GARLAND

# MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, August 15, 2023, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

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| Present: | Mayor Scott LeMay<br>Mayor Pro Tem Jeff Bass<br>Deputy Mayor Pro Tem Ed Moore<br>Council Member Deborah Morris<br>Deputy Mayor Pro Tem B.J. Williams<br>Council Member Margaret Lucht<br>Council Member Carissa Dutton<br>Council Member Dylan Hedrick<br>Council Member Chris Ott |
| Staff Present: | City Manager Jud Rex<br>Deputy City Manager Mitch Bates<br>Assistant City Manager Andy Hesser<br>Assistant City Manager Phillip Urrutia<br>City Attorney Brian England<br>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.**

Mayor LeMay and Elisa Morales, Planning Department, Administrative Services Supervisor, presented the 2023-24 Garland Youth Council.

The following persons were inductees for the 2023-24 Youth Council: Lucas Acosta, Muna Baraso, Preston Bass, Kashina Daceus, Riley Duggan, Stephen Hogue, Julia Jaison, Lindsey Khuu, Cindy Le, Sarah Lockett, Amsi Orozco, Bryan Panameño, Micaela Reynolds, Amy Rosas, Emily Santillan and Tasi Tajalle.

## 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 Ott 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 August 1, 2023 Regular Meeting.**

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

a. APPROVED **GP&L Lookout to NTT Connect Project Materials** — **Bid No. 0569-23**

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| **MVA Power, Inc.** | **$ 543,635.59** |
| **Optional Contingency** | **$ 54,363.56** |
| | **$ 597,999.15** |

This request is for purchasing steel structures and associated materials needed to connect NTT transformers to the GP&L Lookout Substation as part of NTT's data center expansion. This is part of the approved Lookout to NTT Connect CIP project. An optional contingency is included for any additional materials that may be required.

b. APPROVED

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| | **GP&L Boiler Maintenance and Repair Services** | **Bid No. 0804-23** |
| | **Hi-Tech Industrial Services, LLC.** | **$ 1,050,000.00** |

This request is to provide as-needed boiler maintenance and repair services at the GP&L Olinger and Spencer Power Plants. This approval is for a term agreement with three (3) optional renewals.

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| c. APPROVED | **GP&L CO2 Analyzer Rental** | **Bid No. 0790-22** |
| | **Air Hygiene International, Inc.** | **$ 36,000.00** |

This request is to approve a change order to extend the rental period for CO2 Analyzers at the Spencer Plant. The rental period was extended due to delivery delays of replacement analyzers associated with the approved Spencer CEMS Analyzer replacement CIP project.

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| d. APPROVED | **GP&L Girvin Switch to Greasewood II Hardware Materials** | **Bid No. 0925-23** |
| | **KBS Electrical Distributors, Inc.** | **$ 438,290.52** |
| | **Optional Contingency** | **$ 43,829.05** |
| | **TOTAL:** | **$ 482,119.57** |

This request is for the purchase of hardware and associated materials to construct the GP&L Girvin Switch to Greasewood II 345kV Transmission Line. This is part of the approved Girvin to Greasewood II 345kV Transmission Line CIP project. An optional contingency is included for any additional materials that may be required.

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| e. APPROVED | **TMPA Dansby to Steep Hollow Transmission Line Hardware Materials** | **Bid No. 0938-23** |
| | **KBS Electrical Distributors, Inc.** | **$ 367,234.03** |
| | **Optional Contingency** | **$ 36,723.40** |
| | **TOTAL:** | **$ 403,957.43** |

This request is for the purchase of hardware materials needed for the rebuild of the TMPA Dansby to Steep Hollow Transmission Line. This is part of the approved TMPA Dansby to Steep Hollow Rebuild CIP project and will be reimbursed to GP&L at 100%. An optional contingency has been included for any additional materials that may be required.

f. APPROVED

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| | **GP&L and TMPA Transmission Relay and Communications Equipment** | **Bid No. 0901-23** |
| | **Schweitzer Engineering Laboratories, Inc.** | **$ 350,000.00** |

The purpose of this bid award is for the as-needed purchase of SEL relay and communication equipment to be used in GP&L and TMPA transmission facilities.  This will be an initial term contract with four optional renewals.

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| g. APPROVED | **Wastewater Mains Replacement** | **Bid No. 0732-22** |
| | **Tri-Con Services, Inc.** | **$ 112,968.71** |

The request is to approve a change order for the Sam Houston to Mill Pond and Village Green to Richland wastewater mains replacement. The change order is necessary due to the length of the 4-inch sanitary sewage service lines exceeding the expected length per connection. The removal and replacement of paving and drainage channel also exceeded estimated costs due to actual field conditions.

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 22-72, Val Gutierrez (District 6)**

**Ordinance No. 7455** amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Truck/Bus Repair Use on a 0.937-acre tract of land located at 4003 Miller Park Drive and zoned Industrial (IN) 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 Clause; and providing an effective date.

b. APPROVED **Z 23-21, Will Bohls (District 8)**

**Ordinance No. 7456** amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Building/Garden Materials Sales & Storage (Wholesale) use on a 0.99-acre tract of land located at 543 North Fifth Street and zoned Downtown (DT) District, Uptown Sub-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 Clause; and providing an effective date.

4. APPROVED **Resolution No. 10588 authorizing the City Manager to execute a Project Specific Agreement with Dallas County for Transportation Improvements on Jupiter Road**

The City of Garland entered into a Master Interlocal Agreement with Dallas County that provides for a 50/50 cost share participation program for maintenance and repairs on certain qualifying roadways in the City. The Project Specific Agreement for maintenance and repairs to Jupiter Road establishes a total estimated cost of $4,100,000, with the cost to be split equally between the City and County.

5. APPROVED **Garland Development Code Ordinance 1.51 – Engineering Review and Inspection Fee**

**Ordinance No. 7457** to approve Engineering Review and Inspections Fee for all private development that includes public works improvements as part of the development.

6. APPROVED **Proposed Part-time Associate Judge Appointment**

Council approved a proposal to enter into a contract with Donna Winfield in her capacity as an Associate Judge to fulfill temporary duties of the full time judges during necessary absences.

## 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. PUBLIC HEARING: **Public Hearing on Proposed FY 2023/2024 Tax Rate**

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 of the Texas Property Tax Code. The 2023-2024 proposed budget is based on a tax rate of 68.9746 cents per every $100 of valuation, which exceeds the no new revenue tax rate of 63.6388 cents per every $100 of value.

Mayor LeMay opened the public hearing at 7:09 p.m. There were no speakers on this item. The public hearing was closed at 7:10 p.m.

8. PUBLIC HEARING HELD: **Public Hearing on 2023-24 Proposed Budget**

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 allowed to be heard for or against any item contained in the Proposed Budget. Mayor LeMay opened the public hearing at 7:10 p.m. The speakers on this item were: Kelly Miller, Fire Department Battalion Chief and Patricia Debnam. The following persons registered a position against the budget, but did not testify: Bonnie Brooks and Donna McCollum.

Mayor LeMay closed the public hearing at 7:20 p.m.

9. **Hold public hearings on:**

a. APPROVED **Consider a Zoning request by Fred A. Gans to construct garage condominiums (“Garages of America”), with automobile repair, office, storage/warehouse and retail use. The site is located at 4653, 4645, 4625 and 4695 North President George Bush Turnpike in District 1.**

Consideration of the application of Fred A. Gans, requesting approval of an Amendment to Planned Development (PD) District 87-1 for Community Office (CO) Uses to allow a Garage Condominium, Automobile Repair, General Office, Contractor’s Office/Warehouse (indoors only) and Retail Use. This property is located at 4653, 4645, 4625 and 4695 North President George Bush Turnpike. (File Z 23-17, District 1)

The staff report was presented by William Guerin, Director Planning. The speakers on this item were: Fred Gans and Mark Scott, applicant(s), Patricia Kosciolek, Kalpna Bhatt and Alice McKinnon.

There was discussion by the Council.

The motion was made by Mayor Pro Tem Bass to approve the Zoning Request (Item 10a) and the Detail Plan (Item 10b), seconded by Deputy Mayor Pro Tem Moore. Motion carried:

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

b. APPROVED **Consider a Detail Plan request by Fred A. Gans to construct garage condominiums (“Garages of America”), with automobile repair, office, storage/warehouse and retail use. The site is located at 4653, 4645, 4625 and 4695 North President George Bush Turnpike in District 1.**

Consideration of the application of Fred A. Gans, requesting approval of a Detail Plan for a Garage Condominium, Automobile Repair, General Office, Contractor’s Office/Warehouse (indoors only) and Retail Use. This property is located at 4653, 4645, 4625 and 4695 North President George Bush Turnpike. (File Z 23-17, District 1)

c. APPROVED **Consider a Zoning request by Jake Finch, Cascade Companies to rezone the property from Agricultural (AG) District to Single-Family Attached (SFA) District to allow townhouses. The site is located at 613 and 615 Rowlett Road in District 4.**

Consideration of the application of Jake Finch, Cascade Companies, requesting approval of a Change in Zoning from Agricultural (AG) District to Single-Family Attached (SFA) District. This property is located at 613 and 615 Rowlett Road. (File Z 23-22, District 4) The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Jack Finch, applicant.

There was discussion by the Council.

The motion was made by Council Member Williams to approve the Zoning request, seconded by Council Member Morris. Motion carried:

**Vote:** 9 ayes, 0 nays

d. APPROVED **Hold a public hearing and consider a Municipal Setting Designation ordinance request by 1901 W Northwest Highway, LLC. The site is located at 1901 Northwest Highway in District 5.**

Discuss and consider an ordinance prohibiting the use and contact with designated groundwater from beneath certain property known as 1901 Northwest Highway with the City of Garland, Texas, to facilitate certification of a municipal setting designation.

Mayor LeMay opened the public hearing at 8:41 p.m. There were no speakers on this item and the public hearing was closed at 8:42 p.m.

The motion was made by Council Member Lucht to approve Items 10d and Item 10e, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

Vote: 9 ayes, 0 nays, adopting **Ordinance No. 7458**

e. APPROVED **Hold a public hearing and consider a Municipal Setting Designation resolution request by 1901 W Northwest Highway, LLC. The site is located at 1901 Northwest Highway in District 5.**

The motion was made by Council Member Lucht to approve Items 10d and Item 10e, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

Vote: 9 ayes, 0 nays, adopting **Ordinance No. 7458**

10. **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.

Council Members read nominations to Boards and Commissions into the record. A single vote was cast to approve the nominations, with the following result:

Vote: 9 ayes, 0 nays

a. **Mayor Scott Lemay**

- Jennifer Nguyen – Community Multicultural Commission
- Elvia Flores – Community Multicultural Commission
- Mitch Carr – Cultural Arts Commission
- Ken Risser – Environmental and Community Advisory Board
- Don Koerner – Parks and Recreation Board
- Wayne Dalton – Plan Commission
- David Perry – Property Standards Board
- Shirley Robnett – Senior Citizens Advisory Board
- Allan Stafford – Tax Increment Finance #1 Downtown Board

- Patrick Abell – Tax Increment Finance #3 Board

**b.** **Mayor Pro Tem Jeff Bass**

- Beena Varnan - Cultural Arts Commission
- Nancy Janssen - Parks and Recreation Board

**c.** **Council Member Dylan Hedrick**

- John VanPelt - Cultural Arts Commission
- Terri Chepregi - Library Board
- David Parrish - Parks and Recreation Board
- Mike Rose - Plan Commission
- Martha Melaku - Property Standards Board
- Charlotte Piercy - Senior Citizens Advisory Board
- Tony Bui - Tax Increment Finance #1 Downtown Board

**11.** **Citizen comments:** The speakers on this item were: Philip Petersen and Holli M. Sanborn

**12.** **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:51 p.m.

**Submitted By:**

**/s/ Scott LeMay, Mayor**

**/s/ Eloyce René Dowl, City Secretary**