GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, April 7, 2020, pursuant to Section 551.045, by telephone or internet in 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
Staff Present:	City Manager Bryan Bradford
	Deputy City Manager Mitch Bates
	City Attorney Brad Neighbor
	Assistant City Manager John Baker
	City Secretary Eloyc 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.

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 Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. APPROVED **Consider approval of the minutes of the March 17 Regular Meeting and March 12, 23, 24 and 25 Special Meetings of the City Council.**

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

a. APPROVED **Replacement of Galvanized Water Mains** **Bid No. 0312-20**

Muniz Construction, Inc.	**$644,963.50**
Optional Contingency	**64,496.35**
TOTAL:	**$709,459.85**

This request is to replace galvanized water lines on Ninth Street (Austin to State), Glenbrook Drive (Austin to State), Brookside Drive (Morningside to Nash), First-Barger (Avenue B to Avenue D) and water loop along S. Garland Avenue to Avenue D. An Optional Contingency is included for any additional work that may be required.

b. APPROVED **Professional Services Amendment for Rick Oden Park** **Bid No. 1193-19**

Kimley-Horn & Associates	**$49,500.00**

This request is to approve Change Order #1 for professional design services associated with site and utility design for park areas immediately surrounding the proposed skate park.

c. APPROVED **Toughbook Laptop Computers** **Bid No. 0670-20**

GTS Technology Solutions	**$120,651.60**

This request is to purchase twenty-nine (29) replacement Toughbook laptop computers for Code Compliance to use for field work and inspection processes.

d. **APPROVED** **GP&L Spencer Unit #5 Cooling Tower Water Pretreatment** **Bid No. 0648-20**

Evoqua Water Technologies	**$106,725.00**

This request is for the pretreatment of cooling tower water for GP&L Spencer Unit #5 so that it can be properly discharged to the City of Denton wastewater treatment plant.

e. **APPROVED** **Design Services for Transportation Maintenance and Operations Facility** **Bid No. 0698-20**

MPI Architects	**$132,900.00**

This request is to provide professional design services for interior and minor exterior renovations to the Transportation Maintenance and Operations facility.

f. **APPROVED** **GP&L Dent Road Switch Station Construction Management Services** **Bid No. 0562-19**

Burns & McDonnell	**$120,000.00**

This request is to approve Change Order #1 for the Dent Road Switch Construction Management Services. This Change Order will extend the construction oversight services by five months to cover the extended construction schedule .

g. **APPROVED** **GP&L Limestone to Gibbons Creek Transmission Line Relocation Engineering Services** **Bid No. 0658-20**

Power Engineers	**$188,511.00**

This request is to obtain engineering design services for the relocation of the Limestone to Gibbons Creek 345kV transmission line to accommodate a widening of State Highway 21 by the Texas Department of Transportation (TxDOT).

h. **APPROVED** **GP&L Nevill Road to Greasewood 345kV Transmission Line Construction** **Bid No. 0525-20**

NorthStar Energy Solutions	**$3,942,237.14**
Optional Contingency	**394,223.00**
TOTAL:	**$4,336,460.14**

This request is for the construction of the Nevill Road to Greasewood 345kV Transmission Line as part of the approved Nevill to Greasewood 345kV Transmission CIP project. An Optional Contingency is included for any additional work that may be required.

i. **APPROVED** **Gibbons Creek Transient Recovery Voltage Material** **Bid No. 0465-20**

KBS Electrical Distributors, Inc.	**$418,217.00**

This request is for the purchase of transient recovery voltage materials as part of the approved TMPA Gibbons Creek Add TRV Capacitor CIP project.

j. **APPROVED** **GP&L Nevill Road Switch Station Construction** **Bid No. 0552-20**

Primoris T&D Services	**$4,098,253.68**
Optional Contingency	**409,825.00**
TOTAL:	**$4,508,078.68**

This request is for the construction of the Nevill Road Switch Station as part of the approved Nevill Road Switch Station CIP project. An Optional Contingency is included for any additional work that may be required.

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 19-33, Wier and Associates, Inc. (District 7)**

Ordinance No. 7134 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 05-22 for Community Office (CO) Uses and 2) a Detail Plan for Community Office (CO) Uses on a 1.563-acre tract of land located at 5500 North Shiloh 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; a Savings Clause, and a Severability Clause; and providing an effective date.

4. **APPROVED** **Ordinance No. 7135** authorizing an amendment to the 2019-20 Operating Budget (Budget Amendment No. 2), providing for supplemental appropriation of funds in the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Hotel/Motel Tax Fund, the Downtown TIF Fund, the Economic Development Fund, the Safelight Fund, the Narcotic Seizure Fund, the Environmental Waste Services Fund, the Equipment Replacement Fund, and various funds associated with purchase order encumbrances; and providing an effective date.

At the March 16, 2020 Work Session, Council reviewed a Policy Report recommending an amendment to the 2019-2020 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2018-19 fiscal year, and (3) expenditures not anticipated in the 2019-2020 Adopted Budget.

5. **APPROVED** **Resolution No. 10436** in support of the Duck Creek South Extension Trail Transportation Alternatives Project; providing confirmations and acknowledgments in support thereof; and providing an effective date.

At the April 6, 2020 Work Session, Council considered funding a resolution for a federal grant application in support of the development of the Duck Creek South Extension trail project in accordance with the guidelines set forth by the NCTCOG 2020 Transportation Alternatives Call for Projects.

6. **APPROVED** **Resolution No. 10434** approving and ratifying the assignment of that certain retail property contract between the Garland Foundation for Development, Inc. and HSB Holdings, Inc. to the City of Garland; and providing and effective date.

During the March 17, 2020 Executive Session, Council was briefed on the acquisition of 74± acres near the C.M. Hinton Jr. Regional Landfill.

7. **APPROVED** **Resolution No. 10435** approving the assignment and assumption agreement between the Garland Foundation for Development, Inc. ("Foundation") and the City of Garland for the assignment of that certain real property contract of March 13, 2020, between the Foundation and Ace Investments, Inc., Poynter Investment Company, LTD., and Scifres Investment Company, LTD.; authorizing the City Manager to purchase the property describes therein; and providing an effective date.

Consider the adoption of a resolution authorizing the approval of an assignment and assumption agreement between the Garland Foundation for Development, Inc. and the City of Garland, wherein the Foundation is assigning, and the City is assuming, all of the Foundations rights, interests, and obligations into that certain real property contract to purchase land for the future construction of Fire Station No. 6.

8. **APPROVED** **Resolution No. 10433** authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation; and providing an effective date.

Consider authorizing the City Manager to enter into an Advance Funding Agreement (AFA) with Texas Department of Transportation (TXDOT) for the construction of the MGR Bikeway (Duck Creek Trail Connections Segments I and II) at Centerville Road/Glenbrook Drive and IH-30/Greenbelt Parkway.

9. **APPROVED** **Ordinance No. 7136** of the City of Garland, Texas, amending Ordinance No. 7132[AMENDED] and continuing a State of Disaster and Public and Public Health Emerency in the City of Garland because of the impact of COVID-19; confirming and ratifying an amended emergency proclamation issued by the Mayor and ratified by the City Council in response to the emergency; adopting and approving certain rules to protect the health of persons in the City; providing rules for the use of electronic and digital signatures during the emergency; providing a Savings Clause and a Severability Clause; and providing an effective date.

Council is requested to adopt the attached ordinance amending Ordinance No. 7132 [Amended].

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. PUBLIC HEARING HELD: **Hold a public hearing to receive comment for the Youth Programs Standards of Care**

A public hearing will be held for the Youth Programs Standards of Care to meet requirements of the Texas Human Resources Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing. Council will take public input and then consider an ordinance adopting Standards of Care for Youth Programs offered by the City of Garland Parks, Recreation, Cultural Arts Department; directing that a copy of this ordinance, the Adopted Standards of Care, and other program information be delivered to the State; and providing an effective date.

Motion was made by Council Member Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the Youth Programs Standards of Care and adopt **Ordinance No. 7137**. Motion carried:

Vote: 9 - 0

11. **Hold public hearings on:**

a. APPROVED **Consider the application of Pegasus Link Constructors, requesting approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (File No. Z 20-05, District 5)**

The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers. This item serves as the applicant’s Planned Development (PD) amendment request.

Motion was made by Council Member Rich Aubin, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the request of Pegasus Link Constructors as presented. Motion carried:

Vote: 8 - 1

The staff report was presented by Kira Wauwie, Principal Planner. There was additional staff input by: John Baker, Assistant City Manager and Jason Chessher, Health Director. Speakers on this item were: Robert Weber, applicant, Jason Lain, Phillip Lathrop, The Honorable John Willis, Frances Hiner, Cathy Dougherty, PE, Stephen Yearout, Don Phillips and Gail Belton. Michael Grace registered, but did not comment or speak. Elmer Bray submitted a comment, but did not speak. Mr. Weber addressed concerns in his rebuttal. There was discussion by the Council.

b. APPROVED Consider the application of Pegasus Link Constructors, requesting approval of a Detail Plan for Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (File No. Z 20-05, District 5)

The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers. This item serves as the applicant's Detail Plan request.

Motion was made by Council Member Rich Aubin, and seconded by Council Member Jerry A. Nickerson to approve the Detail Plan for Temporary Off-Site construction Campus Use. Motion Carried:

Vote: 9 - 0

c. APPROVED Consider amending in part Chapter 2, Article 5, Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code; amending in part Chapter 2, Article 5, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code, regarding regulations for residential buildings and lots being used for nonresidential purposes and amending certain parking ratios in the Land Use Matrices.

The City Council directed the Development Services Committee to review the current GDC regulations related to residential buildings and lots used for nonresidential purposes. The Committee has recommended amendments that include additional regulations. An ordinance, as drafted by the City Attorney's Office and recommended by the Development Services Committee as well as the Plan Commission, is being presented.

Will Guerin, Director of Planning responded to question(s) from Council Member Aubin. There was discussion by the Council.

Motion was made by Deputy Mayor Pro Tem Robert Vera, and seconded by Council Member Deborah Morris to approve amending in part Chapter 2, Article 5, Section 2.52, Special Standards for Certain Uses, of the Garland Development Code and adopting **Ordinance No. 7138**. Motion carried:

Vote: 9 - 0

12. **Citizen comments:** Speakers on this item were Joshua Garcia and Jason Lain.

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 Meeting.

13. **Adjourn:** There being no further business to come before the City council, Mayor LeMay adjourned the meeting at 10:09 p.m.

Submitted By:

____

Scott LeMay, Mayor

____

Eloyce René Dowl, City Secretary