neighbor
City Secretary	Lisa Palomba

CALL TO ORDER: Mayor Athas called the meeting to order. District 2 Council Member Anita Goebel led the Invocation followed by the Pledge of Allegiance.

PROCLAMATIONS: 1) Tony Torres accepted the proclamation for Hispanic Heritage Month.

RECOGNITIONS: Mayor Athas introduced newly appointed 2014-2015 members of the Garland Youth Council.

ANNOUNCEMENTS: Council Member Stanley offered the following announcements: 1) Mosquito spraying will be held this evening south of IH-30; and 2) A Town Hall Meeting will be held on September 24, 2014 from 6 – 7:30 p.m. at the Garland Women's Center.

Mayor Athas announced the following: 1) The Healthy Living Expo is scheduled for Saturday, September 27, 2014 from 9 a.m. to 1 p.m. at the Curtis Culwell Center, 4999 Naaman Forest Blvd. 2) Registration is now open for the 2014 Garland Neighborhood Summit, set for Saturday, October 25, 2014 from 8 a.m. to 2 p.m. at the Hyatt Place in Garland; 3) Dallas County Elections will host a voter registration event on September 23, 2014, 10 a.m. to 2 p.m. at the Garland Tax Office located at 140 N. Garland Avenue; 4) Register for Garland E-news at [GarlandTx.gov](http://GarlandTx.gov) and click on the E-News link at the top of the page and 5) Visit Garland Eyes Exhibit now showing at the Performing Arts Center.

- CONSENT AGENDA: All items marked with asterisks (\*\*) on the consent agenda were voted on at the beginning of the meeting. Mayor Athas read the items into the record. A motion was made by Council Member Goebel, seconded by Council Member Stanley, to approve items: 1; 2; 3; 4; 5; 6; and 7. A vote was cast and the motion carried with 9 ayes, 0 nays.
1. APPROVED\*\* Minutes of the August 28, 2014 Special Meeting and September 2, 2014 Regular Meeting.
  2. APPROVED\*\* Ordinance No. 6733 amending the zoning laws of the City of Garland by approving an amendment of Planned Development District 86-34 for Shopping Center Uses, an amendment of the Concept Plan, and a Detail Plan for a Medical Office/Clinic on a 1.169-acre tract of land located on the west side of Murphy Road approximately 450 feet north of the intersection of Murphy Road and East Campbell Road. (Zoning File No. 14-32, Gonzalez & Schneeberg)
  3. APPROVED\*\* Ordinance No. 6734 authorizing the issuance of "City of Garland, Texas Tax Notes, Series 2014", specifying the terms and features of said notes; levying a continuing direct annual ad valorem tax for the payment of said notes; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said notes, including the approval and execution of Paying Agent/Registrar Agreement and a Purchase Letter; and providing an effective date.
  4. APPROVED\*\* Minute action authorizing the City Manager to execute an alignment study contract with Huitt-Zollars, Inc. in the amount of \$183,259. The limits of the project are Bobtown Road from Rowlett Road to Waterhouse Boulevard and Waterhouse Boulevard from Bobtown Road to Hayman Drive.
  5. APPROVED\*\* Minute action authorizing the City Manager to execute a design contract with Teague Nall & Perkins, Inc. in an estimated amount of \$491,600. The contract will include the design, geotechnical, and survey services for drainage, water, sanitary sewer, and paving improvements in the vicinity of Parkmont Drive. The limits of the project are Saturn Road, Kingsley Road, Glenbrook Drive, and Saturn Springs Drive.

6. APPROVED\*\* Ordinance No. 6735 amending Section 50.31 of Chapter 50, "Utility Rates and Fees", of the Code of Ordinances of the City of Garland.
7. APPROVED\*\* Resolution No. 10160 rescheduling the October 7, 2014 Regular Meeting of the Garland City Council to October 6, 2014 in order to allow the Mayor and Council Members the opportunity to participate in local National Night Out activities in the community.

#### ITEMS FOR INDIVIDUAL CONSIDERATION

8. APPROVED Council Member LeMay nominated Dolores Elder-Jones as representative to the Garland Housing Finance Corporation Board of Directors to serve a term ending August 31, 2020. No other names were placed in nomination. Council Member B.J. Williams moved, seconded by Council Member Goebel, to accept the nomination. A vote was cast and the nomination carried with 9 ayes, 0 nays.
- 9a. APPROVED Director of Planning Anita Russelmann provided information relating to the application of Nandanvan One, Inc., requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Planned Development (PD) District 10-05 for Central-Area 2 (CA-2) Uses. The property is located at 509 West Avenue D. (File No. 14-33, District 2)
- Mayor Athas opened the public hearing to accept comment. No one spoke during the hearing. Mayor Athas closed the public hearing.
- Council Member Goebel made a motion, seconded by Council Member Stanley, to approve the request and directed staff to bring forth an ordinance for formal consideration. A vote was cast and the motion carried with 9 ayes, 0 nays.
- 9b. APPROVED Director of Planning Anita Russelmann provided background information regarding the application INU USA, Inc. requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Shopping Center (SC) District. The property is located at 2435 West Miller Road. (File No. 14-35, District 8)

Mayor Athas opened the public hearing to accept comment. No one spoke during the hearing. Mayor Athas closed the public hearing.

Mayor Pro Tem Cahill made a motion, seconded by Council Member LeMay, to approve the request and directed staff to bring forth a formal ordinance for consideration. A vote was cast and the motion carried with 9 ayes, 0 nays.

10. APPOINTMENTS: A vote was cast and the motion carried with 9 ayes, 0 nays as the following names were place in nomination:

- Morrison “Dale” Adams – Plumbing and Mechanical Board (District 5)
- Perry Don Starkey – Parks and Recreation Board (District 6)
- Douglas Alan Williams – Housing Standards Board (District 6)

11. COMMENTS: Dorothy Zimmerman spoke regarding the proposed Garland Development Code; City Council committee policy and representative government; Matthew Cerralvo spoke regarding neighborhood code issues; and Margie Sloan thanked Council Members for their service and offered a prayer.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 7:29 p.m.

## **CITY OF GARLAND**

Signed:

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Douglas Athas, Mayor

ATTEST:

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Lisa Palomba, City Secretary



## Purchasing Report

### TREE TRIMMING AND VEGETATION MANAGEMENT TERM CONTRACT

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide tree trimming and vegetation management services for Garland Power & Light and Texas Municipal Power Agency. The vegetation management is necessary to maintain system reliability and ensure regulatory compliance. This is a term contract with four (4) renewal options. The award is based on labor and equipment hourly rates which will remain firm for the first term. Any subsequent price increases must be justified and mutually agreed upon. Expenditures will not exceed funds appropriated.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Asplundh Tree Expert Company, Inc.	All	\$600,000.00
<b>TOTAL:</b>		\$600,000.00

**BASIS FOR AWARD:**

**Best Value**

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.  
 Director of Purchasing

Reviewed by:

William E. Dollar  
 City Manager

Date: 09/25/14

Date: 09/29/14

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	600,000
Proposed Balance: \$	N/A
Trent Schulze	29SEP2014
Budget Analyst	Date
Ron Young	29SEP201
Budget Director	Date
Operating Budget: <input checked="" type="checkbox"/> CIP: <input type="checkbox"/> Year: FY 2014-15 Document Location: p. D-64 Account #: 211-3523-7111 211-3542-7111 Fund/Agency/Project – Description: GP&L - Transmission Comments: Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.	

**CITY OF GARLAND - BID RECAP SHEET**  
**OPENED: 09/04/2014**  
**REQ. NO. PR 33336**  
**BID NO. 4684-14**  
**PAGE: 1 of 1**  
**BUYER: M. Rinewalt**

Asplundh Tree Expert  
 Company, Inc.

I T E M	QTY	U N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lot	Bid Price for Evaluation - Total		\$423.52				
			of hourly rates in 19 labor and equipment categories.						
			Evaluation Criteria:						
			Price	Maximum = 40	40				
			Safety and Training Policies	Maximum = 20	0				
			Availability of Resources	Maximum = 20	20				
			Professionalism	Maximum = 10	10				
			Reputation in Industry	Maximum = 10	10				
			Total	Maximum = 100	80				

TOTAL GROSS PRICE			\$600,000.00		
CASH DISCOUNT					
TOTAL NET PRICE					
F.O.B.			DELIVERED		
DELIVERY					

<b>NEXT LOW:</b>	<b>N/A</b>	1235 # BidSync Notifications	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. <u>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.</u>
<b>LOW:</b>	<b>\$600,000.00</b>	1 # BidSync HUBS	
<b>SAVINGS:</b>	<b>N/A</b>	62 # Direct Contact HUBS	
		0 # HUBS Responded	



# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 4684-14** **Tree Trimming and Vegetation Management**

**Recommended Vendor:**

Asplundh Tree Expert Company, Inc.

**Total Recommended Award:**

\$600,000.00

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this contract is to provide tree trimming and vegetation management services for Garland Power & Light and Texas Municipal Power Agency. The vegetation management is necessary to maintain system reliability and ensure regulatory compliance. This is a term contract with four (4) renewal options.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Due to the specialized nature of working near power lines, only one (1) bid was received and evaluated. Asplundh Tree Expert Company, Inc. submitted a bid that was within budget and within their capabilities. The City has used Asplundh in the past and is pleased with their performance.

**Recommendation:**

Staff recommends awarding the contract to Asplundh Tree Expert Company, Inc.

**Funding Information:**

GP&L operating accounts 211-3523-7111 and 211-3542-7111

**Department Director:**

Ross Owen, Transmission & Distribution Director, 972-205-3532



# Purchasing Report

## CENTRAL PARK PLAYGROUND IMPROVEMENTS OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide construction of a new playground in Central Park. This project incorporates enhanced universal access design elements that will improve wheelchair access throughout the play area. Construction for this project will be provided by CORE Construction, Inc. through the National Cooperative Purchasing Alliance Contract 04-03. The project was approved in the 2014 park capital improvements program.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Core Construction	1	\$470,000.00
Optional Contingency	2	10,000.00
	<b>TOTAL:</b>	<b>\$480,000.00</b>

**BASIS FOR AWARD:**

**Cooperative Purchase**

Submitted by:  
 \_\_\_\_\_  
 Gary L. Holcomb, CPPO, C.P.M.  
 Director of Purchasing

Reviewed by:  
 \_\_\_\_\_  
 William E. Dollar  
 City Manager

Date: 09/26/14

Date: 9/30/14

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	500,000
Expended/Encumbered to Date:	19,048
Balance: \$	480,952
This Item:	480,000
Proposed Balance: \$	952
Matt Watson	9/29/14
Budget Analyst	Date
Ron Young	9/29/14
Budget Director	Date

Operating Budget:  CIP:  Year: 2014

Document Location: P18

Account #: 614-2499-1833804-9002

Fund/Agency/Project – Description:  
GO 2004/Parks/Playground Improvements

Comments:  
New Playground in Central Park





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 4716-14** **Central Park Playground Improvements**

**Recommended Vendor:**

CORE Construction, Inc.

**Total Recommended Award:**

\$490,000.00

**Basis for Award:**

Cooperative Purchase

**Purpose:**

The purpose of this contract is to provide construction of a new playground in Central Park. This project incorporates enhanced universal access design elements that will improve wheelchair access throughout the play area. The project was approved in the 2014 park capital improvements program.

**Evaluation:**

Construction for this project will be provided by CORE Construction, Inc. through the National Cooperative Purchasing Alliance Contract 04-03.

**Recommendation:**

Staff recommends awarding the Central Park playground improvements to CORE Construction, Inc.

**Funding Information:**

614-2499-1833800-9002

**Department Director:**

Jim Stone, Managing Director, Parks Recreation and Cultural Arts, 972-205-2759



## Purchasing Report

### WOOD UTILITY POLES TERM CONTRACT

**PURCHASE JUSTIFICATION:**

The purpose of this bid is to establish a term contract with four (4) renewal options for wood utility poles. These poles are Warehouse inventory items are used to support GP&L's transmission and distribution operations. The quantities are estimated and may be more or less depending on actual needs. The contract is awarded by unit price which will remain firm for the first year. Any subsequent changes must be justified and mutually agreed upon.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
TEC Electric Utility Supply	All	\$150,246.00
<b>TOTAL:</b>		\$150,246.00

**BASIS FOR AWARD:**

**Straight Low Bid**

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.  
 Director of Purchasing

Reviewed by:

William E. Dollar  
 City Manager

Date: 09/26/14

Date: 9/29/14

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	\$150,246
Proposed Balance: \$	N/A
Ron Tiffany	9/29/14
Budget Analyst	Date
Ron Young	9/29/14
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: <u>2014</u>
Document Location: _____		
Account #: 451-6999 (451)-1300)		
Fund/Agency/Project – Description: Term Contract – Wood Utility Pools Warehouse inventory		
Comments: Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.		





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid 4738-14  
Wood Utility Poles

**Recommended Vendor:**

TEC Utility Supply

**Total Recommended Award:**

\$150,246.00

**Basis for Award:**

Straight Low Bid

**Purpose:**

The purpose of this bid is to establish a term contract with four (4) renewal options for wood utility poles. These poles are Warehouse inventory items are used to support Garland Power & Light's transmission and distribution operations.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated. TEC Electric Utility Supply was the lowest bidder on all items.

**Recommendation:**

Staff recommends awarding the term contract to TEC Electric Utility Supply as the straight low bidder.

**Funding Information:**

Blanket account number 451-6999

**Department Director:**

Gary L. Holcomb, Director of Materials Management, 972-205-2425



## Purchasing Report

### UTILITY AND TAX BILLING SERVICES TERM CONTRACT

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide utility and tax billing services including printing, insertion, and mailing. This is a term contract through October 22, 2017 with annual renewal options. The City outsourced its utility and tax billing operations to CSG/DataProse, Inc. in September 2008 and has been satisfied with their performance. The expiring contract is being renewed through an interlocal agreement with the City of Baytown.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
CSG/Data Prose, Inc.	All	\$676,550.00
<b>TOTAL:</b>		<u>\$676,550.00</u>

**BASIS FOR AWARD:**

**Interlocal Agreement**

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.  
Director of Purchasing

William E. Dollar  
City Manager

Date: 09/25/14

Date: 9/29/14

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	<u>N/A</u>
Expended/Encumbered to Date:	<u>N/A</u>
Balance: \$	<u>N/A</u>
This Item:	<u>676,550</u>
Proposed Balance: \$	<u>N/A</u>
Matt Monedero	<u>9/29/2014</u>
Budget Analyst	Date
Ron Young	<u>9/29/2014</u>
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: <u>2013-14</u>
Document Location: <u>Pages 126-127</u>		
Account #:	461-4903-7141	\$463,050.00
	461-4903-7111	\$213,500.00
<b>Fund/Agency/Project – Description:</b>		
Term Contract – Renewal of interlocal agreement related to tax billing services		
<b>Comments:</b>		
Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 4785-14** **Term Contract for Utility and Tax Billing Services**

**Recommended Vendor:**

CSG/DataProse, Inc.

**Total Recommended Award:**

\$676,550.00

**Basis for Award:**

Interlocal Agreement

**Purpose:**

The purpose of this contract is to provide utility and tax billing services including printing, insertion, and mailing. This is a term contract through October 22, 2017 with annual renewal options.

**Evaluation:**

The City outsourced its utility and tax billing operations to CSG/DataProse, Inc. in September 2008 and has been satisfied with their performance. The expiring contract is being renewed through an interlocal agreement with the City of Baytown.

**Recommendation:**

Staff recommends continuing the contract with CSG/DataProse, Inc. through an interlocal agreement with the City of Baytown.

**Funding Information:**

\$463,050.00 461-4903-7141 Postage  
\$213,500.00 461-4903-7111 Billing and inserting

**Department Director:**

Kevin Slay, Managing Director of Customer Service, 972-205-2646



# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 14-33 Nandanvan One, Inc.

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Anita Russelmann  
Director of Planning**

**Approved By:**

**William E. Dollar  
City Manager**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON A 1.087-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 10-05 FOR CENTRAL AREA 2 (CA-2) USES AND LOCATED AT 509 WEST AVENUE D; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 25th day of August, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Nandanvan One, Inc.**; and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 1.087-acre tract of land zoned Planned Development (PD) District 10-05 for Central Area 2 (CA-2) Uses and located at 509 West Avenue D and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

**Section 3.**

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

**Section 4.**

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

FILE NO. 14-33

**Section 5.**

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 14-33**

Being approximately a 1.087 being known as Lot 1, Block 1, Old Town General Store Addition, an addition to the City of Garland shown on the Plat recorded in Volume 20070334426, of the Plat Records of Dallas County, Texas. This property is located at 509 West Avenue D, north of West Avenue D and east of South Santa Fe Street.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 14-33

### 509 West Avenue D

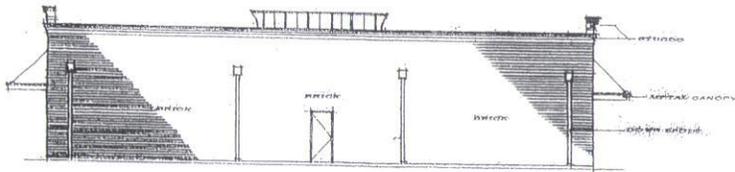
- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Retail Sales with Gas Pumps subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Central Area-2 (CA-2) District set forth in Section 28 and 33 of the Comprehensive Zoning Ordinance shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a period of twenty (20) years.
  - B. Downtown Development Standards: Development on the subject property shall comply with the Downtown Development Standards, except where specified otherwise by these requirements.
  - C. Site Plan: Development of the southern portion of the property shall be in general conformance with the approved site plan labeled Exhibit C.
  - D. Landscape: Landscape shall be in general conformance with the approved Landscape Plan labeled Exhibit D.
  - E. Building Elevations: Building elevations shall be in general conformance with the approved elevations labeled Exhibit C.
  - F. Parking Requirements: The gas station/convenience store shall provide a minimum of twenty (20) parking spaces.
  - G. Drainage Requirements: Each phase of the development shall comply with the requirements of the City of Garland Engineering Department in regards to drainage on the site. This phase of the development shall not exceed 0.94-acres of impervious area. If the total impervious area of the development exceeds 0.94-acres, then a detention pond or downstream improvements may be required.

- H. Refuse Container: The refuse container shall be located as shown on the Site Plan (Exhibit C). The screening wall around the refuse container shall comply with the requirements of Section 9.5 of the City of Garland Screening and Landscape Ordinance.
  
- I. Surety Bond: The owner/operator shall provide a \$40,000 surety bond or similar security to the City of Garland to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operation for a period of two or more years. (Section 10-309(C) of the Comprehensive Zoning Ordinance).



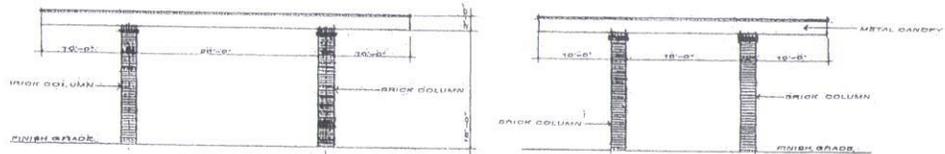
PROPOSED NORTH, SOUTH, & EAST ELEVATION

17/60-0  
 25% BRICK  
 25% STUCCO

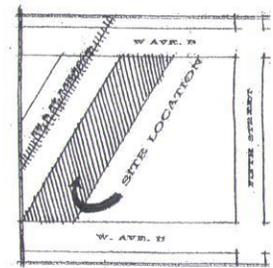


PROPOSED WEST ELEVATION

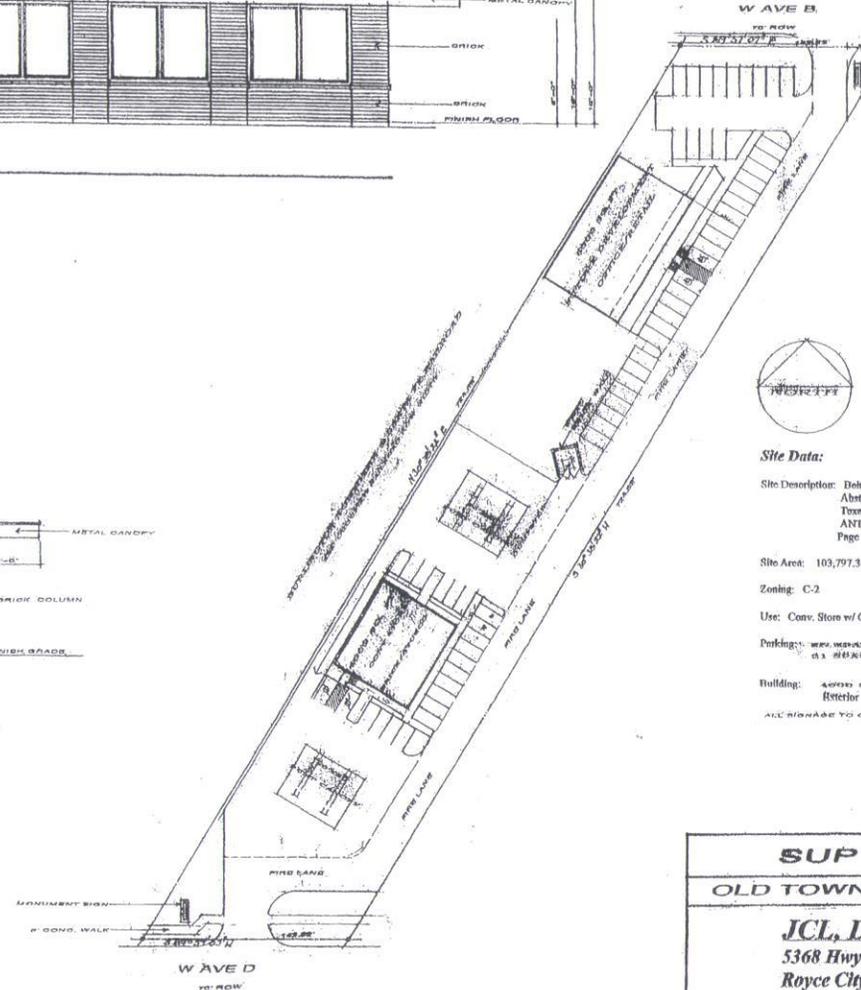
17/60-0  
 100% BRICK



PROPOSED GAS PUMP CANOPY

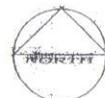


LOCATION MAP



SITE PLAN

17/60-0



Site Data:

Site Description: Being a tract of land situated in the Abene Koen Survey, Abstract No. 751, in the City of Garland, Dallas County, Texas. Being a portion of a tract of land conveyed to ANT Properties, LLC by deed recorded in Volume 99019 Page 458 of the Deed Records of Dallas County, Texas.

Site Area: 103,797.34 sq. ft. / 2.38 acres

Zoning: C-2

Use: Conv. Store w/ Gas pumps

Parking: SEE MANUFACTURED HOMEWORKS AT 3000 W. AVE. D FOR DETAILS

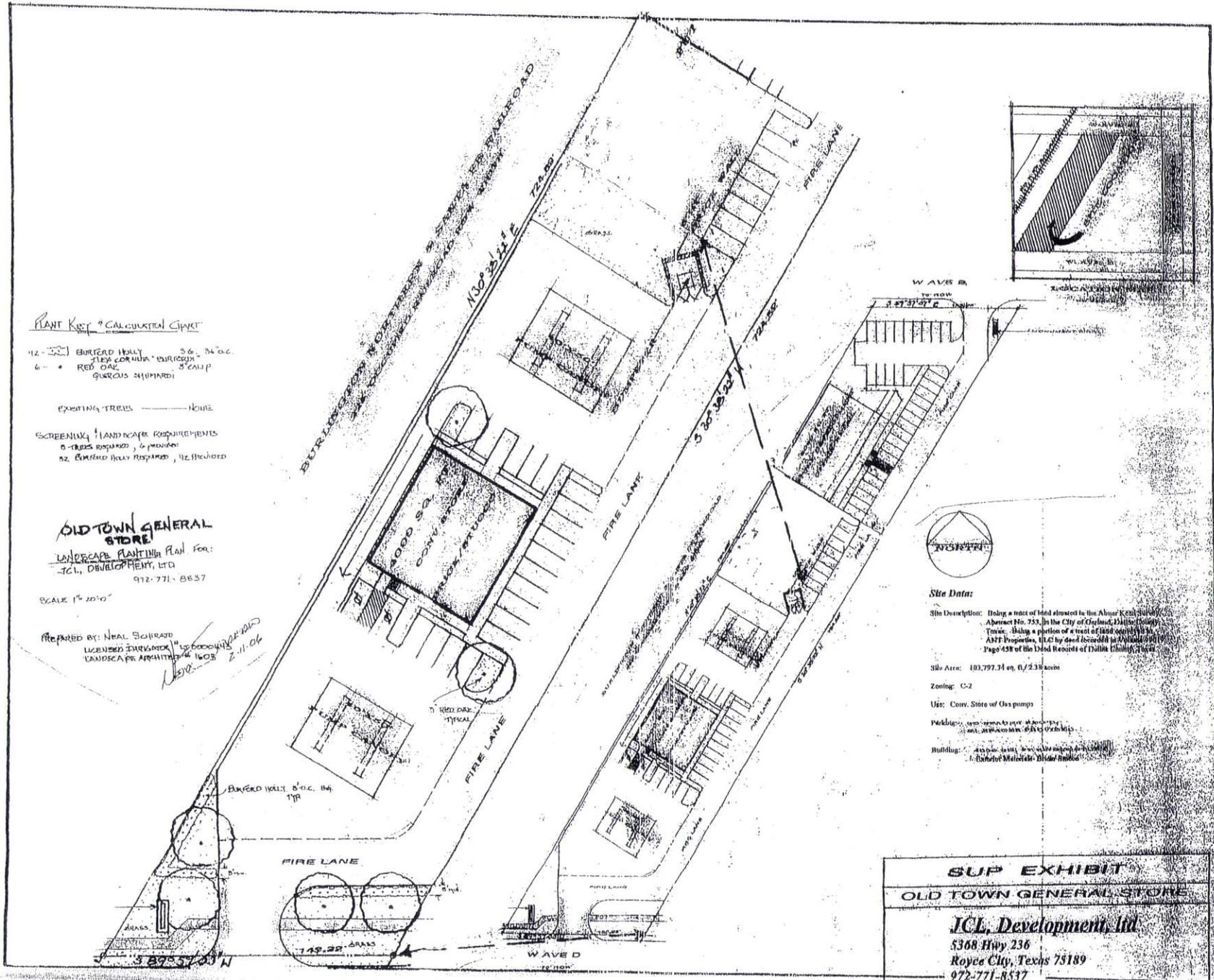
Building: 4000 SQ. FT. SINGLE STORY  
 Exterior Materials - Brick/ Stucco

ALL SIGNAGE TO COMPLY WITH EXIST. ORDINANCE

<b>SUP EXHIBIT</b>	
<b>OLD TOWN GENERAL STORE</b>	
<b>JCL, Development, Ltd</b> 5368 Hwy 236 Royce City, Texas 75189 972-771-8537 469-698-9120 fax	
DATE: 11/10/08	DRAWN BY: SUP-11

EXHIBIT C

EXHIBIT D



<b>SUP EXHIBIT</b>
<b>OLD TOWN GENERAL STORE</b>
<b>JCL Development, Ltd.</b>
5368 Hwy 236 Royce City, Texas 75189 972-771-8537



# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 14-35 INU USA, Inc.

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Anita Russelmann  
Director of Planning**

**Approved By:**

**William E. Dollar  
City Manager**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON A 1.706-ACRE TRACT OF LAND ZONED SHOPPING CENTER (SC) DISTRICT AND LOCATED AT 2435 WEST MILLER ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 25th day of August, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **INU USA, Inc.**; and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 1.706-acre tract of land zoned Shopping Center (SC) District and located at 2435 West Miller Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

**Section 3.**

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

**Section 4.**

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

FILE NO. 14-35

**Section 5.**

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 14-35**

Being a 1.706 acre tract being known as Lot 1, Block 1, Town and Country Addition, an addition to the City of Garland as shown on the Plat recorded in Volume 96007, Page 1866, of the Plat Records of Dallas County, Texas. This property is located at 2435 West Miller Road, north of West Miller Road and east of South Shiloh Road.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 14-35

#### 2435 West Miller Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the operation of a gas station under new ownership.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of Section 10-309 and the Shopping Center (SC) District set forth in Section 24, 33 and 48 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 20 year time period.
  - B. Site Plan: Subject property shall remain in general conformance with site plan labeled Exhibit C.
  - C. Surety Bond: The owner/operator shall provide a \$40,000 surety bond or similar security to the City to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operation for a period of two or more years, Section 10-309(c) of the Comprehensive Zoning Ordinance.





# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## Bond Refunding – General Obligation Refunding, Series 2014A

### Summary of Request/Problem

At the August 18, 2014 Work Session, Council considered authorizing a Bond Refunding of approximately \$44 million General Obligation Refunding Bonds Series 2005A. The purpose of the refunding transaction is to achieve future debt service savings of approximately \$4 million.

### Recommendation/Action Requested and Justification

Approve the sale of General Obligation Refunding Bonds, Series 2014A.

**Submitted By:**

**David Schuler**  
Managing Director

**Approved By:**

**William E. Dollar**  
City Manager

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

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A"; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Garland, Texas (the "City") has heretofore issued, sold, and delivered, and there is currently outstanding obligations of the following issue or series: "City of Garland, Texas, General Obligation Refunding Bonds, Series 2005A," dated March 15, 2005, scheduled to mature on February 15 in each of the years 2016 through 2020, inclusive, and aggregating in the principal amount of \$37,485,000 (hereinafter referred to as the "Refunded Obligations");

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of sale directly with the place of payment for the Refunded Obligations, or other authorized depository, and such deposit, when made in accordance with said statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

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

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

SECTION 1: Authorization - Designation - Principal Amount - Purpose. General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "CITY OF GARLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A" (hereinafter referred to as the "Bonds"), for the purpose of providing funds for the discharge and final payment of certain outstanding obligations of the City (identified in the preamble hereof and referred to as the "Refunded Obligations") and to pay costs of issuance, in accordance with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended.

SECTION 2: Fully Registered Obligations - Bond Date - Authorized Denominations- Stated Maturities - Interest Rates. The Bonds shall be issued as fully registered obligations only, shall be dated November 1, 2014 (the "Bond Date"), shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, and shall become due and payable on February 15 in each of the years and in the principal amounts (the "Stated Maturities") and bear interest at the rate(s) per annum in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate(s)</u>
2015	\$ _____	
2016		
2017		
2018		
2019		
2020		

The Bonds shall bear interest on the unpaid principal amounts from the date of initial delivery of the Bonds at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on August 15 and February 15 in each year, commencing February 15, 2015, until maturity.

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

The selection and appointment of The Bank of New York Mellon Trust Company, N.A., Dallas, Texas to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, transfer and exchange of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, as provided herein and in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A**, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds, shall be payable at the Stated Maturities thereof only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Bonds shall be paid to the Holders whose names appear in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for

such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

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

SECTION 4: No Redemption. The Bonds are not subject to redemption prior to maturity.

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

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

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

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

pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

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

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 11 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

**SECTION 6: Book-Entry-Only Transfers and Transactions.** Notwithstanding the provisions contained in Sections 3, 4 and 5 hereof relating to the payment, and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations, by and between the City and DTC (the "Depository Agreement").

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

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

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

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

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

SECTION 9: Forms.

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

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

(b) Form of Definitive Bond.

REGISTERED  
NO. \_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF GARLAND, TEXAS  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2014A

Bond Date:                      Interest Rate:                      Stated Maturity:                      CUSIP No.:  
November 1, 2014                      \_\_\_\_\_%                      February 15, 20\_\_                      \_\_\_\_\_

Registered Owner:

Principal Amount:

The City of Garland (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas, Collin and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof (the "Registered Owner"), on the Stated Maturity date specified above the Principal Amount hereinabove stated (without right of prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the date of initial delivery of the Bonds) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2015, until maturity. Principal of this Bond shall be payable at its Stated Maturity to the Registered Owner hereof upon presentation and surrender at the designated offices of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$\_\_\_\_\_ (herein referred to as the "Bonds") for the purpose of providing funds for the discharge and final payment of the Refunded Obligations (identified and defined in the Ordinance hereinafter referenced), and to pay costs of issuance, under and in strict conformity with the Constitution and laws of the State of Texas and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at its maturity, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

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

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

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as

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

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

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

COUNTERSIGNED:

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

(City Seal)

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

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER )  
OF PUBLIC ACCOUNTS ) REGISTER NO. \_\_\_\_\_  
THE STATE OF TEXAS )

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

WITNESS my signature and seal of office this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

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

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

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

The designated offices of the Paying Agent/Registrar in East Syracuse, New York is the "Designated Payment/Transfer Office" for this Bond.

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A., Dallas, Texas, as Paying  
Agent/Registrar

Registration date:

\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature

(e) Form of Assignment.

ASSIGNMENT

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

(Social Security or other identifying number \_\_\_\_\_) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED:

\_\_\_\_\_  
Signature guaranteed:

\_\_\_\_\_

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

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

Heading and first paragraph shall read as follows:

REGISTERED  
NO. T-1

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF GARLAND, TEXAS  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2014A

Bond Date: November 1, 2014

Registered Owner:

Principal Amount:

The City of Garland (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas, Collin and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof (the "Registered Owner"), the Principal Amount hereinabove stated on February 15 in each of the years and in the principal installments in accordance with the following schedule:

<u>STATED</u> <u>MATURITY</u>	<u>PRINCIPAL</u> <u>INSTALLMENTS</u>	<u>INTEREST</u> <u>RATES</u>
----------------------------------	---	---------------------------------

(Information to be inserted from schedule in Section 2 hereof)

(without right of prior redemption) and to pay interest on the unpaid Principal Amount hereof from the date of initial delivery of the Bonds at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2015, until maturity. Principal installments of this Bond are payable on the Stated Maturity dates to the registered owner hereof by The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender at its designated offices, initially in East Syracuse, New York, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner

hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

**SECTION 10: Levy of Taxes.** To provide for the payment of the “Debt Service Requirements” of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or redemption or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars’ valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the credit of a “Special 2014A Bond Account” (the “Interest and Sinking Fund”) maintained on the records of the City and deposited in a special fund maintained at an official depository of the City’s funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

The Mayor, Mayor Pro Tem, City Manager, City Secretary and Director of Financial Services of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

**SECTION 11: Mutilated - Destroyed - Lost and Stolen Bonds.** In case any Bond shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

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

SECTION 12: Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

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

SECTION 13: Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 28 hereof. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity,

inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

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

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

(2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and

(3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

#### SECTION 14: Covenants to Maintain Tax-Exempt Status.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income

tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

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

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

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

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

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

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

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of its general fund, other appropriate fund, or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other

Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

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

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

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

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

(l) Current Refunding of the Refunded Obligations. The Bonds are a current refunding of the Refunded Obligations in that the Refunded Obligations are to be paid and redeemed in full within 90 days of the delivery date of the Bonds.

SECTION 15: Sale of Bonds - Official Statement Approval. Pursuant to a public sale for the Bonds, the bid submitted by \_\_\_\_\_ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City. Such bid is hereby accepted and incorporated herein by reference as a part of this Ordinance for all purposes and the sale of the Bonds to the Purchasers at the price of par plus a premium of \$\_\_\_\_\_, is hereby approved, confirmed and determined to be in the best interest of the City. Delivery of the Bonds to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale, which terms of sale are declared to be in the best interests of the City.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and

approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Director of Financial Services or City Secretary, any one or more of said officials), shall be and is hereby in all respects approved and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated October 7, 2014, in the reoffering, sale and delivery of the Bonds to the public. The Mayor or Mayor Pro Tem and City Secretary are further authorized and directed to cause to be delivered for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement shall be deemed to be approved by the Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 16: Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond(s) pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

SECTION 17: Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance and additional proceeds being deposited to the Interest and Sinking Fund) shall be deposited with the Escrow Agent (as defined in Section 18 hereof) for application and disbursement in accordance with the provisions of the Escrow Agreement (as defined in Section 18 hereof). The proceeds of sale of the Bonds not so deposited with the Escrow Agent for the refunding of the Refunded Bonds shall be disbursed for payment of costs of issuance or deposited in the Interest and Sinking Fund for the Bonds.

Additionally, on or immediately prior to the date of the delivery of the Bonds, the Director of Financial Services or other appropriate City official shall cause to be transferred in immediately available funds to the Escrow Agent from moneys on deposit in the interest and sinking fund maintained for the payment of the Refunded Obligations the sum of \$\_\_\_\_\_ to accomplish the refunding.

SECTION 18: Escrow Agreement Approval and Execution; Redemption of Refunded Obligations.

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

Furthermore, appropriate officials of the City in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements on the day of delivery of the Bonds to the Underwriters for deposit of certain proceeds of sale of the Bonds to the credit of the "SPECIAL 2014A CITY OF GARLAND, TEXAS, REFUNDING BOND ESCROW FUND" (the "Escrow Fund"); all as contemplated and provided in Texas Government Code, Chapter 1207, as amended, this Ordinance and the Escrow Agreement.

The Refunded Obligations shall be redeemed and the same are hereby called for redemption on February 15, 2015, at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with a suggested form of notice of redemption to be sent to holders of the Refunded Obligations, with The Bank of New York Mellon Trust Company, N.A. (successor paying agent/registrant to JPMorgan Chase Bank, National Association), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes.

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

**SECTION 19: Notices to Holders - Waiver.** Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

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

**SECTION 20: Cancellation.** All Bonds surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be returned to the City.

**SECTION 21: Legal Opinion.** The obligation of the Purchasers to accept delivery of the Bonds is subject to being furnished a final legal opinion of Fulbright & Jaworski LLP approving such Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on the definitive Bonds or an executed counterpart thereof shall accompany the global Bonds deposited with DTC.

SECTION 22: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 23: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 24: Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 25: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 26: Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 27: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 28: Continuing Disclosure Undertaking.

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

“*MSRB*” means the Municipal Securities Rulemaking Board.

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

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

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2014, financial information and operating data with respect to the City of the general type included in the Official Statement and described in **Exhibit D** hereto, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so provided shall be prepared in accordance with the accounting principles described in **Exhibit D** hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

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

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

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

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

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

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

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

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section while, but only while, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) hereof of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

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

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

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

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

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

would not prevent an underwriter of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 29: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 30: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Director of Financial Services and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance, sale and delivery of the Bonds. In addition, prior to the delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Director of Financial Services or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in this Ordinance or such other document, or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 31: Incorporation of Findings and Determinations. The findings and determinations of this Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 32: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 33: Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage on the date shown below and it is so ordained.

*[Remainder of page left blank intentionally]*

PASSED AND ADOPTED, October 6, 2014.

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

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

(City Seal)

**EXHIBIT A**

**PAYING AGENT/REGISTRAR AGREEMENT**

**EXHIBIT B**  
ESCROW AGREEMENT

**EXHIBIT C**

**NOTICE OF REDEMPTION  
CITY OF GARLAND, TEXAS  
GENERAL OBLIGATION REFUNDING BONDS  
SERIES 2005A  
DATED MARCH 15, 2005**

NOTICE IS HEREBY GIVEN that the bonds of the above series maturing on and after February 15, 2016, and aggregating in the principal amount of \$37,485,000, have been called for redemption on February 15, 2015 at the redemption price of par and accrued interest to the date of redemption, such bonds being identified as follows:

<u>Year of Maturity</u>	<u>Principal Amount (\$)</u>	<u>CUSIP Number</u>
2016	6,905,000	
2017	8,590,000	
2018	7,790,000	
2019	8,230,000	
2020	5,970,000	

ALL SUCH BONDS shall become due and payable on February 15, 2015, and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said bonds shall be paid to the registered owners of the bonds only upon presentation and surrender thereof to The Bank of New York Mellon Trust Company, N.A. (successor paying agent/registrars to JPMorgan Chase Bank, National Association) at its designated offices at the following addresses:

<u>First Class/Registered/Certified</u>	<u>Express Delivery/Courier</u>	<u>By Hand Only</u>
The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust P.O. Box 396 East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust 111 Sanders Creek Pkwy. East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust Corporate Trust Window 101 Barclay Street, 1st Floor East New York, NY 10286

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

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A.  
2001 Bryan Street, 11<sup>th</sup> Floor  
Dallas, Texas 75201

## EXHIBIT D

### DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 28 of this Ordinance.

#### **Annual Financial Information and Operating Data**

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below:

1. Financial information of the general type included in the Official Statement as Appendix B for the most recently concluded fiscal year.
2. The information contained in Tables 1 through 5 and 7 through 14 in the Official Statement.

#### **Accounting Principles**

The accounting principles referred to in such Section are generally those described in Appendix B to the Official Statement, as such principles may be changed from time to time to comply with state law or regulation.



# City Council Item Summary Sheet

Work Session

Date: 10/6/14

Agenda Item

## 2014-15 Budget Amendment No. 1

### Summary of Request/Problem

At the September 15, 2014 Work Session, Council recommended amending the FY 2014-15 Approved Budget to include one-time funding for the following items.

CASA Weather Radar – Emergency Management	\$50,000
EMS Power Cots – Fire	80,000
Thermal Image Cameras – Fire	240,000
Kennel Floor Repair – Animal Services	50,000
Library Materials - Library	250,000
Two Dump Trucks - Parks	164,000
Two Aerial Bucket Trucks - Transportation	260,000
Transfer to Streets for Equipment	845,000
Transfer to Streets for Street Upgrades	1,329,250

<b>Total One-Time Funding</b>	<b>\$3,268,250</b>
-------------------------------	--------------------

The Council directed staff to prepare an Ordinance amending the Budget by \$3,268,250 for the one-time items.

The one-time expenditures will be funded from the available excess fund balance in the General Fund.

### Recommendation/Action Requested and Justification

Approval of the Ordinance amending the FY 2014-15 Adopted Budget.

**Submitted By:**

**Ron Young**  
Director  
Budget & Research

**Approved By:**

**William E. Dollar**  
City Manager

# ATTACHMENT A

## Budget Amendment FY 2014-15 Operating Budget

	<u>BA #1</u>
<b>REVENUES AND EXPENDITURES</b>	
<b>Sources of Funds:</b>	
General Fund Transfer to Infrastructure Fund (Street Dpt)	\$2,174,250
Fund Balance - Prior Year	3,268,250
Total Funds Provided	<u><u>\$5,442,500</u></u>
<b>Use of Funds - Expenditures:</b>	
General Fund (See detail in Notes)	\$3,268,250
Electric Utility Fund	0
Water Utility Fund	0
Wastewater Utility Fund	0
Environmental Waste Svcs. Fund	0
Infrastructure Repair & Rplcmt. Fund	2,174,250
Stormwater Management Fund	0
Recreation Performance Fund	0
Hotel/Motel Tax Fund	0
SafeLight Fund	0
Combined Grant Funds	0
Narcotic Seizure Funds	0
Equipment Replacement Fund	0
Self Insurance Fund	0
Customer Service Fund	0
Facilities Management Fund	0
Fleet Services Fund	0
Information Technology Fund	0
IT Replacement Fund	0
Warehouse Fund	0
Total Expenditures	<u><u>\$5,442,500</u></u>
<b>Notes:</b>	
General Fund -	
Emergency Management	\$50,000
Fire	320,000
Health	50,000
Library	250,000
Parks, Recreation & Cultural Arts	164,000
Transfer to Infrastructure Repair & Rplcmt. Fund	2,174,250
Transportation	260,000
Sub-Total General Fund	<u><u>\$3,268,250</u></u>

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

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2014-15 OPERATING BUDGET (BUDGET AMENDMENT NO. 1), PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND AND THE INFRASTRUCTURE REPAIR & REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council approved the 2014-15 Operating Budget and appropriated the necessary funds out of the general revenues and grants and other revenues for the maintenance and operation of various departments, activities, and improvements of the City; and

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

**WHEREAS**, Council has recommended the need for changes to appropriations in the General Fund and the Infrastructure Repair & Replacement Fund;

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

**Section 1**

The City Council of the City of Garland, Texas, hereby authorizes and approves an amendment to the 2014-15 Operating Budget (Budget Amendment No. 1) for the purposes and in the amounts as shown in Attachment A – BA #1, attached hereto and incorporated herein by reference.

**Section 2**

The City Council of the City of Garland, Texas, hereby amends Ordinance No. 6728, Section 1, adjusting operating appropriations in the General Fund and the Infrastructure Repair & Replacement Fund, in the amounts and for the purposes specified in Attachment A – BA #1, attached hereto.

**Section 3**

This Ordinance shall be and become effective immediately upon and after its adoption and approval.

**PASSED AND APPROVED** this the 6<sup>th</sup> day of October, 2014.

**THE CITY OF GARLAND, TEXAS**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

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



# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## City Council Policy OPNS-23, Council Committees

### Summary of Request/Problem

At the September 2, 2014 Work Session, the Administrative Services Committee made a recommendation for revisions to City Council Policy OPNS-23, Council Committees. Council continued discussion of the proposed revisions at the September 15 Work Session.

### Recommendation/Action Requested and Justification

Approve by minute action revisions to City Council Policy No. OPNS-23, Council Committees.

Submitted By:

Approved By:

**William E. Dollar**  
City Manager

## 9. COUNCIL COMMITTEES

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

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

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

- a. Standing Committee Responsibilities** - The standing committees identified below shall have the following general responsibilities:

### Administrative Services Committee

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

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

### Audit Committee

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

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

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

shall:

- Review and approve the Internal Audit Charter
- Approve the Internal Audit Department Annual Plan
- Receive and consider special written requests for audits from Council members and the City Manager
- Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment
- Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- Review proposed Internal Audit budget in light of available resources
- Review summary of findings and recommendations of audit reports
- Review the annual external audit results and findings

#### Community Services Committee

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

- Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- Reviewing grant program applications
- Considering incentive programs for neighborhood revitalization

#### Development Services Committee

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

- Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

#### Public Safety Committee

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

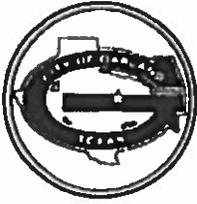
- Additions and revisions to Council policies as they relate to public safety
- Review of local, state and national legislative changes as they relate to or may affect public safety
- Updates on policy modifications relating to public safety

**b. Ad Hoc Committees** - Ad hoc committees of the Council shall be created and its members appointed by the Mayor. The Council shall be informed of the creation of, and appointments to, any such committees. Ad hoc

committees shall be appointed for a specific purpose, project or issue and shall continue until the project is completed unless earlier dissolved by the Mayor or Council. To the extent not inconsistent with the nature of Ad hoc committees, Ad hoc committees shall comply with the rules applicable to standing committees.

- c. **Committee Recommendation and Council Consideration** - Each committee shall prepare reports and make recommendations to the City Council at a Work Session regarding every matter assigned or considered.
- d. **Composition of Committees** - Each committee shall be composed of three members of the City Council. The Mayor shall serve as an ex officio member on each committee with the right to discuss any matter that is under consideration, but shall have no vote nor serve as chair at the committee level. Any Council member may attend any committee meeting, but only appointed members may participate in deliberations and voting. Testimony from someone not on the committee shall be permitted at the pleasure of the chair.
- e. **Appointments and Vacancies** - Appointments to committees will be made by the Mayor as soon as practicable after the annual Council election. A Council Committee Interest Form may be used (see sample attached). The Council will be notified of committee appointments. The Mayor shall make new appointments as needed to fill vacancies in order to assure continuity on the committees.
- f. **Term** - The term of office of any member of a standing committee shall begin upon appointment by the Mayor and notice to the City Council. The term shall continue until a replacement is appointed or until a committee member no longer holds a position on the City Council.
- g. **Chair** - The Chair of each committee shall be selected by the Mayor.
- i. **Convening meetings** - The committee chair shall have the responsibility for convening the committee as necessary.
- j. **Minutes** - Committees shall keep minutes of their meetings. Minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be signed by the chair and filed with the City Secretary and promptly posted on the City's website.
- k. **Agenda Postings** - Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act, and any such notices shall be posted in a manner that contemplates the attendance of, and participation in, agenda items by a quorum of the City Council.

- 1. Recommendation Regarding Continuation of Committees** - The Mayor shall annually review the activity of existing committees to identify inactive committees and provide a report to the Council recommending which committees should be continued and which dissolved.



# CITY COUNCIL POLICY

POLICY NO.: OPNS-23

Date of Adoption: 10/17/89

Date Of Revision: 7/21/09

Title:

## Council Committees

Page 1 of 4

### I. Purpose and Need for Policy

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

### II. Policy

A. In addition to the Audit Committee (OPNS-36), the Council shall have the following standing Committees, aligned with the management responsibilities assigned to City Staff as directed by the City Manager:

1. Development Services
2. Administrative Services
3. Community Services
4. Public Safety Services

The Committees shall act only as advisory leaders to the full Council and do not have the authority to make decisions regarding the merits or resolution of matters that require the full support of the Council.

B. Each Committee upon receiving general direction and assignments from the Council as a whole, will: consider policy decisions and actions; study issues; evaluate options; and, develop recommendations.

C. Committee responsibilities are as follows:

#### Development Services Committee

The Development Committee reviews matters pertaining to policies and ordinances that address the use, development and redevelopment of public and private property within the city. Issues directed to the committee include, but are not limited to:

- Creation of new, or modification to existing, codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements
- Hearing appeals regarding the administration of the Neighborhood Traffic Management Program

<b>City Council Policy</b>	TITLE: Council Committees	Page: 2 of 4
	SUBJECT: Operations	NO. OPNS-23

Administrative Services Committee

The Administrative Services Committee reviews matters pertaining to the administration of City Council policies and procedures, and also legislative concerns that affect citizens and/or City operations. Issues that are directed to the Administrative Services Committee include, but are not limited to:

- Additions/revisions to Council Policies
- Review of local, state and national legislative changes
- Updates on internal procedural modifications

Community Services Committee

The Community Services Committee (CSC) primarily focuses on issues affecting Garland neighborhoods. Recognizing that strong neighborhoods are a foundation of a strong community, the CSC specifically discusses issues related to neighborhood vitality, stabilization, and improvement. The CSC's ultimate goal is to protect property values while respecting private property rights, enhance the quality of life for Garland residents, and generate pride in our community. Matters directed to the CSC include, but are not limited to:

- Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- Reviewing grant program applications
- Considering incentive programs for neighborhood revitalization

Public Safety Committee

The Public Safety Committee reviews matters of public concern regarding the Police Department, Fire Department, Code Enforcement, Health Department, and/or any other matter of public safety as well as legislative concerns in these areas that may affect citizens and/or City operations. Issues that are directed to the Public Safety Committee include, but are not limited to:

- Additions/revisions to Council Policies as they affect public safety
- Review of local, state and national legislative changes as they affect public safety
- Updates on policy modifications relating to public safety

D. Ad Hoc Committees of Council may be created as deemed necessary by a majority of the Council. Any such Ad Hoc Committee shall comply with the requirements of Section III (5.) of this Policy.

**III. Procedure to Accomplish Policy**

1. The composition of each Committee shall be at least three (3) members of the Council. The Mayor shall serve as ex officio member on each Committee with the right to discuss any matter that is under consideration but shall have no vote at the committee level. Any Council member may attend any Committee meeting, but only appointed members may vote.

**City Council  
Policy**

TITLE:  
Council Committees

Page: 3 of 4

SUBJECT:  
Operations

NO.  
OPNS-23

2. The normal term of office of the members of the Committees shall be for one year. Following the completion of Council Committee Interest Forms (attached) by each Council Member, appointments to Committees will be recommended by the Mayor as soon as practical after the election. Final Committee nominees shall be approved by a majority vote of the Council. The Mayor shall make new appointments as needed to fill vacancies created by resignations in order to assure continuity on the Committees.
3. The Chair of each committee shall be selected by the Mayor.
4. The Committee Chair shall have the responsibility of convening the Committee as necessary.
5. Committees shall keep minutes of their meetings. Minutes shall provide a summary of all business discussed or considered, action taken, and outcome of any votes, as well as record persons present at the committee meetings. When completed, the minutes shall be signed by the Chairperson and filed with the City Secretary's Office for public review and posted on the City's website as soon as practical.

**IV. Responsibility and Authority**

The Mayor shall annually review the activity of existing Committees to identify inactive Committees and provide a report to the Council.

The City Manager shall provide adequate City staff to assist the Committee Chairperson(s) in final preparation and filing of minutes.

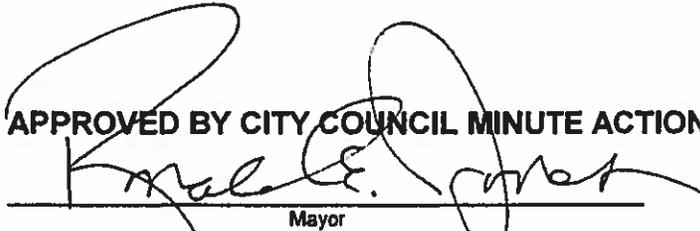
Written/Revised by: Priscilla S. Wilson

Reviewed by: William E. Dollar

Sr. Managing Director

City Manager

**APPROVED BY CITY COUNCIL MINUTE ACTION 7-21-09**

  
\_\_\_\_\_  
Mayor

Date: 9-01-2009

<b>City Council Policy</b>	TITLE: Council Committees	Page: 4 of 4
	SUBJECT: Operations	NO. OPNS-23

### COUNCIL COMMITTEE INTEREST FORM

Name: \_\_\_\_\_

Please identify the Committee(s) you would prefer to serve on, "1" being your first choice. Indicate at least two choices.

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

Do you wish to serve on more than one committee? \_\_\_\_\_ Yes \_\_\_\_\_ No

Are you interested in serving as the City's:

- Garland Economic Development Partnership Representative \_\_\_\_\_ Yes \_\_\_\_\_ No
- North Central Texas Council of Governments Representative \_\_\_\_\_ Yes \_\_\_\_\_ No
- Dallas Regional Mobility Coalition Representative \_\_\_\_\_ Yes \_\_\_\_\_ No
- Regional Transportation Council Representative \_\_\_\_\_ Yes \_\_\_\_\_ No
- Emergency Preparedness Planning Council Representative \_\_\_\_\_ Yes \_\_\_\_\_ No



# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## MODIFICATIONS TO CHAPTER 32 – COMMERCIAL PROPERTY MAINTENANCE

### Summary of Request/Problem

In 2013, the Code Compliance Department was given the responsibility of ensuring minimum maintenance standards for the commercial properties within the City. To meet this obligation, the Code Compliance inspection staff enforces the requirements of Chapter 32 of the Code of Ordinances. Chapter 32 currently applies predominantly to residential properties.

The Community Services Committee reviewed a draft ordinance crafted by the City Attorney's Office on February 18, 2014, July 14, 2014 and again on August 18, 2014. The proposed ordinance was presented to the City Council at the September 15, 2014 Work Session.

The draft ordinance modifies the wording in Chapter 32 to include residential and non-residential premises within the scope of the minimum standards. The substandard property sections are also revised to include non-residential properties. Also included is a change to allow the jurisdiction of the Housing Standards Board to be expanded to review cases involving non-residential property.

### Recommendation/Action Requested and Justification

Hold a Public Hearing to receive citizen input regarding the modifications to Chapter 32 and consider an ordinance adopting the proposed commercial property regulations.

#### Submitted By:

**Richard Briley**  
Managing Director of Health &  
Code Compliance

#### Approved By:

**William E. Dollar**  
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 32, "NEIGHBORHOOD SANITATION AND HOUSING SERVICES", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC.10. 05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1**

That Chapter 32 , "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by renaming Chapter 32 as follows:

"Property Sanitation and Housing Services"

**Section 2**

That Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of Article I and adding text following that caption to read as follows:

**"Article I. Minimum Property Standards**

The Director of Code Compliance or his designee shall have the authority to enforce the provisions of Article I and Article II of Chapter 32 and any other provision of the Garland Code of Ordinances as authorized by the City Manager."

**Section 3**

That Sec. 32.01 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended in part by replacing the following definitions to read as follows:

"Board means the Building and Standards Commission, known as the Property Standards Board, as established under section 32.25.

Premises means a lot, tract or parcel of real property, or portion thereof, including any buildings and structures on the land in a residential or non-residential zone."

#### **Section 4**

That Sec. 32.02 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of Sec. 32.02 and by adding a subsection 32.02(G) to read as follows:

#### **"Sec. 32.02      Violations; application; penalty and report of inspections**

(G) All of the provisions Article I and II of Chapter 32 shall apply to non-residential premises with the exception of Section 32.01(5), (6) and (11); Section 32.03(1)(a) and (b); Section 32.03(3); Section 32.04; Section 32.07; Section 32.09 through Section 32.11; Section 32.50(9), (13), (14) and (23); Section 32.53(J) through (M); Section 32.56(C); and Section 32.57(C) through (F)."

#### **Section 5**

That Sec. 32.02(B) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(B) It shall be a violation for an owner or occupant of a premises or multi-family dwelling to occupy, or allow the occupation of, any structure or building that has been placarded as substandard by the City."

#### **Section 6**

That Sec. 32.02 (E) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

(E) Whenever a routine inspection is made for an alleged violation at a premises or multi-family dwelling, the findings shall be recorded on a form approved by the City. The owner or property manager or other person in charge of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violations has been given to an owner when a copy of the inspection report: (1) is delivered in person to any owner, manager, or person in charge of the property; or (2) two days after the copy of the inspection report is deposited with the US Postal Service, addressed to any owner, manager, or person in charge of the property, with proper postage affixed. The inspection report may establish violation categories as defined in Sec. 32.01, which shall be corrected within

a time as established in subsection (F). The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law."

#### **Section 7**

That Sec. 32.03 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by adding a subsection 32.03(12) to read as follows:

"(12) The International Property Maintenance Code as referenced and adopted by reference in section 30.270 shall apply to all existing non-residential structures and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties."

#### **Section 8**

That Sec. 32.05(C) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(C) Approved Repairs. All corrections of Minimum Property Code standard violations and health hazards shall be completed using approved repairs."

#### **Section 9**

That Sec. 32.06 (A) of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(A) The City may initiate termination of utility services, or a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit or premises that is substandard, or unfit for human occupation by certifying, in writing, that the dwelling unit or premises is substandard or unfit for human occupation."

#### **Section 10**

That Sec. 32.08 of Chapter 32, "Neighborhood Sanitation and Housing

Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(A) The City shall, by certified mail with electronic tracking, send to the last known address of the owner, lessee and occupant of the structure, notice of a hearing to consider:

(1) Reduction of occupancy load of a structure or portion of a structure that is overcrowded; or

(2) Vacation of a premises or portion of a premises that is unsanitary or unsafe and, therefore, presents a danger to the health, safety or and welfare of occupants. In order to protect the health, safety and welfare of the occupants of a substandard structure premises with readily apparent structural hazards that constitute imminent danger, the City may order the immediate vacation of the premises.

(B) The City may place or cause to be placed a placard on a premises or dwelling that is unsanitary or unsafe, warning of its dangerous condition. A person commits an offense if:

(1) without authority from the City, the person removes or destroys a placard placed by the City;

(2) the person occupies a vacant premises or dwelling unit on which the City has placed a placard; or

(3) as owner of a premises, the person authorizes a person to occupy a vacant premises on which the City has placed a placard.

Prior to the removal of the placard, the owner or occupant of such premises shall contact the City and request an inspection. The fee for removal the placard placed on single-family premises (including garages and accessory buildings) shall be fifty dollars (\$50.00), and one hundred dollars (\$100.00) for each multi-family unit. Should the premises/unit fail a final inspection, the fee shall still apply and be collected again at the time the placard is finally removed. The fee shall be payable to the City.

(C) A public hearing to consider reduction of occupancy load or vacation of a premises shall be held before the board not less than ten (10) days after receipt of notice by the owner, lessee and occupants or not less than five (5) days after the notice is returned undelivered. A hearing may be initiated by anyone having evidence of the overcrowding and signing a complaint form provided by the City. The complainant shall present evidence of the overcrowded conditions of the premises and the owner, lessee, or occupant may present

evidence.

(D) The board shall order reduction of the occupancy load if it finds the premises or dwelling unit is overcrowded or vacation of a premises or dwelling unit if it finds the premises is dangerous to the health, safety or welfare of its residents. Notice of the order to reduce the occupancy load or to vacate shall be given to the occupants and the owner. If any party is aggrieved by the decision of the board, the person may appeal the decision to a district court within ten (10) days, where the matter shall be tried on the basis of a substantial evidence rule.

(E) Each occupant of a premises or dwelling unit that has been ordered vacated shall vacate the structure premises or dwelling unit within a specified time determined by the board. No person shall occupy a premises or dwelling unit that has been ordered vacated. The occupants of a premises or dwelling unit that has been ordered reduced in occupancy load shall reduce the occupancy to the number ordered by and within the time specified by the board."

#### **Section 11**

That Sec. 32.09(N) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(N) Hearings. The hearings provided for in this section shall be conducted, at the option of the owner (or property manager), by either the Property Maintenance Board or a hearing officer appointed under the provisions under section 24.25 of this Code, at a time and place designated by the board or the hearing officer, as the case may be. Based on the record, the board or the hearing officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the City."

#### **Section 12**

That Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended by changing the caption of "Division 2. Housing Standards Board" by renaming it as follows:

**"Division 2. Property Standards Board"**

### **Section 13**

That Sec. 32.25(A) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(A) There is hereby created a Building and Standards Commission which shall be known as the "Property Standards Board." All of the duties, functions, and powers of the Property Standards Board previously established are hereby vested in the board created in this section."

### **Section 14**

That Sec. 32.26 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"The board shall have jurisdiction to:

(1) hear and determine cases concerning alleged violations of ordinances:

(a) for the preservation of public safety, relating to the materials or methods used to construct a premises or improvement, including the foundation, structural elements, electrical wiring apparatus, plumbing and fixtures, entrances, or exits;

(b) relating to the fire safety of a premises or improvement; including provisions relating to materials, types of construction design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(c) relating to dangerously damaged or deteriorated premises or improvements; or

(d) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) require the vacation, relocation of occupants, securing, repair, removal or demolition of a premises that is dilapidated, substandard, or unfit for human occupancy

and which is a hazard to the public health, safety and welfare;

(3) grant or deny relief under section 32.56 of this Code; and

(4) exercise such other powers and authority conferred upon the board by law or ordinance."

### **Section 15**

That Sec. 32.27 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"The board shall have jurisdiction to:

(1) order the repair, within a fixed period, of a premises, or portion thereof, found to be in violation of an ordinance;

(2) declare a premises, or portion thereof, substandard in accordance with the powers granted by this article;

(3) order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard condition found to exist on a premises;

(4) issue orders or directives to any peace officer of the state, including a sheriff or constable or the Director of Police Services of the City, to enforce and carry out the lawful orders or directives of the commission; and

(5) determine the amount and duration of a civil penalty not to exceed one thousand dollars (\$1000.00) a day for a violation of an ordinance for a commercial or multi-family property and one hundred dollars (\$100.00) a day for a violation of an ordinance for a residential property. In assessing a civil penalty the board shall consider the severity of the violations present, the history of compliance of the property or the owner and the efforts taken, if any, to correct the violations.

## Section 16

That subsections (A) and (B) of Sec. 32.28 of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas are hereby amended to read as follows:

"(A) The City may initiate a case before the board by filing a complaint with the board. Any person desiring to initiate a case before the board must file a case with the City on forms or in a format prescribed by the City. The City shall then initiate a case if the City determines that sufficient facts and evidence exist to proceed.

(B) Notice of all proceedings before the board must be given:

(1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk;

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable; and

(3) By publishing the notice in a newspaper of general circulation in the City on one occasion before the tenth(10th) day before the day fixed for hearing. The notice shall be mailed and posted before the 10th day before the date of the hearing before the board and shall state the date, time and place of the hearing. If the proceeding concerns a substandard premises, the notice shall also contain an identification of the property on which the premises is located, a brief description of the violation(s) present and a statement that the City will vacate, secure, remove, or demolish the premises, or portion thereof, or relocate the occupants of the premises (at owner's expense) if corrective action is not taken within the time ordered."

### **Section 17**

That Sec. 32.50(10) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(10) Property Standards Board means that board established in section 32.25 of this Code."

### **Section 18**

That subsection 32.54 (A)(1) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(1) Alley shall mean and include an alley, alley easement, or a utility easement which is ten (10) or more feet in width."

### **Section 19**

That subsection 32.82 (B) of Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"(B) Unless otherwise permitted by applicable law, regulation, permit, or zoning regulations, a person commits an offense if the person causes, suffers, allows or permits the parking or standing of a motor vehicle or a trailer in a residential or non-residential zone on private property, within public view, owned or controlled by that person if the vehicle:

- (1) Has one or more flat tires;
- (2) Is missing one or more wheels; or
- (3) Is supported by one or more jacks, jack stands, blocks or similar means."

### **Section 20**

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

**Section 21**

That Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 22**

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 23**

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

**PASSED AND APPROVED** this the \_\_\_\_day of \_\_\_\_\_, 2014.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**Meeting: Regular Meeting**

**Date: October 6, 2014**

# Planning Report

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## **REGULATION OF SMOKE SHOPS – PUBLIC HEARING**

### **ISSUE**

As directed by City Council, a public hearing has been scheduled and noticed for the October 6<sup>th</sup> meeting to consider amendment of the Comprehensive Zoning Ordinance regarding the regulation of Smoke Shops. This item was discussed by Council at its September 2<sup>nd</sup> and 15<sup>th</sup> work sessions.

### **RECOMMENDATION**

Plan Commission held a public hearing on August 11<sup>th</sup> and recommended, by a vote of 8 to 0, amendment of the Zoning Ordinance as proposed by the Development Services Committee with the exception that Smoke Shops would also be allowed, with approval of a Specific Use Permit (SUP), in the Shopping Center, General Business and Commercial 1 and 2 districts, in addition to Industrial 1. The Development Services Committee had recommended they be allowed only in the Industrial 1 district, with approval of an SUP.

The Plan Commission hearing and recommendation was based on the original draft, identified as the attached Draft 1. An alternative draft (attached Draft 2) has since been prepared which modifies the definition to be more specific to establishments that are engaged in the sale of products associated with illegal or controlled substances.

### **COUNCIL GOAL**

Sustainable Quality Development and Redevelopment

### **BACKGROUND**

At the May 5<sup>th</sup> Work Session, the Development Services Committee recommended City Council consider amending the Zoning Ordinance to regulate the sale of products, devices and equipment for use in the smoking or ingestion of certain substances. The Council subsequently reviewed a draft ordinance amendment proposed by the Development Services Committee at its May 19<sup>th</sup> Work Session and forwarded it to the Plan Commission for consideration and recommendation. The Plan Commission reviewed the draft ordinance (Draft 1, attached) during its June 23<sup>rd</sup> and July 14<sup>th</sup> pre-meetings, and held a public hearing on August 11<sup>th</sup>. As noted above, the Plan

Commission recommended expanding the districts within which Smoke Shops would be allowed (with approval of an SUP) to include most of the districts which allow retail businesses. This recommendation was based on the broader definition of Smoke Shops provided in Draft 1. Based on subsequent discussion with the Council, an alternative draft (attached Draft 2) has been prepared which modifies the definition to be more specific to establishments that are engaged in the sale of products associated with illegal or controlled substances

## **CONSIDERATIONS**

1. Both drafts create a new land use termed “Smoke Shop” and provide a definition. As defined by Draft 1, Smoke Shop would include a broad range of establishments such as head shops, e-cigarette or vapor shops, tobacco shops, cigar bars and hookah lounges. The sale of such products would, however, continue to be allowed as a secondary use, such as in a grocery or convenience store. As noted in the Background, Draft 2 modifies the definition to be more specific to establishments that are primarily engaged in the sale of products associated with illegal or controlled substances. As defined in Draft 2, establishments primarily engaged only in the sale of tobacco products, e-cigarettes and hookah lounges would not be classified as a Smoke Shop.
2. As proposed by the Development Services Committee, a Smoke Shop would be permitted only in the Industrial 1 (I-1) District, and only with approval of a Specific Use Permit. Under Draft 1, this would preclude the location of such shops in typical retail environments. At the Plan Commission’s request, a list of existing businesses defined as Smoke Shop by the proposed ordinance was prepared along with a map depicting their locations. This information illustrates that there are many such businesses in existence, and they are distributed throughout Garland in a range of nonresidential zoning districts. Existing shops would become legal non-conforming uses and would be allowed to continue subject to the limitations of the Zoning Ordinance. Given the number and distribution of existing Smoke Shop uses, consideration was given by the Commission to expanding the districts, subject to SUP approval, within which shops could be appropriately located to include districts which are intended to accommodate a broad range of retail uses. Requirement of an SUP through the public hearing process would provide the opportunity to evaluate the appropriateness of individual locations within such districts.

Under the definition provided in Draft 2, many of the existing shops listed would not be classified as Smoke Shops and would continue to be legal, conforming uses in the retail districts.

3. Section 34-300 of the Comprehensive Zoning Ordinance requires that notice of public hearings on proposed changes to the text of the Ordinance be published not

less than 15 days prior to the hearing. A public hearing to consider amendment of the Zoning Ordinance has been scheduled and noticed for the October 6<sup>th</sup> meeting.

**ATTACHMENTS**

1. Draft 1 amendment.
2. Draft 2 amendment.
3. List and map of existing uses classified as Smoke Shop by the Draft 1 amendment.

Submitted By:

Anita Russelmann  
Director of Planning

Date: September 27, 2014

Approved By:

William E. Dollar  
City Manager

Date: September 30, 2014

DRAFT 1

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 10 AND 38 OF ORDINANCE NO. 4647 RELATING TO THE CREATION OF A ZONING CLASSIFICATION FOR SMOKE SHOPS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1**

That the schedule of uses contained in Section 10-200 of Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas is hereby amended by adding, as a land use allowed under the division "Office and Retail" a land use for "Smoke Shop" and designating such use as allowed by specific use permit in the Industrial - I-1 zoning district.

**Section 2**

That Section 38, "Definitions" of Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas is hereby amended by adding the following definition:

"212-A. Smoke Shop - A commercial establishment to which the public is admitted or invited which, as its principal business purpose, offers for sale, distribution or exchange, for any form of consideration, electronic smoking devices, tobacco products, tobacco paraphernalia or any combination thereof, or devices, equipment, instruments, paraphernalia or products for use in the smoking or ingestion of any substance, including but not limited to, tobacco, salts, incense, marijuana, hashish, hashish oil, cocaine or other "controlled substance," as that term is defined in the Health and Safety Code of State of Texas."

**Section 3**

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

**Section 4**

That Ordinance No. 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

DRAFT 1

**Section 5**

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

**Section 6**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

DRAFT 2

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 10 AND 38 OF ORDINANCE NO. 4647 RELATING TO THE CREATION OF A ZONING CLASSIFICATION FOR SMOKE SHOPS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1**

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**Section 2**

That Section 38, "Definitions" of Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas is hereby amended by adding the following definition:

"212-A. Smoke Shop - A commercial establishment to which the public is admitted or invited which: (i) as its principal business purpose, offers for sale, distribution or exchange, for any form of consideration, any items, instruments, devices, equipment, accessories, or products that are intended, designed or marketed for use in the smoking or inhaling of any substance, including but not limited to tobacco, salts, incense, marijuana, hashish, hashish oil, cocaine or other controlled substances as defined in the Texas Health and Safety Code; and (ii) holds itself out, taking into account its business operations, its general inventory, and its commercial promotions whether on or off-premise, as encouraging or promoting the use of cannabis, illegal or controlled substances, or on which controlled substances are sold, marketed, or displayed even if marked as being sold for "novelty" or not for human consumption purposes. This definition does not include, and categorically excludes, commercial establishments that derive more than \_\_\_% of their revenue from the sale of the following tobacco products contained in the original manufacturer package: cigarettes, cigars, pipe tobacco, snuff, or chewing tobacco."

**Section 3**

That a violation of any provision of this Ordinance shall be a

misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

**Section 4**

That Ordinance No. 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 5**

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**Section 6**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**Existing Businesses Defined as "Smoke Shop"  
by Proposed Ordinance, July 2014\***

<b>Business Name</b>	<b>Address</b>
A Discount Vapor	149 W. Kingsley Road #262
Aqua Hookah Lounge	910 E. Interstate 30
Bag Pipe	3420 Broadway Blvd, Ste. 115
Blue Phoenix	2918 S. Jupiter Road
Cigar Shop and More	5435 N. Garland Avenue
Cigarette Town	120 E. Centerville Road
Ciggy Shack	3338 Broadway, Ste. 115
Clarette Heaven E Cigs	928 S. First Street
Conscious Vapors	1303 W. Buckingham Road, Ste. 101
Discount Cigarettes	441 N. Garland Avenue
Elite Cigars & Accessories	5435 N. Garland Avenue, Ste. 185
Extreme Vapors	5501 Broadway Blvd
Garland Tobacco	4413 W. Walnut
Garland Tobacco	1402 Northwest Hwy
Gas Pipe	5707 Broadway
Hookah Lounge	1215 W. Buckingham
Marrak Hookah	PO Box 462154
Nicotine Patch	517 S. Garland
Papa's Smoke Shop	3460 W. Walnut
Payless Cigarette	2018 N. Glenbrook Road
PJ Tobacco	1401 Northwest Hwy
Purple Haze	609 W. Centerville Road
Seven Star Trading, Inc.	1456 Belt Line Road
Simply Vaping	2218 S. Jupiter Road, Ste. 106
Smokes and More	1426 W. Kingsley Road
Smoke Shop	1138 Pleasant Valley Road
The Vapor Club	1250 Northwest Highway, Ste. A
Tobacco Leaf	1206 Northwest Highway
Tobacco Stop	2425 W. Walnut
Tobacco Talk	1918 E. Miller Road
Vapor Rising	115 Cedar Sage Drive

*\*This list was derived from an Internet search  
and may not be complete or accurate.*



**File No. 14-36/District 1**

**Agenda Item:**

**Meeting: City Council**

**Date: October 6, 2014**

# Planning Report

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## **Shearer Design and Associates**

**On the west side of Murphy Road, approximately 480 feet south of the intersection of Murphy Road and Campbell Road (Lot 7, Block 1, Campbell Crossing Office Park)**

### **REQUEST**

Approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay.

### **OWNER**

Tommy Reed, LLC.

### **PLAN COMMISSION RECOMMENDATION**

On September 8, 2014 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay.

### **STAFF RECOMMENDATION**

Approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay. The proposed Planned Development (PD) District will allow the City to evaluate the impact future proposals for Retail Sales/Personal Service could potentially have on the overall area and if such proposals are beneficial to the general area. Furthermore, the proposed Planned Development (PD) District will maintain all regulations of the Office 1 (O-1) District, ensuring that development remains consistent throughout the entire office park.

### **BACKGROUND**

The subject property is one of six lots created for the development of an office park. Three of the lots have been developed with medical offices while the other three lots, including the subject property, have remained undeveloped. The applicant proposes a Planned Development (PD) District to allow Retail

Sales/Personal Service with approval of a Specific Use Permit on Lot 7 of the Campbell Crossing Office Park addition.

## **SITE DATA**

The subject property contains approximately 0.3454 acres in area fronting approximately 107 feet along Murphy Road. The subject property can only be accessed from Thomasville Court (a private street).

## **USE OF PROPERTY UNDER CURRENT ZONING**

The Office 1 (O-1) District provides for a low-rise and professional service development. This District is appropriately located adjacent to residential districts and may be used as a transition or buffer between residential uses and more intensive nonresidential activity. District regulations are designed to ensure compatibility with residential development by establishing maximum height, lot coverage and setback requirements. Office 1 (O-1) District does not allow Retail Sales/Personal Service Uses.

## **CONSIDERATIONS**

1. The applicant requests approval of a change of zoning from Office 1 (O-1) District to a Planned Development (PD) District that allows Retail Sales/Personal Service in addition to the Office 1 Uses permitted in the SH 190 Overlay. A zoning change to Office 2 (O-2) District, Neighborhood Service (NS) District, Shopping Center (SC) District, General Business (GB) District, Commercial 1 (C-1) District, or Freeway (FW) District would allow Retail Sales/Personal Service with a Specific Use Permit or by right. However, a Planned Development with Office 1 (O-1) as the base zoning district will ensure development on the subject property remains consistent with the adjacent office developments and uses are compatible with the surrounding residential properties. Furthermore, allowing Retail Sales/Personal Service only with a Specific Use Permit will give Staff, Plan Commission and City Council the ability and authority to evaluate the appropriateness of proposed Retail Sales/Personal Service uses on an individual basis. It should be noted that there is no request for a Specific Use Permit for Retail/Sales Personal Service at this time.

2. The Comprehensive Zoning Ordinance defines Retail Sales/Personal Service as an establishment engaged in the selling of merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods or these businesses which provide services customized for individuals such as a tailor, barber or beauty shop or photographic studio.

3. The Comprehensive Zoning Ordinance establishes a parking ratio of 1 parking space for every 200 square feet of Retail Sales/Personal Service, the same parking ratio for Medical Office. The office park has 67 parking spaces and

additional surface area to add 55 parking spaces. Retail Sales/Personal Service will not trigger a higher parking demand than what is expected for medical office.

4. In addition to an alley there is a masonry screening wall between the subject property and the residential properties to the south.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property. Traditional Neighborhoods offer residential areas of typical suburban density within a conventional neighborhood setting. Daily goods, services and other non-residential uses are found at the perimeter of Traditional Neighborhoods, while schools, parks, and churches are generally the only non-residential uses within the neighborhood's interior.

The proposed Planned Development (PD) District will maintain the Office 1 District regulations and will permit the continuity of low-rise and professional services as established by the current development in the overall office park. Furthermore, the proposed Planned Development (PD) District and Specific Use Permit provides a way for the City to determine the appropriateness of various services that could potentially be suitable and desirable on a site located at the perimeters of a residential neighborhood and along a major thoroughfare.

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

The properties to the north are zoned Office 1 (O-1) District, Agriculture (AG) District, and Planned Development (PD) 83-27 for Shopping Center Uses; these properties are developed with a medical office (part of the same office park as the subject property) and a single family residence. The properties to the east, across Murphy Road, are in the City of Sachse; these properties are redeveloped with a bank and an apartment complex. The properties to the south are zoned Single Family (SF-10) District; these properties are developed with single family residences. The properties to the west are zoned Office 1 (O-1) District and are part of the same office part as the subject property; these properties are developed with two medical offices.

All Office 1 (O-1) District regulations such as maximum height, lot coverage, and setbacks will remain in effect under the proposed Planned Development (PD) District, ensuring future development on the subject property will be compatible with the surrounding properties. The proposed Planned Development (PD) District recognizes that there are Retail Sales/Personal Service Uses that are appropriate and desired in proximity to residential properties and it will enable the City to examine each Retail Sales/Personal Service Use on an individual basis.

Prepared By:

Reviewed By:

Josue De La Vega  
Development Planner

Date: September 25, 2014

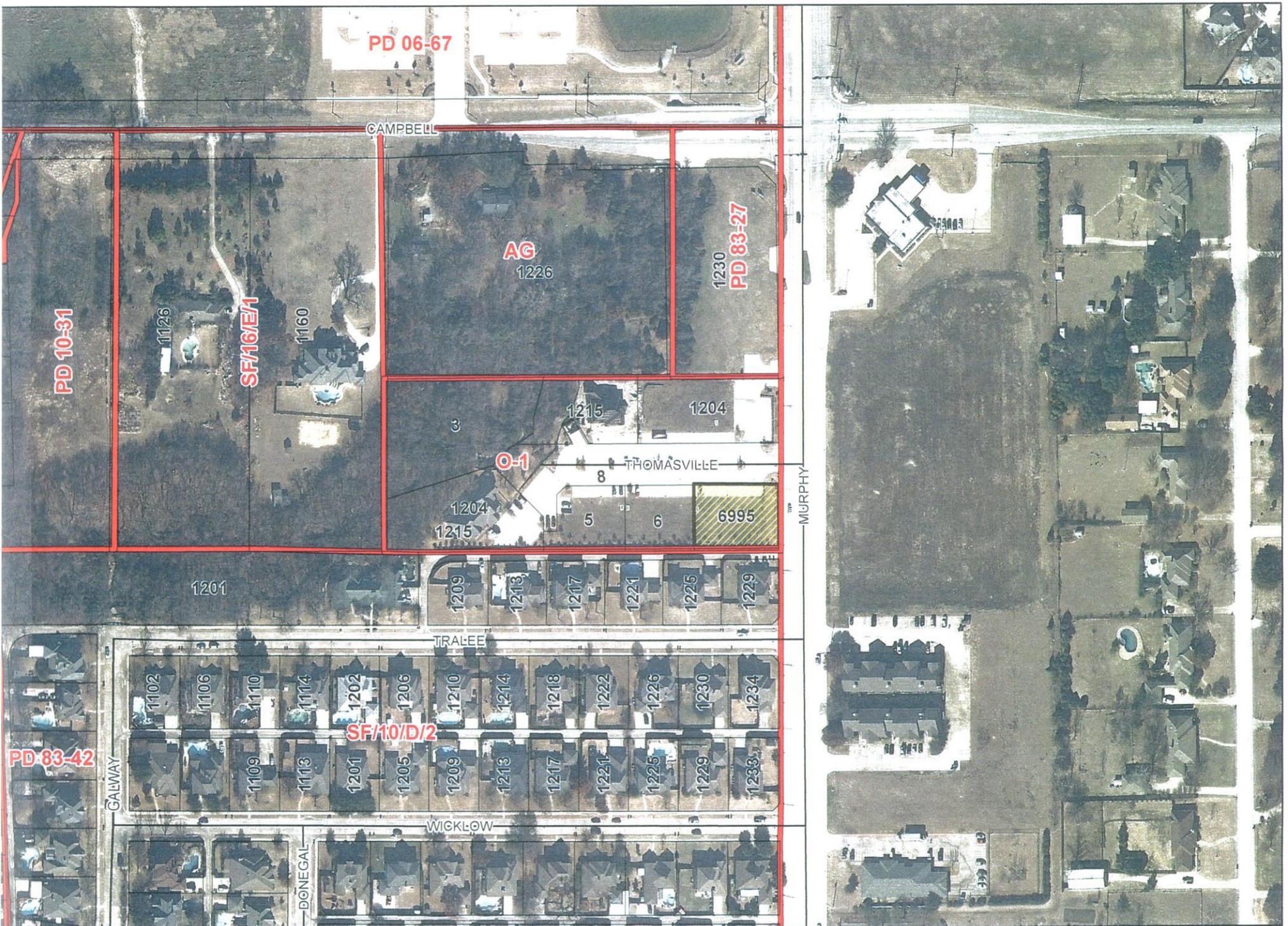
Anita Russelmann  
Director of Planning

Date: September 29, 2014

Reviewed By:

William E. Dollar  
City Manager

Date: September 30, 2014



PD 06-67

CAMPBELL

PD 10-31

1126

SF16/E/1

1160

AG

1226

1230

PD 83-27

1215

1204

O-1

1215

3

1215

8

1204

5

1204

6

1204

6995

THOMASVILLE

MURPHY

1201

1209

1213

1217

1221

1225

1229

TRALEE

1102

1106

1110

1114

1202

1206

1210

1214

1218

1222

1226

1230

1234

SF10/D/2

PD 83-42

GALWAY

1109

1113

1201

1205

1209

1213

1217

1221

1225

1229

1233

WICKLOW

DONEGAL

0 100 200 Feet

ZONING Z 14-36

INDICATES AREA OF REQUEST

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE 14-36

**On the west side of Murphy Road, approximately 480 feet south of the intersection of Murphy Road and Campbell Road (Lot 7, Block 1, Campbell Crossing Office Park)**

- I. **Statement of Purpose:** The purpose of this Planned Development is to allow Office 1 Uses and Retail Sales/Personal Service by Specific Use Permit subject to conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Office 1 (O-1) District set forth in Sections 20, 32 and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, are included by reference and shall apply, except as specified in this ordinance.
- V. **Specific Regulations:**
  - A. Permitted Uses: No use shall be permitted except those allowed in the Office 1 (O-1) District in the SH 190 Overlay and Retail Sales/Personal Service by Specific Use Permit only.

## REPORT & MINUTES

P.C. Meeting, September 8, 2014 (9 Members Present)

Consideration of the application of Shearer Design and Associates, requesting approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay. This property is located at the west side of Murphy Road, approximately 480 feet south of the intersection of Murphy Road and Campbell Road (Lot 7, Block 1, Campbell Crossing Office Park). (District 1) (File Z 14-36)

Representing the applicant, Charlie Shearer, 1200 W. State Street, gave a brief overview of the request and confirmed the development will be of the same architectural style established within the office park.

**Motion** was made by Commissioner Luckie, seconded by Commissioner Moore to close the Public Hearing and **approve** the request per staff recommendation. **Motion carried: 9 Ayes, 0 Nays.**

PD 06-67

CAMPBELL

AG  
1226

1230  
PD 83-27

~~1160~~

SF/M6/E/1

1126

PD 10-31

1204

~~1215~~

THOMASVILLE

O-1

3

3

1204

1215

5

6

6995

MURPHY

1229

1225

1221

1217

1213

1209

1201

TRALEE

1234

1230

1226

~~1222~~

1218

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1106

1102

SF10/D/2

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1209

1205

1201

1113

1109

WICKLOW

DONEGAL

O = IN FAVOR  
X = AGAINST

0 100 200 Feet

ZONING Z 14-36

INDICATES AREA  
OF REQUEST





**GARLAND**

CITY OF GARLAND  
PLANNING DEPARTMENT  
P.O. BOX 469002  
GARLAND, TX 75046-9002

August 28, 2014

**HEARING DATE/TIME:** Plan Commission: September 8, 2014 – 7:00 PM

**APPLICANT:** Shearer Design and Associates

**File Z 14-36**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, September 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **Shearer Design and Associates** requesting approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 4.3007-acre tract of land and identified as Lots 1 thru 8, Block 1, Campbell Crossing Office Park, an addition to the City of Garland as shown on the Plat recorded in instrument No. 20070287500 of the Map Records of Dallas County, Texas. The property is located at 1204 Thomasville Court, Garland, TX. (District 1)

**Note: The applicant requests approval of a zoning change to allow Retail Sales/Personal Service subject to approval of a Specific Use Permit. There is no request for a Specific Use Permit for Retail Sales/Personal Service at this time.**

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

THERE IS NO "NEED" FOR RETAIL SALES OR PERSONAL SERVICES IN THIS LOCATION! I DO NOT WANT TO EXPERIENCE ADDITIONAL TRAFFIC ACCESSING THE ONLY ENTRANCE/EXIT OFF OF MURPHY ROAD ONTO THOMASVILLE CT.

(Please complete the following information)

Your Property Address

~~1222 TRALEE LANE~~ JAMES M. STAFFORD III  
 Printed Name  
1222 TRALEE LANE GARLAND, TX 75044  
 Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature Jean M. Stafford III Title HOMEOWNER

Date: 9/3/2014



# GARLAND

CITY OF GARLAND  
PLANNING DEPARTMENT  
P.O. BOX 469002  
GARLAND, TX 75046-9002

August 28, 2014

HEARING DATE/TIME: Plan Commission: September 8, 2014 – 7:00 PM

APPLICANT: Shearer Design and Associates

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(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

I AM CURRENTLY PRACTICING IN DENTAL OFFICE AT 1215 THOMASVILLE CT,  
AND I BELIEVE THE NEW BUSINESS WILL HELP THIS DEVELOPMENT.

(Please complete the following information)

Your Property Address

1215 THOMASVILLE CT. CURT CONRAD DDS

Printed Name

1215 THOMASVILLE CT.

GARLAND, TX  
City, State

75087  
Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

[Signature]  
Signature

DENTIST/OWNER  
Title

Date: 9.4.2014



**GARLAND**

CITY OF GARLAND  
PLANNING DEPARTMENT  
P.O. BOX 469002  
GARLAND, TX 75046-9002

**August 28, 2014**

**HEARING DATE/TIME:** Plan Commission: September 8, 2014 – 7:00 PM

**APPLICANT:** Shearer Design and Associates

**File Z 14-36**

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A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, September 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **Shearer Design and Associates** requesting approval of a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office 1 Uses with Retail Sales/Personal Service (allowed by Specific Use Permit) on a property located in the SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

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**Note: The applicant requests approval of a zoning change to allow Retail Sales/Personal Service subject to approval of a Specific Use Permit. There is no request for a Specific Use Permit for Retail Sales/Personal Service at this time.**

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

*Too many retail stores for a quiet neighborhood.*

(Please complete the following information)

Your Property Address

1160 E Campbell Rd Garland TX 75044

Printed Name

Heidelberg Garland TX 75044

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

*[Handwritten Signature]*  
Date: 9-2-15

Title

*Mr. & Mrs.*



# City Council Item Summary Sheet

Work Session

Date: October 6, 2014

Agenda Item

## Appointments to Boards and Commissions

### Summary of Request/Problem

Council is requested to consider appointments to Boards and Commission.

### Recommendation/Action Requested and Justification

Submitted By:

Approved By:

William E. Dollar  
City Manager



**GARLAND**  
TEXAS MADE HERE

# Board & Commission Application

D-3

Please Print or Type. **PLEASE DO NOT SEND RESUME.**

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Board or Commission of first, second, and third choice: (\*\*Garland Youth Council has a separate application)

- Board of Adjustment
- Building and Fire Codes Board
- Citizens Environmental and Neighborhood Advisory Committee
- Community Multicultural Commission
- Electrical Board
- Garland Cultural Arts Commission
- Garland Youth Council \*\*
- Library Board
- Housing Standards Board
- Parks and Recreation Board
- Plan Commission \*
- Plumbing and Mechanical Codes Board
- Senior Citizens Advisory Committee

RECEIVED  
AUG 28 2014  
CITY SECRETARY

Full Name: Allen (Mike) McCorstin

Home 3706 S. Country Club Address:  Bus. Address:

City, Garland State, TX Zip: 75043 City, State, Zip: \_\_\_\_\_

Home Phone: 972 2781245 Phone (Other): \_\_\_\_\_

Email Address: MLCORSTIN@yahoo.com

Resident of Garland for 15 years Resident of Texas for 60 years

Are you a registered voter in Dallas County?  Yes  No

Voter Registration No. 1081319602 Precinct No. 2113 City Council District No. 3

Have you ever been convicted of a felony?  Yes  No

Have you ever been convicted of a Class A misdemeanor?  Yes  No

Please list any experience that qualifies you to serve in the areas you have indicated.

APPROXIMATELY FIVE YEARS PREVIOUS SERVICE ON THE LIBRARY BOARD

If you have served on a City Board or Commission, please specify and list dates of service.

2007 or 2008 to 2014

List civic or community endeavors with which you have been involved.

NOTHING BEYOND LIBRARY BOARD; OTHER ACTIVITY IS CHURCH-RELATED

What is your educational background?

BA, ENGLISH; MA, JOURNALISM

What is your occupational experience?

WRITER EDITOR LECTURER CORPORATE TRAINER

\* Plan Commission members must own property within the city.

I hereby affirm that all statements herein are true and correct.

Signature of Applicant

### FOR OFFICE USE ONLY

Ad Valorem Tax Status Current  Past Due

Status of Utility Accounts Current  Past Due

Suit/Claim Filed in City Secretary's Office Yes  No

Signatures  
JP 9/2/14  
 Tax Clerk  
JP 9/2/14  
 Accounting Clerk  
JP 9/2/14  
 City Secretary

Date Appointed \_\_\_\_\_  
 Appointed By \_\_\_\_\_  
 Date Notified \_\_\_\_\_  
 Date Disclosure Form Filed \_\_\_\_\_