MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, July 11, 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 Jeff Bass Deputy Mayor Pro Tem Ed Moore Council Member Deborah Morris Council Member B.J. Williams Council Member Margaret Lucht Council Member Carissa Dutton Council Member Dylan Hedrick Council Member Chris Ott
Staff Present:	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.

Mayor LeMay recognized Scout Troop 1199, consisting of both male and female members.

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

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 Dutton. Motion carried:

Vote: 9 ayes, 0 nays

1. APPROVED **Consider approval of the minutes of the June 20, 2023, Regular Meeting.**

2. **Consider and take appropriate action regarding approval of the following bids:**

   a. APPROVED **GP&L Overhead Transmission & Distribution Line Relocations for Naaman School Road** — **Bid No. 1131-21**

   JW Powerline, LLC. — **$ 64,567.50**

   This request is to approve a Change Order for overhead and underground reconstruction services along Naaman School Road at Highway 78 as part of the Naaman Road street widening project. This Change Order is needed for additional vacuum excavation services to locate hard to identify water and sewer lines and for additional traffic control on the underground portion of the project associated with the delayed start of the underground work due to easement acquisition.

   b. APPROVED **Streambank Erosion Inventory 2023** — **Bid No. 0955-23**

   Walter P. Moore & Associates — **$ 398,700.00**
   Streambank Erosion Inventory 2023

   This request is to obtain engineering services to perform streambank erosion inventory for the City of Garland. The scope of work includes the inspection of existing erosion mitigation structures for two (2) areas. The first area contains approximately 18 stream miles of Duck Creek and its tributaries. The second area consists of about 22 stream miles, including Spring Creek and Rowlett Creek tributaries. The study will produce erosion and erosion structure assessments, recommendations, priorities, and cost estimates that will be presented electronically in GIS and PDF.

c. APPROVED

GP&L Nevada Switch to Wigeon Whistle BESS 138kV Transmission Line — **Bid No. 0928-23**

Burns & McDonnell — **$ 460,000.00**

This request is to obtain electrical design and field engineering services for the construction of the Wigeon Whistle BESS 138kV Transmission Line. The line will begin at the GP&L Nevada Station and terminate at the new Wigeon Whistle BESS station. Services also provide for the re-termination of the existing Nevada to Shelby 138kV Transmission Line into a new bay position approximately fifty feet from the existing bay. This is part of the approved Wigeon Whistle Transmission Cut-In CIP project.

d. APPROVED

GP&L Nevada Switch 138kV Terminal Addition — **Bid No. 0929-23**

Burns & McDonnell — **$ 806,500.00**

This request is to obtain professional design engineering services to support the addition of a terminal at the existing GP&L 138kV switchyard in Collin County as well as field engineering services during the construction of a terminal addition at the GP&L Nevada Substation. This is part of the approved Nevada Switch Terminal CIP project.

e. APPROVED

GP&L/TMPA Rayburn Country Electric Cooperative Tap Station — **Bid No. 0930-23**

Burns & McDonnell — **$ 383,000.00**

This request is to obtain professional design as well as civil, structural, and field engineering services to support the construction of the new Rayburn Country Electric Cooperative 138kV Tap Station in Collin County, Texas. This is part of the approved TMPA Rayburn Country 138kV POI CIP project and will be reimbursed by TMPA at 100%.

f. APPROVED

GP&L Energy Trading Risk Management Software System Enhancements — **Bid No. 0298-21**

Power Costs, Inc. — **$ 209,000.00**

This request is to approve a Change Order to obtain system enhancements to the GP&L Energy Trading Risk Management Software System. These enhancements will improve process flows from the front office to the back office by using customized dashboards to aid in forecast and planning processes. The service agreement will renew annually as long as GP&L continues to use the software and funding is available.

g. APPROVED

Access Control Migration to Genetec Platform — **Bid No. 0958-23**

Entech Sales and Service — **$ 744,659.50**

This request is for the migration of the existing badging system for the City access control platform from Andover Continuum to a Genetec platform. The current platform is obsolete, and replacement controllers are no longer available for purchase from the vendor. Additionally, migration to Genetec will allow added security features such as integrating the badge reading with the City's camera network. This request does not include access control systems for the Justice Center and Garland Power and Light which are maintained on separate platforms due to Federal compliance requirements.

h. APPROVED **GP&L Centerville to McCree 138kV Transmission Line Reconstruction Engineering Services** **Bid No. 0954-23**

Scarborough Engineering, Inc. **$ 886,674.00**

This request is to obtain engineering services to support the reconstruction of the GP&L Centerville to McCree 138kV Transmission Line. The reconstruction will accommodate new 2000A capacity and Optical Ground Wire (OPGW) requirements between the GP&L Centerville and McCree substations. This is part of the approved GP&L Centerville to McCree 138kV Transmission Line Upgrade CIP project.

i. APPROVED **GP&L Production Relay and Breaker Maintenance and Repairs** **Bid No. 1200-19**

Shermco Industries, Inc. **$ 109,963.74**

The request is to approve a Change Order for maintenance and electrical repair services on GP&L Production relays and medium voltage breakers. This Change Order will cover unanticipated field installation and programming of Olinger Unit 2 and Unit 3 generation protection relays that failed routine testing.

j. APPROVED **Lonnecker Drive Wastewater Main Replacement** **Bid No. 0787-23**

Flow-Line Construction, Inc.	**$ 1,598,226.00**
Optional Contingency	**$ 180,000.00**
Total:	**$ 1,778,226.00**

The request is to provide construction services to replace approximately 2,600 linear feet of 18-inch, 12-inch, and 8-inch wastewater main by open cut, including manholes and service laterals. The project also includes approximately 2,500 square yards of concrete paving for street, driveway, and curb as well as gutter replacements and 500 square yards of sodding. The wastewater mains are located within the right-of-way of Lonnecker Drive between West Miller Road and Wood Drive. An optional contingency is included for any additional work that may be required.

k. APPROVED **Northstar Plaza Water & Wastewater Mains Replacement** **Bid No. 0817-23**

Tri-Con Services, Inc.	**$ 571,290.00**
Optional Contingency	**$ 86,000.00**
Total:	**$ 657,290.00**

The request is to provide construction services to install approximately 1,007 linear feet of 8-inch PVC for water and 689 linear feet of 8-inch PVC for sanitary sewer utilities at the Northstar Plaza shopping center alley. The project includes 1,025 square yards of concrete paving for the driveway, alley, water, and sanitary sewer replacements. The 8-inch PVC water reconstruction also includes a cut-in tee connection at an existing 16-inch reinforced concrete cylinder pipe in North Garland Avenue. An optional contingency is included for any additional work that may be required.

l. APPROVED **Fleet Services Fuel Focus License, Maintenance, and Hardware Installation** **Bid No. 0961-23**

AssetWorks, LLC **$ 440,356.00**

This request is for the purchase of the license, maintenance, and hardware installation of Fuel Focus fuel dispensing software at Fleet Services. The upgraded fuel dispensing software will allow for real-time monitoring of fuel transactions and provide more accurate meter readings used to track preventative maintenance of the equipment. The software will be integrated into the existing Fleet Services database, eliminating the need to maintain separate databases.

m. APPROVED **Downtown Holiday Decor** **Bid No. 0876-23**

C. Scenic LLC. **$ 310,000.00**

This request is for the design, fabrication, delivery, and first-year installation of custom holiday displays for the Downtown Square. The unique displays will be used each year for future holiday events.

n. APPROVED **Advertising Collateral Production** **Bid No. 0355-20**

Animare Agency LLC **$ 107,000.00**

This request is to approve a Change Order for the production of advertising collateral and other creative/content materials in support of the City's image management campaign.

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 22-15, Masterplan (District 8)**

Ordinance No. 7442 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Two-Family (2F) District and Community Retail (CR) District to a Planned Development (PD) District for Multi-Family-2 (MF-2) Uses and 2) a Detail Plan for Multi-Family Development on a 1.459-acre area of land located at 110, 117 and 119 Garfield Street and 121 Grant Street; 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 Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. APPROVED **Z 22-70, Robert Nunez (Alchemi Design Group) (District 5)**

Ordinance No. 7443 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Planned Development (PD) District 69-31 to Community Retail (CR) District and 2) a Specific Use Provision for a Warehouse, Office/Showroom (Indoors Only) use on a 1.844-acre tract of land located at 1910 Pendleton Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

c. APPROVED **Z 23-13, Smiths-Haven (District 3)**

Ordinance No. 7444 amending the Garland Development Code of the City of Garland, Texas, by approving a Change in Zoning from Agricultural (AG) District to Neighborhood Office (NO) District on a 1.44 acre tract of land located at 1521 & 1613 Rowlett 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 **T-Mobile Cellular Site Lease Extension**

Consider and take appropriate action on the T-Mobile South LLC owned and maintained cellular equipment mounted on the Lawler Road Water Tower located at 625 Lawler Road since July 14, 2000, to approve the Seventh Amended agreement, for which will commence on November 1, 2026, and will extend the lease until October 31, 2031. Council review the Lease Agreement at May 15, 2023, Work Session.

5. **APPROVED** **Ordinance Amending Section 33.51 of the Code of Ordinances - Designated Time Limit Parking Areas - Downtown**

Ordinance No. 7445 approving the amendment to Subsection (B) of Section 33.51 to expand the 3-hour parking limit throughout the Downtown Historic Sub-district from 7 a.m. to 5 p.m., and remove 1-hour parking limits from select street segments within the district.

6. **APPROVED** **Ordinance Amending Chapter 7 of the Garland Development Code to allow use of sidewalk space for commercial activity in the Downtown Historic Sub-district.**

Ordinance No. 7446 to approve and amend Section 7.33 of the Garland Development Code, to allow businesses located in the Downtown Historic Sub-district to apply for an annual license to operate within a portion of the public sidewalk abutting and within the span of the façade of the business.

7. **APPROVED** **Ordinance Amending Section 30.196 of the Code of Ordinances -- Use of streets and sidewalks for advertising or soliciting a business**

Ordinance No. 7447 amending Subsection (C) of Section 30.196 to establish a defense to prosecution for eligible businesses in the Downtown Historic Sub-district possessing an active City license to operate a sidewalk space.

8. **APPROVED** **2023-2024 CDBG, HOME, ESG and HOME-ARP Federal Grant Allocation and Action Plan Approval**

Council approved the funding allocations for the one-year plan of action for the fiscal year 2023-2024 Community Development Block Grant, HOME Infill Grant, Emergency Solutions Grant, and the HOME-ARP grant programs.

9. **APPROVED** **Neighborhood Vitality Matching Grant Project Summary Revision**

Council approved a revision of the Neighborhood Vitality Matching Grant previously approved by City Council on January 4, 2023, which did not include an item eligible for reimbursement. The attached project summary has been revised to include all eligible costs.

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.

10. **APPOINTMENTS:** **Consider the Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem**

Council is requested to consider the election of a Mayor Pro Tem and if so desired a Deputy Mayor Pro-Tem.

Mayor Pro Tem Morris nominated Council Member Jeff Bass to be elected as Mayor Pro Tem. A vote was cast with the following result:

Vote: 9 ayes, 0 nays

Council Member Wiliams nominated Council Member Moore to be elected as Deputy Mayor Pro Tem. A vote was cast with the following result:

Vote: 9 ayes, 0 nays

11. APPOINTMENTS: Mayor Appointments

Mayor Scott LeMay will present for Council confirmation appointments to Council committees and outside boards.

The motion was made by Council Member Lucht to confirm Mayor LeMay's Council committee appointments, seconded by Council Member Williams. Motion carried:

Vote: 9 ayes, 0 nays

12. APPOINTMENTS: Texas Municipal Power Agency Appointment

Minute action approving the appointment of a City of Garland representative to the Texas Municipal Power Agency Board of Directors.

Council reappointed Tom Jefferies to the Board of Directors for the Texas Municipal Power Agency.

13. APPOINTMENTS: North Texas Municipal Water District Board Appointment

Minute action the appointment of a City of Garland representative to the North Texas Municipal Water District Board for a two-year term beginning June 20, 2023.

Council appointed Lori Barnett Dodson to the North Texas Municipal Water District Board.

14. Hold public hearings on:

a. POSTPONED Consider a Zoning request by Spiars Engineering to demolish the existing building and construct 176 senior independent living dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5. ***(The applicant requests postponement of this case to the July 18, 2023 Regular City Council Meeting.)***

Consideration of the application of Spiars Engineering, requesting approval of a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care -- Independent Living Use. This property is located at 413 and 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-05, District 5)

The motion was made by Council Member Lucht to postpone this item until the July 18, 2023, Regular Session, seconded by Council Member Williams. Motion carried:

Vote: 9 ayes 0 nays

b. POSTPONED Consider a Detail Plan request by Spiars Engineering to demolish the existing building and construct 176 senior independent living dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5. (*The applicant requests postponement of this case to the July 18, 2023 Regular City Council Meeting.)*

Consideration of the application of Spiars Engineering, requesting approval of a Detail Plan for an Elder Care -- Independent Living Use. This property is located at 413 and 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-05, District 5)

c. APPROVED Consider a Planned Development amendment request by Bohler Engineering TX, LLC. for a Medical and Dental Clinic expansion to an existing Walmart Supercenter. The site is located at 5302 North Garland Avenue in District 1.

Consideration of the application of Bohler Engineering TX, LLC., requesting approval of an amendment to Planned Development (PD) District 13-02 for Retail Development to construct a Medical and Dental Clinic expansion to an existing Walmart Supercenter. This property is located at 5302 North Garland Avenue. (File Z 23-15, District 1)

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

There was Council discussion.

The motion was made by Mayor Pro Tem Bass to approve the Planned Development amendment (Item 14c) and the Detail Plan (Item 14d), seconded by Council Member Williams. Motion carried:

Vote: 9 ayes, 0 ayes

d. **APPROVED** **Consider a Detail Plan request by Bohler Engineering TX, LLC for a Medical and Dental Clinic expansion to an existing Walmart Supercenter. The site is located at 5302 North Garland Avenue in District 1.**

Consideration of the application of Bohler Engineering TX, LLC., requesting approval of a Detail Plan for a Medical and Dental Clinic expansion to an existing Walmart Supercenter. This property is located at 5302 North Garland Avenue. (File Z 23-15, District 1)

e. **DENIED** **Consider a Specific Use Provision request by Shammy's Garland, LLC. for 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 an Automated/Rollover Car Wash use on a property zoned Community Retail (CR) District. This property is located at 2641 Belt Line Road. (File Z 23-16, District 7)

The staff report was presented by William Guerin, Director of Planning. The speakers on this item were: Nathan Chandler, Tarek Makdouli, and Jon Young, applicants. Additional speakers were: Issam Abdelkarim, Isam Habboush and Herald Peek. Suheib Omran, Hasan Zuaiter, Nahla Hosny and Arbad Ismail did not speak, but registered a position against the request.

The motion to deny the Specific Use Provision (Item 14e) was made by Council Member Hedrick, seconded by Council Member Lucht. Motion carried:

Vote: 8 ayes, 1 nay (Council Member Dutton)

f. **DENIED** **Consider a Plan request by Shammy's Garland, LLC. for 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 an Automated/Rollover Car Wash Use. This property is located at 2641 Belt Line Road. (File Z 23-16, District 7)

The motion to deny the Plan request (Item 14f) was made by Council Member Hedrick, seconded by Council Lucht. Motion carried:

Vote: 9 ayes, 0 nays

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

16. **Adjourn:** There being no further business to come before the City Council, Mayor

LeMay adjourned the meeting at 8:14 p.m.

Submitted By:

/s/ Scott LeMay, Mayor

/s/ Eloyce Rene Dowl, City Secretary