

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, September 2, 2014, in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Jim Cahill
Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	Billy Mack Williams
Council Member	Lori Barnett Dodson
Council Member	Scott LeMay

STAFF PRESENT: City Manager William E. Dollar  
City Attorney Brad Neighbor  
City Secretary Lisa Palomba

CALL TO ORDER: Mayor Athas called the meeting to order. Deputy Mayor Pro Tem Campbell delivered the Invocation followed by the Pledge of Allegiance.

RECOGNITIONS: Texas State House of Representative Members Angie Chen Button, Cindy Burkett, and Kenneth Sheets honored former District 5 Garland City Council Member John Willis with a Texas State House of Representatives Resolution recognizing his six years of dedicated service to the citizens of Garland. John Willis retired from the Garland City Council in May 2014 due to term limits.

Mayor Athas recognized members of Boy Scout Troop 1978 present in the audience.

PROCLAMATIONS: 1) Garland Independent School District Parent Teacher Association (PTA) Membership Week and 2) Healthy Senior Aging Month.

ANNOUNCEMENTS: 1) Garland stakeholders are invited to learn about the City's plans to help visitors and residents find their way to key public destinations within Garland. The City will present preliminary information about its Wayfinding Program Thursday, September 4, 2014 from 6 to 7:30 p.m. at the North Garland Branch Library, 3845 North Garland Avenue. More details are available at [GarlandTX.gov](http://GarlandTX.gov); 2) Effective September 1, 2014, Garland Water Utilities customers will

be allowed to water their lawns with sprinklers or irrigation systems one day a week through the end of October 2014. Garland residents will be allowed to water their lawn on their designated garbage collection day; 3) September is National Preparedness Month. Garland's Office of Emergency Management is joining a variety of national, state, and local organizations, including the U.S. Department of Homeland Security, in educating the public about preparing for emergencies. Find out more at [GarlandTx.gov](http://GarlandTx.gov); and 4) Anyone wishing to receive announcements about events such as this, please register for Garland E-news. Visit [GarlandTx.gov](http://GarlandTx.gov) and click on the E-News link at the top of the page. You can also follow us on your favorite social media platform. Check out Garland's social media links on the "We're Social" link at the bottom of our home page.

CONSENT AGENDA:

All items marked with asterisks (\*\*) on the consent agenda were voted on at the beginning of the meeting. Mayor Athas read consent items into the record. A motion was made by Council Member B.J. Williams, seconded by Council Member Dodson, to approve items: 1; 2a; 2b; 2c; 3a; 3b; 3c; 4; 5; 6; 7 and 8. A vote was cast and the motion carried with 9 ayes, 0 nays with the exception of Items 2a and 2b which carried with 8 ayes, 0 nays (Billy Mack Williams, abstained)

1. APPROVED\*\*

Minutes of the August 19, 2014 Regular Meeting.

2a. APPROVED\*\*

Bid No. 4692-14 to R-Delta in the amount of \$126,100.00 with an optional contingency of \$10,210.00 for a total award of \$136,310.00 to provide professional engineering design services to produce plans, details, specifications, and bid documents for material and construction necessary to reconductor the Olinger 1 to Ben Davis and Olinger to Wylie 1 transmission lines to the Wylie Substation.

2b. APPROVED\*\*

Bid No. 4693-14 to R-Delta in the amount of \$342,000.00 with an optional contingency of \$26,700.00 for a total award of \$368,700.00 to provide professional engineering services to produce plans, details, specifications, and bid documents for material and construction necessary to reconductor the Olinger 1 to Ben Davis Transmission line from the Wylie Substation to the Ben Davis Substation and replace the shield wire with optical ground wire.

- 2c. APPROVED\*\* Bid No. 4694-14 to Black & Veatch Corporation in the amount of \$137,300.00 with an optional contingency of \$13,730.00 for a total award of \$151,030.00 to provide professional engineering design services for the replacement and capacity upgrade of a wood pole segment of the existing 138kV Gibbons Creek to Bryan East/Greens Prairie double circuit line located between County Road 175 and the Gibbons Creek Plan property.
- 3a. APPROVED\*\* Ordinance No. 6721 amending the zoning laws of the City of Garland by approving an amendment to Planned Development District 83-10 for Complex for the Elderly and a Detail Plan for an Independent Senior Living Facility on a 1.030-acre tract of land located at 2101 West Walnut Street. (Zoning File No. 14-17, Sargent Design)
- 3b. APPROVED\*\* Ordinance No. 6722 amending the zoning laws of the City of Garland by approving an amendment to Planned Development District 10-31 for Single-Family-16 Uses and an amended Concept Plan for Single Family on a 2.426-acre tract of land located at 1080 East Campbell Road. (Zoning File No. 14-28, Eric Johnson)
- 3c. APPROVED\*\* Ordinance No. 6723 amending the zoning laws of the City of Garland by approving a change of zoning from Shopping Center District to a Planned Development District for Townhouses and a Concept Plan on a 13.757-acre tract of land located northwest of the intersection of Beltline Rad and North Garland Avenue. (Zoning File No. 14-31, Harlan Properties)
4. APPROVED\*\* Ordinance No. 6724 amending the tax roll of the City of Garland to reflect uncollected ad valorem taxes, as required by generally accepted accounting principles.
5. APPROVED\*\* Ordinance No. 6725 amending Chapter 21, Article II, By 1) defining the process for a private emergency service provider to follow when seeking a letter of approval from the governing body of the City of Garland, 2) adding the definition of "transfer ambulance" and removing the word "licensed" from 21.27 (A) 2,3,4,5 and 21.27(B) and (C), and 3) allowing for the removal of Section 21.27 (A)(1).
6. APPROVED\*\* Minute action authorizing the City Manager to execute Change Order No. 1 to BL 5579 in the amount of \$102,000

with APAC-Texas, Inc. to provide delivery of hot mix asphalt to Street Department asphalt paving project sites.

7. APPROVED\*\*

Ordinance No. 6726 appointing Stephen Crane as an associate judge of the Municipal Court of the City of Garland for a two-year term and terminating the appointment of John Weddle.

8. APPROVED\*\*

Ordinance No. 6727 amending Chapter 26, "Police-Miscellaneous", of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland as it relates to vehicles that remain unattended in public places in excess of 48 hours.

ITEMS FOR INDIVIDUAL CONSIDERATION

9. APPROVED

Director of Planning Anita Russelmann provided the staff report related to the application of Gonzalez & Schneeberg requesting approval of 1) an amendment to Planned Development District 86-34 for Shopping Center Uses, 2) an amendment of the Concept Plan, and 3) a Detail plan for Medical Office/Clinic. The property is located on the west side of Murphy Road, approximately 450 feet north of the intersection of Murphy Road and East Campbell Road. (File No. 13-42, District 1)

Mayor Athas opened the public hearing to accept comment. The following persons spoke in favor of the request: Robert Schneeberg and Peter Jull, both representing the applicant. Executive Pastor of Lake Point Church John Wardell voiced concerns regarding the request. The applicants responded to Pastor Wardell's concerns. Fire Marshal Vanbuskirk also responded. Mayor Athas closed the public hearing.

Deputy Mayor Pro Tem Campbell moved, seconded by Council Member Goebel, to approve the request conditional upon 1) revisions to fire lanes reducing potential traffic flow burden to Lake Point Church and 2) addressing drainage concerns adjacent to Lake Point Church. A vote was cast and the motion carried with 9 ayes, 0 nays. Staff will bring forth a formal ordinance for consideration at a future meeting.

10. APPROVED

Mayor Athas opened the public hearing to accept comment related to the proposal of IDI Gazeley to develop a 472,238 sq. ft. state of the art industrial building designed to accommodate both manufacturers and distribution type companies already existing in the city limits, as well as new users to the North Texas industrial market. Paul Mayer, Director of Garland Economic Development Partnership provided information regarding a recommendation by the Garland Economic development Steering Committee that Council provide support of the project and provide a Chapter 380 Finance Grant in the amount of \$540,000. No one else spoke during the public hearing. Mayor Athas closed the public hearing.

Council Member Stanley made a motion, seconded by Council Member Dodson, to approve Resolution No. 10159 authorizing the City Manager to execute an economic development agreement with IDI Gazeley.

11. PH HELD

Mayor Athas opened the public hearing to receive comment regarding the 2014-2015 Proposed Budget. Garland resident Annie Dickson provided testimony. No one else spoke. Mayor Athas closed the public hearing noting that previous public hearings were held on August 19 and August 28, 2014

12. PH HELD

Mayor Athas opened the public hearing to receive comment regarding the Proposed 2014-2015 Tax Rate. No one spoke. Mayor Athas closed the public hearing noting that previous public hearings were held on August 19 and August 28, 2014. Mayor Athas then stated, "The tax rate is scheduled for adoption this evening, Tuesday, September 2, 2014."

13. APPROVED

Deputy Mayor Pro Tem Campbell moved, seconded by Council Member Stanley, to adopt the operating budget for fiscal year 2014-2015, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, authorizing the City Manager to make adjustments.

Mayor Pro Tem Cahill moved to amend the main motion to increase the funding for street repairs as recommended by the Ad Hoc Street Committee and to pay for the increase through reductions of the use of one-time budget surplus funds including the items listed below and/or other cost reductions to an amount equal to \$1,824,495.

- \$350,000 - Planning & Community Development
- \$130,000 - Transportation (one aerial bucket truck)
- \$120,000 - Fire Cares Program
- \$202,000 - Parks (low water crossing/equipment)
- \$350,000 - Street Equipment
- \$ 25,000 - High Speed Rail Membership
- \$ 11,000 - Council Budget
- \$370,000 - Fire Department Rescue Truck
- \$214,377 - Fire Cares (3) Personnel
- \$ 98,170 - Heritage Park Program and expenditures

Mayor Pro Tem Cahill's motion to amend dies due to lack of a second.

Council Member Dodson made a motion, seconded, by Council Member Goebel, to postpone action regarding the budget to the next regular meeting. Discussion was held. A vote was cast and the motion to postpone failed with 3 ayes, 6 nays (Athas, Cahill, Campbell, B.J. Williams, Stanley, and Billy Mack Williams)

Mayor Pro Tem Cahill made a motion to transfer \$130,000 in one-time funds for the proposed aerial bucket truck and dedicate the amount for street repairs. The motion dies due lack of a second.

Council Member B.J. Williams moved to amend the main motion by removing funding for the following items to fund street repairs:

- \$350,000 - Planning & Community Development
- \$130,000 - Transportation (one aerial bucket truck)
- \$120,000 - Fire Cares Program

- \$202,000 - Parks (\$110,00 low water crossing and \$92,000 parks equipment)
- \$350,000 - Street Equipment
- \$ 25,000 - High Speed Rail Membership
- \$ 11,000 - Council Budget
- \$370,000 - Fire Department Rescue Truck
- \$214,377 - Fire Cares (3) Personnel
- \$ 98,170- Heritage Park Program and operating expenditures

Mayor Pro Tem Cahill seconded the motion. Discussion was held among council members.

Mayor Pro Tem Cahill offered a friendly amendment to fund proposed Heritage Park Program personnel and remove \$50,000 from kennel floor repairs leaving the Heritage Program with approximately \$50,000. Council Member B.J. Williams accepted the friendly amendment. Further discussion ensued. A vote was cast and the amended motion to cut proposed one-time funded items and transfer said funds to the General Fund for street repairs failed with 2 ayes and 7 nays. (Athas, Campbell, Goebel, Dodson, LeMay, Stanley, and Billy Mack Williams)

Deputy Mayor Pro Tem Cahill made a motion to amend the main motion to remove \$335,000 from the proposed Fire Cares Program and dedicate said amount for street repairs. Council Member B.J. Williams seconded the amendment. Discussion was held. A vote was cast and the motion failed with 2 ayes, 7 nays. (Athas, Campbell, Dodson, Goebel, LeMay, Stanley, and Billy Mack Williams,)

Council Member Billy Mack Williams made a motion to remove the 1.92 cents proposed tax increase levying the tax rate at 70.46 cents. The motion dies for lack of a second.

Council Member Dodson made a motion to amend the main motion to remove the 1.92 cents proposed tax increase and postpone funding all proposed one-time funded items and to place surplus funds in escrow until future Council deliberations determine use of said funds. Council Member Billy Mack Williams seconded the motion. Council discussion

was held. A vote was cast and the motion to amend the main motion carried with 5 ayes, and 4 nays. (Cahill, Campbell, B.J. Williams, and Stanley)

Mayor Pro Tem Cahill moved to amend the budget removing the \$25,000 membership fee for High Speed Rail. The motion dies due to lack of a second.

Mayor Pro Tem Cahill moved to amend the budget by reducing the proposed merit increase from 3 percent to 2 percent with the addition of a 1 percent bonus. The motion to amend dies due to lack of a second.

QUESTION CALLED

Council Member Campbell called the question.

A vote was cast on the main motion, as amended, to adopt the operating budget for fiscal year 2014-2015 as presented by the City Manager, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, and authorizing the City Manager to make adjustments, holding the tax rate at 70.46 cents, postponing funding for all proposed one-time funded items and to place surplus funds in escrow until future Council deliberations determine use of said funds. A vote was cast and the motion carried with 6 ayes, 3 nays. (Cahill, B.J. Williams, Stanley) Ordinance No. 6728 approved.

RECESS

Mayor Athas called a recess at 9:51 p.m.

RECONVENE

Meeting reconvened at 10:10 p.m.

Deputy Mayor Pro Tem Campbell, seconded by Council Member Dodson, offered a substitute motion stating, "Mayor, I move to ratify the property tax rate 70.46 cents per \$100 valuation reflected in this budget." A vote was cast and the motion carried with 9 ayes, 0 nays.

Deputy Mayor Pro Tem Campbell made a motion, seconded by Council Member Dodson, stating, "Mayor, I move to approve the budget as amended." A vote was cast and the motion carried with 8 ayes, 1 nay. (Cahill)

14. APPROVED

Deputy Mayor Pro Tem Campbell stated "Mayor, I move that the property tax rate be increased by the adoption of a tax

rate of 70.46 cents per \$100 valuation, which is effectively a 2.81 percent increase in the tax rate. I move first that the rate for debt service be approved in the amount of thirty-one and six hundredths of a cent.” A vote was cast and the motion carried with 8 ayes, 1 nay. (Goebel)

Deputy Mayor Pro Tem Campbell stated, “Mayor, I move now that the rate for maintenance and operations be approved in the amount of 39 and 40 hundredths of a cent.” Council Member Dodson seconded the motion. A vote was cast and the motion carried with 7 ayes, 2 nays. (Goebel, Stanley) Ordinance No. 6729 approved.

15. Items 15a and 15b were considered together in one motion and vote. Council Member Stanley made a motion, seconded by Deputy Mayor Pro Tem Campbell, to approve Items 15a and 15b. A vote was cast and the motion carried with 7 ayes, 2 nays. (Goebel, Cahill)

15a. APPROVED Ordinance 6730 amending various sections of Section 50, “Utility Rates and Fees” of the Code of Ordinances of the City of Garland relating to fees charged for various services provided by the City.

15b. APPROVED Ordinance No. 6731 amending Chapter 21, “Fire Prevention and Protection”, of the Code of Ordinances of the City of Garland.

16. APPROVED Council Member B.J. Williams, seconded by Council Member Dodson, moved to approve Ordinance No. 6732 establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications. A vote was cast and the motion carried with 8 ayes, 1 nay. (Cahill)

17. APPOINTMENTS: The following names were place in nomination, a vote was cast and all nominations carried with 9 ayes, 0 nays.

- Gail Belton – Senior Citizens Advisory Committee (District 5)
- Larry Daniels – Plumbing and Mechanical Codes Board (District 4)
- Noelia Garcia – Housing Standards Board (District 5)
- Edwina Garner – Library Board (District 5)
- Howard Gay – Garland Cultural Arts Commission (District 5)

- LeAnn Hampton – Community Multicultural Commission (District 2)
- Guy Hull – Board of Adjustment (District 5)
- Dorothy McAllister – Library Board (District 6)
- Patsy Rogers – Parks and Recreation Board (District 5)
- Anthony Tyson – Garland Youth Council (District 4)
- Truett Wellborn – Plan Commission (District 5)

18. COMMENTS: Mary Ann Wickersham spoke regarding dissatisfaction of Garland Animal Shelter save rate goal.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 10:25 p.m.

**CITY OF GARLAND**

Signed:

Douglas Athas, Mayor

ATTEST:

Lisa Palomba, City Secretary