GARLAND

MINUTES

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

Present:	Mayor Scott LeMay Mayor Pro Tem Deborah Morris Deputy Mayor Pro Tem Robert John Smith Council Member Jeff Bass Council Member Ed Moore Council Member B.J. Williams Council Member Margaret Lucht Council Member Robert Vera Council Member Dylan Hedrick
Staff Present:	City Manager Judson Rex Deputy City Manager Mitch Bates Assistant City Manager Crystal Owens Assistant City Manager Phillip Urrutia City Attorney Brian England City Secretary Eloyce RenÃ© 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.

Crystal Lazo, Adoption Specialist, Animal Services, presented the Pet of the Month.

Mayor LeMay accepted a $400,000 financial assistance grant from David Gibbons, Executive Director of Garland Housing Finance Corporation. GHFC board members present were: Dale Adams, President, Delores Elder-Jones, Vice President, Genai Walker, Treasurer and Peter Romanyak. City of Garland employees, Becky King, Managing Director, Mona Woodard, Neighborhood Services Administrator, and Jason Wilhite, Construction and Rehabilitation Supervisor were present as well.

Mayor LeMay presented a proclamation to the Garland Citizens Police Academy Alumni Association celebrating their 30 years of service to the department and this community.

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.

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

Vote: 9 ayes, 0 nays

1. APPROVED Consider approval of the minutes of the February 21, 2023, Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Replacement Motor Grader for Hinton Landfill — **Bid No. 0457-23**

RDO Equipment Company — **$ 391,267.00**

This request is for the purchase of one (1) replacement 2022 John Deere 672G Motor Grader to be utilized by the Hinton Landfill. The existing Unit 160-182 is a 1998 Caterpillar 160H Motor Grader with 13,728 hours. The item being purchased is a scheduled and budgeted purchase, and the unit being replaced will be retired and auctioned.

b. APPROVED Replacement Compactor — **Bid No. 0467-23**

R.B. Everett & Company — **$ 949,969.00**

This request is for the purchase of one (1) replacement 2023 Bomag 1173 RB-5 Compactor to be utilized by the Hinton Landfill. The existing unit 160-2038 is a 2019 Caterpillar 836K steel wheel Compactor with 6,217 hours. The item being purchased is a scheduled and budgeted purchase, and the unit being replaced will be retired and auctioned.

c. APPROVED Replacement Track Loader — **Bid No. 0493-23**

Caterpillar, Inc. — **$ 623,085.00**

This request is for the purchase of one (1) replacement 2023 Caterpillar 963 Track Loader with waste package equipment that will be utilized by the Sanitation Transfer Station. The existing unit 160-1441R is a 2015 Caterpillar 963K Track Loader with 11,291 hours. The item being purchased is a scheduled and budgeted purchase, and the unit being replaced will be retired and auctioned.

d. APPROVED Lead and Copper Rule Compliance Phase II — **Bid No. 0473-23**

Freese and Nichols, Inc.	**$ 345,000.00**
Optional Contingency	**$ 35,000.00**
TOTAL	**$ 380,000.00**

This request is to obtain professional services for the lead and copper rule compliance Phase II to continue the system assessment, and include field studies throughout the system to confirm various pipe types. In Phase I, an assessment of the water distribution system was conducted to determine system status and data availability. An optional contingency is included for any additional services that may be required.

e. APPROVED **Rowlett Creek 48" Interceptor Main Rehabilitation Phase IX** **Bid No. 0476-23**

Insituform Technologies, LLC.	**$ 1,503,337.50**
Optional Contingency	**$ 50,000.00**
TOTAL	**$ 1,553,337.50**

This request is for Phase IX of the Rowlett Creek 48" Wastewater Interceptor Rehabilitation Project. This Phase will reline approximately 2,765 feet of 48" interceptor line from north of President George Bush Turnpike towards Ben Davis Road along Rowlett Creek. An optional contingency is included for any additional work that may be required.

f. APPROVED **Replacement Police Pursuit Vehicles** **Bid No. 0501-23**

Reliable Chevrolet **$ 1,224,924.40**

This request is for the purchase of twenty-nine (29) replacement 2023 Chevrolet Tahoe Police Pursuit Vehicles, three (3) additional 2023 Chevrolet Tahoe Police Pursuit Vehicles, and two (2) additional 2023 Chevrolet Silverado Police Pursuit Vehicles. The existing units being replaced are listed on an attached document. The items being purchased are scheduled and budgeted purchases, and the units being replaced will be retired and auctioned.

g. APPROVED **GP&L Olinger Unit 3 Boiler Control Retrofit Design Services** **Bid No. 0489-23**

Emerson Process Management **$ 314,232.00**

The request is for GP&L Olinger Unit 3 boiler control retrofit services. The services will include field verification of the controls, cabinet drawings, and initial graphic and logic submittals for the retrofit. This is part of the approved Olinger Unit 3 Boiler Controls Retrofit CIP project.

h. APPROVED **Police Vehicle Upfitting** **Bid No. 0405-23**

Reliable Chevrolet **$ 1,081,979.40**

This request is for the upfitting of peripheral equipment for twenty-nine (29) replacement 2023 Chevrolet Tahoe Police vehicles, three (3) additional 2023 Chevrolet Tahoe Police vehicles, and two (2) additional 2023 Chevrolet Silverado Police Pursuit pickups.

i. APPROVED **Right of Way Mowing and Maintenance** Bid No. 1268-22

Carruthers Landscape Services, Inc.	**$ 279,000.00**
Optional Contingency	**$ 50,000.00**
TOTAL	**$ 329,000.00**

This request is to provide maintenance for 77 Right of Way locations totaling 196.52 acres. Services will include 18 cycles of mowing, edging, and removal of clippings. This approval is for term agreement with four (4) optional renewals. An optional contingency is included for any additional services that may be required.

j. APPROVED **Utility Bill Printing Services** **Bid No. 0496-23**

DataProse LLC **$ 600,000.00**

This request is for utility bill printing, inserting, and mailing for Customer Service. This approval is for a term agreement that will be renewed annually provided funding is approved in the budget and the City of Baytown has an active contract with DataProse LLC.

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

for consideration.

a. APPROVED **Z 22-75 Frontier States Development Services (FSDS) - District 5**

Ordinance No. 7406 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Kiosk, Self-Service - Retail Use (ICE Kiosk) on a 0.262 acre tract of land located at 131 West Kingsley Road and zoned Community Retail (CR) District; 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 Claus; and providing an effective date.

b. APPROVED **Consider amendments to the Garland Development Code regarding Municipal Setting Designations**

Ordinance No. 7407 amending Chapter 4, "Site Development" of the Garland Development Code of the City of Garland, Texas, by adopting an Article 9, "Municipal Setting Designations"; 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. Municipal Setting Designations is an official state designation requiring certification of non-potable groundwater and its use.

4. APPROVED **Garland Housing Finance Corporation Disbursement Agreement**

Garland Housing Finance Corporation (GHFC) has offered $400,000 through its Addressing Garland Partnership Program for financial assistance with home and exterior repairs for qualifying low-income, senior, and veteran homeowners in the city of Garland. This item was presented to Council at the February 6, 2023, Work Session Meeting. Council accepted a $400,000 grant from the Garland Housing Finance Corporation (GHFC) to continue the GHFC addressing Garland Partnership Program with the City of Garland and to authorize the City Manager to sign and execute a disbursement agreement for deployment of these funds.

5. APPROVED **FY 2022-23 Budget Amendment No. 1**

At the February 6, 2023, Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2022-23 Adopted Budget (2022-23 Budget Amendment No. 1). The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2021-22 fiscal year, and (3) expenditures not anticipated in the 2022-23 Adopted Budget. **Ordinance No. 7408** amending the 2022-23 Adopted Budget.

6. APPROVED **Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC**

Council was briefed on this settlement agreement at the Work Session of Monday, March 6, 2023, during executive session. There was a legal dispute between the City and Spectrum over the payment of franchise and PEG fees. In 2019, the City, along with other cities, filed a lawsuit against Spectrum arising out of the dispute. The proposed Settlement Agreement and Mutual Release resolves the legal dispute with Spectrum agreeing to increased franchise fee and PEG fee payments. Council has authorized the City Manager to execute a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.

7. APPROVED **Resolution No. 10577 Authorizing Publication of a Notice of Intent to Issue Certificates of Obligation**

Council is requested to consider authorizing the publication of a Notice of Intent to Issue Certificates of Obligation in the amount not to exceed $46.5 million to fund a portion of the CIP. This item was presented to the City Council at the March 6, 2023 Work Session meeting.

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.

8. **Hold public hearings on:**

a. **PUBLIC HEARING HELD:** **HOME American Rescue Act City of Garland Draft Allocation Plan - Public Hearing**

During March 6, 2023, Council Work Session, Council was provided a draft of the proposed City of Garland HOME American Rescue Cost Allocation Plan. The City has received a one-time allocation of funding in the amount of $2,541,737 through the Department of Housing and Urban Development. As part of the plan adoption process, a public hearing is required to solicit comments from interested parties relating to the 2023 HOME-ARP Cost Allocation Plan. This item will be brought back to Council at the March 20, 2023, Work Session for final discussion. Unless otherwise directed by Council this item will be placed on the agenda for formal consideration at the March 21, 2023, Regular Meeting for formal consideration.

The staff presentation was made by Mona Woodard, Neighborhood Services Administrator.

Mayor LeMay opened the public hearing at 7:20 p.m. There were no speakers on this item and the hearing was closed at 7:21 p.m.

b. **APPROVED** **Consider a Specific Use Provision amendment request by Quetzal Event Center to continue the operation of a Reception Facility from an existing building. The site is located at 354 East Interstate Highway 30 in District 3.**

Consideration of the application of Quetzal Event Center, requesting approval of an amended Specific Use Provision for a Reception Facility on a property zoned Planned Development (PD) District 20-40 for a Community Office Uses. This property is located at 354 East Interstate Highway 30. (File Z 22-78, District 3)

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

There was discussion by the Council.

The motion was made by Council Member Moore to approve the Specific Use Provision amendment (Item 8b) and the Detail Plan (Item 8c), seconded by Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays

c. **APPROVED** **Consider a Detail Plan request by Quetzal Event Center to continue the operation of a Reception Facility from an existing building. The site is located at 354 East Interstate Highway 30 in District 3.**

Consideration of the application of Quetzal Event Center, requesting approval of a Detail Plan for a Reception Facility on a property zoned Planned Development (PD) District 20-40 for Community Office Uses. This property is located at 354 East Interstate Highway 30. (File Z 22-78, District 3)

d. **APPROVED** **Consider a Planned Development request by Kirkman Engineering for approval of fifty-five (55) townhouses. The site is currently zoned to allow townhouses; however, the applicant requests modifications from the Garland Development Code. The site is located at 2801 and 2901 Arapaho Road in District 7.**

Consideration of the application of Kirkman Engineering, requesting approval of a Change in Zoning from Single-Family Attached (SFA) District to a Planned Development (PD) District for

Single-Family Attached Uses. This property is located at 2801 and 2901 Arapaho Road. (File Z 22-65, District 7)

The staff report was presented by William Guerin, Director of Planning. The speakers on this item were Patrick Filson, applicant, Joe Thomas, representing Camelot Neighborhood Association, J. D. Gonzales and Trey Hart.

There was discussion by the Council.

The motion was made by Council Member Hedrick to approve the Planned Development request (8d) and the Detail Plan (8e), seconded by Deputy Mayor Pro Tem Smith. Motion carried:

Vote: 9 ayes, 0 nays

e. APPROVED **Consider a Detail Plan request by Kirkman Engineering for approval of fifty-five (55) townhouses. The site is located at 2801 and 2901 Arapaho Road in District 7.**

Consideration of the application of Kirkman Engineering, requesting approval of a Detail Plan for Single-Family Attached Uses on a property zoned Single-Family Attached (SFA) District. This property is located at 2801 and 2901 Arapaho Road. (File Z 22-65, District 7)

f. POSTPONED **Consider a Specific Use Provision request by Shammy's Garland, LLC., for approval of an Automated/Rollover Car Wash use. The site is located at 2641 Belt Line Road in District 7.**

Consideration of the application of Shammy's Garland LLC., requesting approval of a Specific Use Provision for a Car Wash, Automated/Rollover Use on a property zoned Community Retail (CR) District. This property is located at 2641 Belt Line Road. (File Z 22-76, District 7)

The motion was made by Council Member Hedrick to postpone this item until April 4, 2023, seconded by Deputy Mayor Pro Tem Smith. Motion carried:

Vote: 9 ayes, 0 nays

g. POSTPONED **Consider a Plan request by Shammy's Garland, LLC., for approval of an Automated/Rollover Car Wash use. The site is located at 2641 Belt Line Road in District 7.**

Consideration of the application of Shammy's Garland LLC., requesting approval of a Plan for a Car Wash, Automated/Rollover Use on a property zoned Community Retail (CR) District. This property is located at 2641 Belt Line Road. (File Z 22-76, District 7)

h. APPROVED **Consider a Specific Use Provision request by Clay Cristy-ClayMoore Engineering to add a second drive-through to an existing McDonald's. The site is located at 119 East Buckingham Road in District 8.**

Consideration of the application of Clay Cristy-ClayMoore Engineering, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through Use on a property zoned Industrial (IN) District. This property is located at 119 East Buckingham Road. (File Z 22-79, District 8)

The staff report was presented by William Guerin, Director of Planning. The speaker on this was Cristy Claymoore, applicant.

There was discussion by the Council.

The motion was made by Deputy Mayor Pro Tem Smith to approve the Specifice Use Provision request (Item 8h) and the Plan request, seconded by Council Member Lucht. Motion carried:

Vote: 9 ayes, 0 nays

i. APPROVED **Consider a Plan request by Clay Cristy-ClayMoore Engineering to add a second**

drive-through to an existing McDonald's. The site is located at 119 East Buckingham Road in District 8.

Consideration of the application of Clay Cristy-ClayMoore Engineering, requesting approval of a Plan for a Restaurant, Drive-Through on a property zoned Industrial (IN) District. This property is located at 119 East Buckingham Road. (File Z 22-79, District 8)

j. APPROVED **Consider a Zoning Change request by G. Roxana Novoa, from Agricultural (AG) District to Single-Family-10 (SF-10) District, to allow a single-family home. The site is located at 1009 and 1013 Rowlett Road in District 4.**

Consideration of the application of G. Roxana Novoa, requesting approval of a Change in Zoning from Agricultural (AG) District to Single-Family-10 (SF-10) District. This property is located at 1009 and 1013 Rowlett Road. (File Z 22-71, District 4)

The staff report was presented by William Guerin, Director of Planning. The applicant was available to answer questions.

The motion was made by Council Member Williams to approve the Zoning Change, seconded by Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays

9. **Citizen comments:** Dave Brady

10. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:19 p.m.

Submitted By:

/s/ Scott LeMay, Mayor

/s/ Eloyce Rene Dowl, City Secretary