GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, January 7, 2020, 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 Robert John Smith
	Deputy Mayor Pro Tem Robert Vera
	Council Member David Gibbons
	Council Member Deborah Morris
	Council Member Jerry A. Nickerson
	Council Member Jim Bookhout
	Council Member Rich Aubin
	Council Member Dylan Hedrick
	Deputy City Manager Mitch Bates
	City Manager Bryan Bradford
	City Attorney Brad Neighbor
Staff Present:	City Manager Bryan Bradford
	Deputy City Manager Mitch Bates
	City Attorney Brad Neighbor
	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.

Amy Dunphy, Operations Coordinator, Health Department, 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.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to approve the Consent Agenda excluding Item 2b, which was pulled for individual consideration. Motion carried:

Vote: 9 - 0

1. APPROVED Consider approval of the minutes of the December 17, 2019 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Duck Creek Wastewater Treatment Plant Grit Removal System **Bid No. 0265-20**

Newman Regency Group **$110,000.00**

This request is to replace two Gritt Mitt Shaftless Classifiers due to heavy wear and corrosion.

c. APPROVED GP&L Street Light Maintenance **Bid No. 0144-20**

MasTec North America **$700,000.00**

This request is to provide labor and equipment needed for the repair or replacement of GP&L street light poles, street light wire and street light luminaries. This is a Term Agreement with four optional renewals.

d. APPROVED **GP&L Olinger Unit 3 Force Draft Fan Motor** **Bid No. 1395-19**

Shermco Industries, Inc. **$162,700.00**

This request is for the purchase of a new motor for the Olinger Unit 3 force draft fan which is 45 years old.

e. APPROVED **GP&L Newman Substation 69kV Conversion Engineering Services** **Bid No. 0284-20**

M&S Engineering **$498,500.00**

This request is to provide engineering services associated with the conversion and upgrade of the GP&L Newman Substation to 138kV operation.

f. APPROVED **Carte Graph Work Management/Operations Management** **Bid No. 0327-20**

Carte Graph Systems, Inc. **$112,089.00**

This request is for the annual maintenance and support of the Work/Operations Management software utilized by the Streets, Transportation and Parks Department.

g. APPROVED **IH 635 City Representative** **Bid No. 0191-20**

TEAL Engineering Services **$200,000.00**

This request is to provide professional engineering services to represent the City's interests during the IH 635 design build reconstruction project.

h. APPROVED **GP&L Dent Road Substation Electrical Contractor Services** **Bid No. 0532-19**

Sayers Construction, LLC **$66,261.35**

This request is to approve Change Order #2 for the Dent Road Switch Station Electrical Contractor Services.

i. APPROVED **Gridsmart Cameras for IH 635 Corridor** **Bid No. 0232-20**

Texas Highway Products **$170,704.20**

This request is to purchase dynamic video turning movement counters for the IH 635 corridor design build reconstruction project. This technology will enable staff to adjust signal timing as traveler demand changes through numerous construction phases over the next five years.

j. APPROVED **Main Street and Avenue A Alley Improvements** **Bid No. 0108-20**

Tri-Con Services, Inc. **$1,638,000.00**

This request is to provide paving, drainage, water and wastewater improvements to the alley between Main Street and Avenue A from Fifth Street to Seventh Street as well as in Fifth Street between State Street and the alley.

3. A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.

a. APPROVED **Zoning File No. Z 19-34, Market Mission, Inc., (District 5)**

Ordinance No. 7116 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Food Processing and Storage Use on a 2.1866-acre tract of land zoned Industrial (IN) District and located at 2960 Market 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 of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

4. APPROVED **Ordinance No. 7117** amending Chapter 26, Police-Miscellaneous Provisions and Offenses, of the Code of Ordinances of the City of Garland, Texas; 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.

At the November 18, 2019 Work Session, Council considered an ordinance that will place residency restrictions around areas where children commonly gather.

5. APPROVED **Resolution No. 10423** authorizing the City Manager to execute Amendment No. 4 to the Joint Operating Agreement between Texas Municipal Power Agency and City of Bryan, Texas, City of Denton, Texas, City of Garland, Texas and City of Greenville, Texas.

At the January 6, 2020 Work Session, Council considered an amendment to the TMPA Joint Agreement Amendment No. 4 to the Joint Operating Agreement to provide for the (i) continued responsibility of mine reclamation costs for Member Cities that exit the Mining Business, and (ii) selling of all or a majority of Mining Assets by eliminating certain restrictions on mine land sales.

6. APPROVED **Ordinance No. 7118** amending Chapter 24, "Municipal Court and Administrative Adjudication," and Chapter 32, "Property Sanitation and Housing Services;" 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.

The ordinances passed by Council on November 5, 2019 to implement administrative parking enforcement requires technical corrections to Section

22.44 and Section 32.57. The proposed Ordinance amends Section 22.44 and Section 32.57 to clarify a definition of oversized trailers and provides a uniform late date.

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.

2b. APPROVED **Media Buy Services** **Bid No. 0296-19**

Pyro Agency **$56,190.00**

This request is to approve a Change Order for Media Buy Services to reflect the increased advertising budget.

The staff comments were presented by Dorothy White, Director of Public & Media Relations.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to approve Item 2b. Motion carried:

Vote: 9 - 0

7. APPROVED **Ordinance No. 7119** appointing Natalie S. Banuelos as Judge of the Municipal Court of the City of Garland, Texas; approving Employment Agreements for John Sholden and Natalie S. Banuelos; and providing an effective date.

Council adopted an ordinance appointing Natalie Banuelos as a Municipal Judge of the Garland Municipal Court. Council approved employment agreements for both new judges. A draft of the appointment ordinance for Judge Banuelos is attached and drafts of the employment agreements for Judge Sholden and for Judge Banuelos are attached as well.

Motion was made by Council Member Rich Aubin, and seconded by Council Member Jim Bookhout to approve the ordinance appointing Natalie S. Banuelos and the Employment Agreements for John Sholden and Natalie S. Banuelos. Motion carried:

Vote: 9 - 0

8. Hold public hearings on:

a. APPROVED Consider the application of Bill Swisher, requesting approval of a Zoning Change from Community Retail (CR) District to a Planned Development (PD) District for Community Retail Uses; Indoor Automobile Sales, New or Used; Motorcycle/ATV Sales (New and Used - Indoors Only); and Pawn Shop Use. This property is located at 484 West I-30 Freeway. (File No. Z 19-37, District 3)

The applicant proposes to add automobile and motorcycle/ATV sales to an existing pawn shop business. All operations would be conducted inside an existing building. This item serves as the applicant's Planned Development (PD) request.

The staff report was presented by Will Guerin, Director of Planning. Speaker on this item was Bill Swisher, applicant.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Council Member Jim Bookhout to approve the zoning change request based on Plan Commission recommendation(s). Motion carried:

Vote: 9 - 0

b. APPROVED Consider the application of Bill Swisher, requesting approval of a Detail Plan for Indoor Automobile Sales, New or Used; Motorcycle/ATV Sales (New and Used -Indoors Only); and Pawn Shop Use. This property is located at 484 West I-30 Freeway. (File No. Z 19-37, District 3)

The applicant proposes to add automobile and motorcycle/ATV sales to an existing pawn shop business. All operations would be conducted inside an existing building. This item serves as the applicant's Detail Plan request.

The staff comments were made by Will Guerin, Director of Planning.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Council Member Jim Bookhout to approve the item as presented. Motion carried:

Vote: 9 - 0

c. APPROVED Consider the application of Afreen Lakhani, requesting approval of a variance to Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages. This property is located at 723 East Miller Road. (File No. BW 19-03, District 2) (This case was postponed from the December 17, 2019 Regular City Council meeting).

The applicant requests a variance to allow alcoholic beverages (beer & wine) to be sold at an existing convenience store [On a Run Foods] closer than the required distance of 300 feet from a school. This case was postponed from the December 17, 2019 City Council meeting to the January 7, 2020 City Council

meeting to allow time for the City Attorney's Office to draft a resolution requiring beer and wine sales to be limited to one location within the building. A draft resolution is attached for final approval.

The staff comments were presented by Will Guerin, Director of Planning.

Motion was made by Council Member Deborah Morris, and seconded by Council Member David Gibbons to approve the variance with the conditions prepared by the City Attorney. Motion carried:

Vote: 9 - 0

d. APPROVED Consider the application of Masterplan, requesting approval of a variance to Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages. This property is located at 5055 North President George Bush Turnpike. (File No. BW 19-04, District 1)

The applicant requests a variance to allow alcoholic beverages to be sold at an existing hotel [Hilton Tru] closer than the required distance of 300 feet from a school.

The staff report was presented by Will Guerin, Director of Planning. There were no additional speakers on this item.

Motion was made by Council Member David Gibbons, and seconded by Mayor Pro Tem Robert John Smith to approve the item as presented. Motion carried:

Vote: 9 - 0

9. 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.

APPROVED <u>Council Member Jerry Nickerson</u>

- Joffrin Mathew Alexander - TIF Downtown Board

Mr. Nickerson presented Joffrin Mathew Alexander for appointment to the TIF Downtown Board. A vote was cast approving Mr. Alexander:

Motion to Approve

Vote: 9 - 0

10. Citizen comments: Karin Wiseman

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

11. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:45 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary