



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, September 15, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Council Member David Gibbons
Deputy Mayor Pro Tem Robert Vera
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager John Baker
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

Motion was made by Council Member Deborah Morris, and seconded by Council Member Rich Aubin to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. **APPROVED** Consider approval of the minutes of the September 1, 2020 Regular Meeting.

2. Consider approval of the following bids:

a. **APPROVED** GP&L McCree Substation Steel Structures for
Autotransformer Addition

Bid No. 1261-19

Klute Inc. Steel Fabrication

\$450,029.13

This request is to approve a Change Order for two A-frame structures including all switch stands and bus supports.

b. APPROVED GP&L Transmission Line Underbuild

Bid No. 1070-20

L.E. Myers Company	\$859,962.79
Optional Contingency	<u>71,948.00</u>
TOTAL:	\$931,910.79

This request is to provide construction services related to transmission line underbuilds for distribution services. An Optional Contingency is included for any additional work that may be required.

**c. APPROVED Farmersville Area 138kV Transmission CCN
Application Management – Phase I**

Bid No. 1271-20

Burns & McDonnell	\$359,500.00
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This request is to obtain engineering services associated with Phase I of GP&L's Certificate of Convenience and Necessity (CCN) application for the Farmersville Area 138kV Transmission Line project.

d. APPROVED Personal Protective Equipment

Bid No. 1306-20

Nafeco, Inc.	\$778,979.00
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This request is for primary, secondary, and replacement Personal Protective Equipment (PPE) for the Garland Fire Department. This approval is for a two-year Term Agreement.

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

a. APPROVED Zoning File No. Z 20-13, Eric L. Davis Engineering, Inc. (District 3)

Ordinance No. 7167 amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for Recreational Vehicle Park Phase II Cabins on a 1.0165-acre tract of land zoned Planned Development (PD) District 18-36 for Light Commercial Uses (Recreational Vehicle Park Only) located at 3926 Zion Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

b. APPROVED Zoning File No. Z 20-16, Kimley-Horn and Associates, Inc. (District 1)

Ordinance No. 7168 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 12-56 to add Car Wash, Automated/Rollover and Automobile Repair, Minor Uses; 2) a Specific Use Provision for Car Wash, Automated/Rollover; and 3) a Detail Plan for Car Wash, Automated/Rollover and Automobile Repair, Minor Use on a 1.8-acre tract of land zoned Planned Development (PD) District 12-56 located at 5243 Naaman Forest Boulevard; providing for conditions, restrictions,

and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

c. APPROVED Zoning File No. Z 20-18, COSMAX NBT USA (District 6)

Ordinance No. 7169 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a High Risk Use on a property zoned Industrial (IN) District and located at 3350 Marquis Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

- 4. APPROVED Ordinance No. 7170** authorizing the issuance of “City of Garland, Texas, Tax Notes, Series 2020”; 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 a Paying Agent/Registrar Agreement and a Purchase Letter; and providing an effective date.

At the August 31, 2020 Work Session, Council considered authorizing the issuance of tax notes in the amount of approximately \$25 million. The proceeds from Tax Notes have become an important funding source for the City's annual Street Reconstruction and Improvement Program, which totals \$28.9 million in the FY 2020-21 Proposed Budget. In addition, tax notes allow the City to manage the debt service tax rate and fund capital improvements without increasing the City's long-term debt burden. The notes will be paid off within one year.

- 5. APPROVED Ordinance No. 7171** amending the tax roll of the City of Garland, Texas and approving an effective date.

At the August 31, 2020 Work Session, Council was provided a written briefing regarding the annual amendment to the tax roll.

6. **APPROVED** **Resolution No. 10453** of the City Council of the City of Garland, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a Savings Clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

At the August 31, 2020 Work Session, Council considered a settlement agreement with Atmos Energy Mid-Tex Division ("Atmos") and the resulting rate change under the Rate Review Mechanism (RRM) tariff.

7. **APPROVED** **Minute action approving the appointment of Rick Parra for three years to the Civil Service Commission.**

At the September 14, 2020 Work Session, Council considered approving the City Manager's reappointment of incumbent Rick Parra for an additional three years.

8. **APPROVED** **Minute action approving the vendor selection and associated annual recurring costs for implementation, which will be fully off-set by the annual wellness incentive.**

The Commit to Wellness Program (C2W) has been utilized since 2007 to engage employees in preventive care, health education and cost saving disease management. In exchange for their participation, employees receive a discounted health care premium. To promote employee wellness, the City receives an annual incentive "rebate" from its third party administrator (currently Blue-Cross Blue-Shield of Texas) that can be applied to off-set program costs. In the past, the incentive has been used in various ways including C2W program enhancements, digital fitness tracking tools, and reimbursements. During FY 20-21, the incentive will be increased from \$75,000 annually to \$125,000 and is proposed to be partially applied to the cost of implementing a wellness technology platform.

9. **APPROVED** **Minute action authorizing the City Manager to execute the Discretionary Service Agreement with Oncor.**

At the August 31, 2020 Work Session, Council considered authorizing the City Manager to execute a Discretionary Service Agreement with Oncor for the Burying of Oncor's Facilities along Rosehill Road from Bobtown Road to IH-30.

10. **APPROVED** **Minute action authorizing the execution of a settlement agreement by the City Manager with the concurrence of the City Attorney.**

The parties to this rate appeal - In the matter of the Petition of the City of Garland, et al, appealing the North Texas Municipal Water District water rates; PUC Docket No. 46662, et al, have reached a potential settlement. Council is requested to authorize the City Manager, with the concurrence of the City Attorney, to sign a potential settlement agreement any other ancillary agreements and any matters related thereto consistent with the direction of Council as previously provided.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

11. **PUBLIC** **Hold a Public Hearing on 2020-21 Proposed Budget**
 HEARING HELD:

Section 5, Article VIII, of the City Charter requires that a Public Hearing be held on the Proposed Budget for the coming fiscal year. At the Public Hearing, all interested persons shall be given an opportunity to be heard for or against any item contained in the Proposed Budget. The Proposed Budget for 2020-21 has been available for public inspection in the City libraries, in the City Secretary's Office, and on the City's website since August 5, 2020.

This budget will raise more revenue from property taxes than last year's budget by an amount of \$5,036,355, which is a 4.04 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$2,239,506.

Mayor LeMay opened the public hearing at 7:10 p.m. There were no speakers on this item and the Mayor closed the public hearing at 7:11 p.m.

12. **PUBLIC** **Hold a Public Hearing on Proposed 2020-21 Tax Rate**
 HEARING HELD:

The Texas Property Tax Code, Section 26.05 (d), provides that a governing body may not adopt a tax rate that exceeds the lower of the voter approval rate or the no new revenue tax rate until the governing body has held a public hearing on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The 2020-21 Proposed budget is based on a tax rate of 76.96 cents per \$100 of valuation, which exceeds the no new revenue tax rate of \$.741031 cents per \$100 of value.

Mayor LeMay opened the public hearing at 7:12 p.m. There were no speakers on this item and the Mayor closed the public hearing at 7:13 p.m.

13. APPROVED

Adoption of 2020-21 Budget

In accordance with the City Charter, the City Manager presented his recommended Budget for fiscal year 2020-21 to the City Council on August 4, 2020. After receiving certified values from the Dallas Central Appraisal District, the City Manager provided City Council with recommended adjustments to the Budget on August 25, 2020. Copies were made available for public inspection at the City libraries, at the City Secretary's Office, and on the City's website. Public hearings were held on September 1 and September 15, 2020. An ordinance reflecting final decisions regarding the Budget for 2020-21 and revised budgets will be prepared for the Mayor's signature upon final direction from the City Council.

Motion was made by Council Member Deborah Morris, and seconded by Council Member Rich Aubin to ratify the property tax rate reflected in this budget. Motion carried:

Vote: 9 - 0

Motion was made by Council Member Deborah Morris, and seconded by Mayor Pro Tem Robert John Smith to approve the budget as amended by the City Manager to eliminate fire protection equipment, which was moved to the Capital Improvement Budget and eliminate National League of Cities membership fees.

An amendment to the motion was made by Council Member Aubin to include the NLC membership in the budget. The amendment failed due to lack of a second.

A vote was cast on the main motion to adopt **Ordinance No. 7172**. Motion carried:

Vote: 9 - 0

14. APPROVED

Adoption of 2020-21 Property Tax Rate

The City Council has considered an Ad Valorem Tax Rate of 76.96 cents per \$100 of valuation for the fiscal year beginning October 1, 2020. All meetings, notices and public hearing requirements related to the adoption of the Tax Rate have been met in accordance with State law. Council is requested to consider an ordinance setting the Ad Valorem Tax Rate at 76.96 cents per \$100 of valuation for 2020-21.

Matt Watson, Director of Finance, presented the staff report.

Motion was made by Council Member Deborah Morris, and seconded by Council Member Rich Aubin that the property tax rate be increased by the adoption of tax rate of 76.96 cents per \$100 of valuation, which is effectively a 3.8% increase in the tax rate. The motion is in two parts:

to first move that the rate for debt service be approved in the amount of thirty-seven and fifty-six hundredths of a cent.

Motion carried:

Vote: 9 - 0

Motion was made by Council Member Deborah Morris, and seconded by Council Member Rich Aubin that the rate for maintenance and operations be approved in the amount of thirty-nine and forty hundredths of a cent, adopting **Ordinance No. 7173**. Motion carried:

Vote: 9 - 0

15. APPROVED

Rate and Fee Changes for 2020-21

In considering the 2020-21 Proposed Budget, the City Council reviewed the adjustments to existing rates and fees. Revenue estimates included in the 2020-21 Proposed Budget are based on these actions. An ordinance will be prepared for the Mayor's signature once final direction has been given by the Council.

Motion was made by Council Member Deborah Morris, and seconded by Council Member Jim Bookhout to approve **Ordinance No. 7174** making certain fee and rate adjustments and establishing an effective date of October 1, 2020. Motion carried:

Vote: 9 - 0

16. APPROVED

Consider an ordinance of the City of Garland, Texas, establishing Civil Service Classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications; and providing an effective date.

Pursuant to Chapter 143 of the Local Government Code of Texas, the City Council must establish the civil service classifications in the Police and Fire Departments, the number of positions in each classification, the base salary and the types of incentive pays for each classification.

Motion was made by Council Member Deborah Morris, and seconded by Deputy Mayor Pro Tem Robert Vera to approve **Ordinance No. 7175**, establishing Civil Service Classifications within the Police and Fire Departments; prescribing the number of positions in each classification;

prescribing the base salary and types of pay for those classifications; and providing an effective date. Motion carried:

Vote: 9 - 0

17. Hold public hearings on:

- a. Consider the application of Kimley-Horn and Associates, Inc., requesting approval of 1) a Change in Zoning from Planned Development (PD) District 93-11 to a Planned Development (PD) District for Industrial (IN) Uses and 2) a Detail Plan for a Truck/Bus Repair Use. This property is located at 2700-2816 McCree Road. This application was submitted prior to September 1, 2019. (File No. Z 19-27, District 5)**

The applicant proposes to build a 42,580 square-foot Truck/Bus Repair shop.

The Mayor announced the Council will grant the request to postpone Item 17a to the October 13 meeting.

- b. APPROVED Consider the application of Rene Mandujano, requesting approval of 1) a Specific Use Provision for a Tattooing/ Body Piercing Establishment on a property zoned Downtown (DT) District (Historic Downtown Sub-District) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments. This property is located at 532 Main Street. (File No. Z 20-23, District 2)**

The applicant proposes a tattoo shop.

Motion was made by Council Member Deborah Morris, and seconded by Mayor Pro Tem Robert John Smith to approve the application as presented and amended with a three-year Specific Use Provision. Motion carried:

Vote: 8 - 1

The staff report was presented by Kimberly Hopkins, Development Planner and Will Guerin, Director of Planning. There was discussion by the Council. Speakers on this item were: Rene Mandujano, Caitrin Walters, Eric Miranda and Carlos Porres.

Council Member Morris read comments from her constituents into the record.

- c. APPROVED Ordinance No. 7176 amending in part Chapter 2, Chapter 6, and Chapter 7 of the Garland Development Code, regarding Multi-Family and Elder Care storage space requirements, and Restaurant pick-up windows.**

Council is requested to consider amendments to the Garland Development Code regarding Multi-Family and Elder Care storage space

requirements, and Restaurant pick-up windows. These amendments were previously discussed during the August 3, 2020 City Council Work Session and an ordinance is drafted accordingly.

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

Motion was made by Council Member Deborah Morris, and seconded by Council Member Jerry A. Nickerson to approve the amending in part of Chapter 2, Chapter 6 and Chapter 7 of the Garland Development Code, regarding Multi-Family and Elder Care storage space requirements and Restaurant pick-up windows. Motion carried:

Vote: 9 - 0

18. APPOINTMENTS: Appointment of the Garland Housing Finance Corporation

At the September 14, 2020 Work Session, Council interviewed the candidates interested in being appointed as the City of Garland's representative to the Garland Housing Finance Corporation for a six-year term beginning September 15, 2020.

Council Member Gibbons was provided a moment of personal privilege to address the Council regarding his selection as the new Executive Director of the Garland Housing Finance Corporation, simultaneously announcing his resignation, effective September 30, 2020.

Mayor LeMay requested nominations for the appointment of a member to the Garland Housing Finance Corporation. Council Member Bookhout nominated Peter Romanyak.

A vote was cast approving the nomination of Peter Romanyak:

Vote: 8 - 0

19. Citizen comments: There were no speakers on this item.

20. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:54 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary