GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, May 3, 2022, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present:	Mayor Scott LeMay
	Mayor Pro Tem Dylan Hedrick
	Deputy Mayor Pro Tem B. J. Williams
	Council Member Jeff Bass
	Council Member Deborah Morris
	Council Member Ed Moore
	Council Member Rich Aubin
	Council Member Robert Vera
	Council Member Robert John Smith
Staff Present:	City Manager Bryan Bradford
	Deputy City Manager Mitch Bates
	Assistant City Manager Judson Rex
	City Attorney Brian England
	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.

Amy Dunphy, Community Outreach Coordinator, Animal Services, presented Pet of the Month.

Mayor LeMay, along with Elisa Morales, Staff Liaison for the Garland Youth Council, recognized the accomplishments of the Council's graduating seniors. Four members were in attendance: Leah Tharakan, Jotham Simon, Serene Haroon and Victoria Penick. Ms. Morales read the names of the graduating members who were not present: Julian Brown-Griffin, Jair Delgado, Heather Moody, Marione Ogboi and Christian Williams.

Mayor LeMay presented a proclamation to City Manager Bradford for National Public Service Recognition Week, May 1 through 7. Mayor LeMay recognized employees in the Chamber and thanked all City employees for their service and dedication to the citizens of Garland.

Mayor LeMay, along with Council Member Morris, presented a proclamation to the organizers of the 2022 National Day of Prayer. Pastor Kerby Richmon, Associate Pastor, Lavon Drive Baptist Church, presented comments for the group, inviting everyone to attend an event on May 5 at the church.

Mayor LeMay presented a special recognition to Eagle Scout Jonathan Ringo Temple Freeborn. Mr. Freeborn expressed the importance of scouting in his development as a servant leader and encouraged others to participate in scouting.

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 Bass to approve the Consent Agenda as presented, with the exclusion of Item #7, removed for individual consideration, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

1. APPROVED Consider approval of the minutes of the April 19, 2022 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED GP&L Elm Grove Substation Expansion Construction Services **Bid No. 0543-22**

Primoris T&D Services, LLC	**$1,338,172.52**
Optional Contingency	**133,817.00**
TOTAL:	**$1,471,989.52**

This request is to provide labor, tools and equipment needed for the expansion of the Elm Grove Substation. An Optional Contingency is included for any additional work that may be required.

b. APPROVED TMPA/ONCOR Interconnection Agreement **Bid No. 0624-22**

ONCOR Electric Delivery	**$100,834.44**

This request is for approval of the ongoing annual Interconnection Operation & Maintenance Fees per Exhibit C, Item Six, of the TMPA/ONCOR Jointly Owned Facilities contract.

c. APPROVED GP&L Substation Instrument Transformers & Surge Arrestors **Bid No. 0443-21**

Keasler Sales, LLC	**$900,000.00**

This request is to approve a Change Order for price increases related to instrument transformers and surge arrestors used in GP&L substations.

d. APPROVED GP&L Naaman Substation Rebuild Construction Services **Bid No. 0515-22**

Primoris T&D Services, LLC	**$607,016.21**
Optional Contingency	**121,403.24**
TOTAL:	**$728,419.45**

This request is to provide labor, tools and equipment needed for the rebuild of the GP&L Naaman Substation. An Optional Contingency is included for any additional work that may be required.

e. **APPROVED** **GP&L Underground Maintenance and Construction** **Bid No. 0554-22**

Villatoro Construction, LLC	**$3,000,000.00**

This request is to provide construction labor to support Garland Power & Light's underground distribution operations. This approval is for a Term Agreement with four optional renewals.

f. **APPROVED** **GP&L College and Brand Road Substation Terminal Upgrades** **Bid No. 0415-22**

Emerald Electrical Consultants	**$206,884.29**
Optional Contingency	**41,376.86**
TOTAL:	**$248,261.15**

This request is to provide construction services for terminal upgrades at the GP&L College and Brand Road Substations. An Optional Contingency is included for any additional work that may be required.

g. **APPROVED** **TMPA Dansby to Steep Hollow 138kV Transmission Line Rebuild Engineering Services** **Bid No. 0686-22**

M&S Engineering	**$738,755.00**

This request is for engineering services associated with the rebuild of portions of the TMPA Dansby Plant to Steep Hollow segment of the Gibbons Creek to Dansby 138kV Transmission Line.

h. **APPROVED** **Golf Carts** **Bid No. 0694-22**

EZ-GO Textron	**$1,225,569.08**

This request is for the replacement purchase of 240 golf carts, two beverage carts, two range pickers and a GPS system to be utilized by the Firewheel Golf Park.

i. **APPROVED** **Shiloh Road (Kingsley to Miller) - Engineering Services** **Bid No. 0727-22**

CP&Y, Inc.	**$2,868,485.00**

This request is for engineering services associated with the Shiloh Road project between W. Kingsley Road and W. Miller Road.

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 21-50, Kimley-Horn (District 1)**

Ordinance No. 7318 amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for an Automobile Repair, Minor Use on a 1.3504-acre tract of land zoned Planned Development (PD) District 06-28 for Community Retail Uses and located at 2999 North President George Bush Turnpike; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. APPROVED **Zoning File No. Z 21-54 Randall Reed's Planet Ford 635 (District 5)**

Ordinance No. 7319 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for Automobile Sales, New or Used on a 18.2261-acre tract of land zoned Industrial (IN) District and located at 3601 South Shiloh Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

c. APPROVED **Zoning File No. Z 21-62 Provident Realty Advisors (District 1)**

Ordinance No. 7320 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Agricultural (AG) District to a Planned Development (PD) District for Mixed Uses and 2) a Detail Plan for Multi-family development on a 35.787-acre tract of land located at 3309 Castle Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

d. APPROVED **Zoning File No. Z 22-10 Jude Nwachukwu (District 2)**

Ordinance No. 7321 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Reception Facility use on a 3.14-acre tract of land zoned Planned Development (PD) District 06-46 for Community Retail Uses and located at 1906 East Miller Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. APPROVED **Resolution No. 10544** authorizing the acceptance of a Texas Department of Transportation Selective Traffic Enforcement Program Click it or Ticket Grant in the amount of $6,264.05; and providing an effective date.

At the May 2, 2022 Work Session, Council considered approving a resolution authorizing the City Manager to accept the State of Texas Department of

Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Click it or Ticket (CIOT) grant for May 21, 2022 to June 9, 2022 in the amount of $6,264.05.

5. **APPROVED** **Development Agreement regarding Zoning File No. Z 21-62**

Council approved an Economic Development Incentive Agreement between Provident Realty Advisors, Inc. and the City of Garland. This Agreement relates to Zoning Case Z 21-62 for a residential development at 3309 Castle Drive.

6. **APPROVED** **Ordinance No. 7322** authorizing an amendment to the 2021-22 Operating Budget ("Budget Amendment No. 3"); providing for supplemental appropriation of funds in the Electric Utility Fund; and providing an effective date.

At the April 18, 2022 Work Session, Council considered an amendment to the 2021-22 Adopted Budget to appropriate funds in the amount of $1,702,780 in the Electric Utility Fund for GP&L Production to cover additional maintenance and repair costs on the Olinger and Spencer Power Plants and the Lewisville Hydro Plant.

8. **APPROVED** **Ordinance No. 7324** approving Bond Refunding - Water and Sewer System Revenue Refunding Bonds and Commercial Paper Notes

At the February 28, 2022 Work Session, Council considered a refunding of $42.5 million of Water and Sewer System Commercial Paper Notes, Series 2015 and approximately $4.7 million Water and Sewer System Revenue Bonds, Series 2012 with Water and Sewer System Revenue Refunding Bonds, Series 2022. The purpose of this transaction is to refund a portion of variable rate commercial paper notes with fixed rate long-term debt and to generate debt service savings.

9. **APPROVED** **Ordinance No. 7327** authorizing the Sale of Certificates of Obligation, Series, 2022 to Fund a Portion of the Approved 2022 CIP

At the February 28, 2022 Work Session, Council considered authorizing the sale of Certificates of Obligation (CO) in the approximate amount of $31 million to fund a portion of the approved 2022 CIP.

10. **APPROVED** **Ordinance No. 7326** approving the Issuance of General Obligation Bonds, Taxable Series 2022

At the May 2, 2022 Work Session, Council was requested to consider the issuance of $6.1 million in General Obligation Bonds, Taxable Series 2022. This issuance will fund a portion of the Economic Development projects approved by the voters in the 2019 Bond Program.

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.

7. APPROVED Bond Refunding - General Obligation Commercial Paper & Certificates of Obligation (removed from Consent Agenda)

At the February 28, 2022 Work Session, Council considered a refunding of Commercial Paper Notes and Certificates of Obligation with General Obligation Refunding Bonds. The total amount of variable rate Commercial Paper Notes, series 2021 requested to be refunded is $50 million. Commercial Paper is used as an interim financing tool to fund the 2004 and 2019 Bond Programs and is refunded periodically into long-term fixed rate General Obligation debt. In addition, approximately $1.3 million of Combination Tax and Revenue Certificates, Series 2012 is being requested to be refunded in order to secure debt service savings of approximately $66,000 over the next ten years.

Matt Watson, Director of Finance, provided a briefing to explain the February 28 Bond refunding for $50M of Commercial Paper Notes, used to fund 2004 and 2019 Bond programs. He further explained there was an opportunity to refinance $1.3M of Series 2012 Certificates of Obligation for approximately $66 thousand of savings. However, due to inflation and the Federal Reserve raising interest rates at pricing, it was not beneficial to refinance the $1.3M, but instead refund the $50 million of short-term Commercial Paper Notes into General Obligation Bonds, foregoing the refunding of the Certificates of Obligation.

Motion was made by Council Member Bass to approve the Bond Refunding for the General Obligation Paper Note Series 2021 and not refund Certificates of Obligation Series 2012, seconded by Deputy Mayor Pro Tem Williams. Motion carried:

Vote: 9 ayes, 0 nays

11. **Hold public hearings on:**

a. **APPROVED** **Consider a Detail Plan request by ClayMoore Engineering to allow a multi-tenant retail/restaurant building, which will include a drive-through. This property is located at 5345 North President George Bush Turnpike in District 1.**

Consideration of the application of ClayMoore Engineering, requesting approval of a Detail Plan for a Multi-tenant Retail/Restaurant building, including a Restaurant with a Drive-Through Use. This item may include amendments to Planned Development (PD) District 19-07 for Community Retail Uses. This property is located at 5345 North President George Bush Turnpike. (File Z 22-01, District 1)

The staff report was presented by William Guerin, Director of Planning and traffic impact questions from the Council were addressed by Paul Luedtke, Director of Transportation. The speaker on this item was Clay Cristy, applicant.

Motion was made by Council Member Bass to approve the Detail Plan request, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

b. **APPROVED** **Consider amendments to the Garland Development Code relating to cellular towers and multi-family covered parking.**

Consider amending in part Chapter 2, “Land Use Matrix”; Section 2.64, “Districts Allowed,” of Chapter 2, Article 5, “Use Regulations”; and Section 4.24(A), “Multifamily Developments”, “Covered Parking, Attached or Detached” of the Garland Development Code. The City Council was briefed by the Development Services Committee during the April 4, 2022 City Council Work Session.

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

There was discussion by the Council. City Attorney England provided information on Federal law, as it relates to the removal of abandoned cell towers.

Motion was made by Council Member Aubin to approve the amendments, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

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

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

Mayor LeMay requested Mayor Pro Tem Hedrick to present the Mayor's nomination of Mitch Carr to the Cultural Arts Commission.

APPOINTMENTS: **Mayor Scott LeMay**

- Mitch Carr - Cultural Arts Commission

A vote was cast with the following result: 9 ayes, 0 nays

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

14. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:45 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary