



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, August 1, 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: 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, Animal Services, Adoption Specialist, 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 Hedrick to approve the Consent Agenda as presented, excluding Item 3d,

which was pulled for individual consideration. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the Minutes of the July 18, 2023 meeting.

2. **Consider approval of the following bids:**

a. **APPROVED** Polydyne Inc. **Bid No. 1261-21**

Polydyne Inc. \$ 159,000.00

This request is to approve a change order to the Rowlett Creek Wastewater Treatment Plant polymer contract. The polymer is used for drying sludge that goes through the centrifuge to haul dry solids to the landfill. The change order is necessary due to price increases for polymer as well as tariff freight charges.

b. **APPROVED** GP&L Underground Duct Bank Extension **Bid No. 0865-23**

The Fishel Company \$ 498,810.03

This request is to provide labor for the installation of a feeder duct bank extension needed to establish electric service to the LCG Firewheel Apartment Complex development. This is part of the Distribution Underground Construction CIP program.

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 21-07, DDC, Inc. (District 1)

Ordinance No. 7449 amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for Single-Family Detached Homes on a 28.62-acre tract of land zoned Planned Development (PD) District 16-23 and located at 2675 East Brand 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.

b. **APPROVED** Z 21-41, Homeyer Engineering (District 3)

Ordinance No. 7450 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Single-Family-7 (SF-7) District and Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses; 2) an Alley Waiver and 3) a Detail Plan for Single-Family Attached (SFA) development on a 2.262-acre tract of land located 1306 and 1314 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.

c. **APPROVED** Z 23-12, Manhard Consulting (District 5)

Ordinance No. 7451 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Multi-Family-1 (MF-1) 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 2.2875-acre area of land located at 1214 & 1302 West 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.

d. **APPROVED** Z 23-18, Petit-ECD (District 5)

Ordinance No. 7452 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 03-54 and 2) a Detail Plan for an Automobile Repair, Minor use on a 9.488-acre tract of land located at 11511 & 11611 LBJ Freeway; 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.

Council Member Lucht explained her position for denial of this request at the July 17, 2023, meeting.

The motion was made by Mayor Pro Tem Bass to approve the item as presented, seconded by Council Member Williams. Motion carried:

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

4. APPROVED Resolution No. 10586 for the Project Specific Agreement with Dallas County for Duck Creek South Extension Trail

Council authorized the City Manager to execute the PSA with Dallas County for the Duck Creek South Extension Trail project.

5. APPROVED Bond Refunding - Electric Utility System Commercial Paper Notes

Ordinance No. 7453 authorizing the refunding of Electric Utility System Commercial Paper Notes, Series 2021.

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.

6. Hold public hearings on:

a. APPROVED Consider a Specific Use Provision request by Val Gutierrez for a truck repair facility. The site is located at 4003 Miller Park Drive in District 6.

Consideration of the application of Val Gutierrez, requesting approval of a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District. This property is located at 4003 Miller Park Drive. (File Z 22-72, District 6)

The Staff report was presented by Nabiha Ahmed, Lead Development Planner. The speaker on this item was Val Gutierrez.

There was discussion by the Council.

The motion was made by Council Member Dutton to approve the Specific Use Provision (Item 6a) and the Plan (Item 6b) as presented, seconded by Council Member Hedrick. Motion carried:

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

b. APPROVED Consider a Plan request by Val Gutierrez for a truck repair facility. The site is located at 4003 Miller Park Drive in District 6.

Consideration of the application of Val Gutierrez, requesting approval of a Plan for a Truck/Bus Repair Use. This property is located at 4003 Miller Park Drive. (File Z 22-72, District 6)

- c. **APPROVED** Consider a Specific Use Provision request by Will Bohls for a building materials (cabinetry materials) storage business in an existing building. The site is located at 543 North Fifth Street in District 8.

Consideration of the application of William Bohls, requesting approval of a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) Use on a property zoned Downtown (DT) District, Uptown sub-district. This property is located at 543 North Fifth Street. (File Z 23-21, District 8)

The staff report was presented by Nabiha Ahmed, Lead Development Planner. The speaker on this item was Will Banks, applicant.

There was discussion by the Council.

The motion was made by Council Member Ott to approve the Specific Use Provision for five years (Item 6c) and the Plan request (Item 6d), seconded by Council Member Lucht. Motion carried:

Vote: 9 ayes, 0 ayes

- d. **APPROVED** Consider a Plan request by Will Bohls for a building materials (cabinetry materials) storage business in an existing building. The site is located at 543 North Fifth Street in District 8.

Consideration of the application of Will Bohls, requesting approval of a Plan for a Building/Garden Materials Sales & Storage (Wholesale) Use. This property is located at 543 North Fifth Street. (File Z 23-21, District 8)

7. Items for Individual Consideration:

- a. **APPROVED** Request for Enterprise Zone Nomination of Zobebe USA

Consider and take appropriate action in regard to the City's participation in the Texas Enterprise Zone Program and nominating Zobebe USA as an Enterprise Project.

Ayako Schuster, Director of Economic Development, requested Council approval for the Enterprise Zone Project.

Mayor LeMay opened the public hearing at 7:35 p.m. There were no speakers on this item and the public hearing was closed at 7:36 p.m.

The motion was made by Council Member Hedrick to approve the City's participation in the Texas Enterprise Program and nomination for Zobebe USA, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

Vote: 9 ayes, 0 nays, adopting Ordinance No. 7454

b. APPROVED Resolution No 10587 Authorizing Use of Eminent Domain - GP&L Transmission

Council approved a resolution authorizing the acquisition of the property rights described in the proposed resolution to reconstruct a portion of the Garland Power & Light College Avenue to Brand Road 138kV transmission line located in the City of Garland.

The motion was made by Council Member Ott that the City Council of the City of Garland, Texas, authorize the use of the power of eminent domain to acquire property interests as more fully described in Exhibit "A" to the proposed ordinance located within the City of Garland, Dallas County, Texas for the reconstruction of the College to Brand 138kV transmission line project. My motion includes approval of the proposed resolution and intends that the record vote on this matter applies to all units of property to be condemned, seconded by Council Member Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

c. APPROVED Lease of Property located at 625 W. State Street

Council approved a 15-year lease agreement for the property located at 625 W. State Street in Downtown.

Jolene Smith, John Wiseman and Trayc Claybrook registered a position in support of this request. The speaker on this item was Karen Wiseman.

There was Council discussion.

Council Member Hedrick presented comments in opposition to the request.

The motion was made by Council Member Morris to approve the request as presented, seconded by Council Member Lucht. Motion carried:

Vote: 5 ayes, 4 nays (Deputy Mayor Pro Tem Moore, Council Members: Dutton, Hedrick and Williams)

d. APPROVED Submission of Appraisal Roll and Rates for FY 2023-2024

Council is requested to consider and provide a proposed tax rate and hearing dates in accordance with State Law, taking into account the attached tax rates, notice, and appraisal certifications, which are also required by law and which have been provided to Council.

The motion was made by Council Member Hedrick that the proposed 2023 tax rate of 68.9746 cents per \$100 of valuation be discussed at three public hearings. The public is encouraged to provide comment at the first public hearing to be held on August 15, 2023, at 7:00 p.m. at the Garland City Hall, located at 200 N. Fifth Street, in Garland.

A second public hearing to be held on August 22, 2023, at 7:00 p.m. at the Garland City Hall, located at 200 N. Fifth Street, in Garland.

An additional opportunity for public comment will be scheduled at a public hearing to adopt the 2023 tax rate. The third hearing and rate adoption will be held on September 5, 2023, at 7:00 p.m. at the Garland City Hall, located at 200 N. Fifth Street, in Garland, seconded by Council Member Dutton. Motion carried:

Vote: 9 ayes, 0 nays

e. Presentation of the 2023-24 Proposed Budget

In accordance with the City Charter and State Law, the City Manager shall submit to the City Council a Proposed Budget for the coming fiscal year. The City Manager will formally present

his Proposed Budget for FY 2023-24. Following the presentation to Council, copies of the Proposed Budget will be placed in each City Library, in the Office of the City Secretary, and on the City's website for public review and inspection.

City Manager Judson Rex gave his formal presentation of the Proposed 2023-24 Budget.

8. 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.

a. Deputy Mayor Pro Tem Ed Moore

- Adam Greenup - Library Board

Deputy Mayor Pro Tem Moore presented his nomination and a vote was cast with the following result:

Vote: 9 ayes, 0 nays

9. Citizen comments: Sophia Macias

10. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:12 p.m.

Submitted By:

/s/ Scott LeMay, Mayor

/s/ Eloyce Rene Dowl, City Secretary