GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, June 16, 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
	Assistant City Manager John Baker
	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.

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 Jim Bookhout, and seconded by Council Member Deborah Morris to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. APPROVED Consider approval of the minutes of the May 26 Special Session and June 2 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Cleaning and Closed Circuit Television Review of Wastewater Pipelines — **Bid No. 0810-20**

Acme Utility Inspection Services, Inc. $300,000.00

This request is to provide cleaning and closed circuit television inspection to evaluate sanitary sewer lines throughout the city, providing a detailed report on the pipe condition.

b. **APPROVED** **Valve and Fire Hydrant Maintenance** **Bid No. 0270-20**

Hydromax USA **$250,000.00**

This request is to provide maintenance, inspections, adjustments, and minor repair of water valves and fire hydrants throughout the city.

c. **APPROVED** **GP&L Dent Road to Shelby 138kV Transmission Line Construction** **Bid No. 0821-19**

Maslonka Powerline Services **$400,000.00**

This request is to approve Change Order #2 for the GP&L Dent Road to Shelby 138kV Transmission Line Construction. The Change Order is necessary because of construction delays that were experienced due to right-of-way acquisitions, delayed material delivery, and inclement weather.

d. **APPROVED** **Medical District Area Plan** **Bid No. 0371-20**

Ninigret Partners **$136,740.00**

This request is for the development of a Medical District Area Plan. The plan will establish a revitalization/redevelopment concept incorporating physical analysis, a market assessment, and stakeholder engagement for a proposed Medical District anchored by the Garland VA Medical Center, including connections to the Forest/Jupiter DART station.

e. **APPROVED** **GP&L 138kV Disconnect Switches** **Bid No. 5870-15**

Pascor Atlantic, Inc. **$623,566.00**

This request is to approve Change Order #1 to BL 7775 for additional switches needed for the GP&L Nevill Road Switch.

f. **APPROVED** **Carroll Drive & Mayfield Avenue Pavement Replacement Design Project** **Bid No. 0929-20**

Lam Consulting Engineering **$349,770.00**

This request is to obtain professional engineering design and surveying services, including detailed construction plans, for replacing the existing concrete pavement on Carroll Drive (Douglas Drive to S. Glenbrook Drive) and Mayfield Avenue (Saturn Road to W. Centerville Road). The estimated construction cost for the project is $3,776,641.63.

g. **APPROVED** **Shiloh Road Alignment Study** **Bid No. 0956-20**

CP&Y, Inc.	**$1,664,008.000**
Optional Contingency	**65,000.00**
TOTAL:	**$1,729,008.00**

This request is to obtain professional services for the development of an Alignment Study for Shiloh Road between Kingsley Road and Westwood Drive. The original scope of the project, which was approved as part of the 2019 Bond Program, was to perform an Alignment Study from Kingsley Road to Miller Road.

h. **APPROVED** **Heavy Equipment for Hinton Landfill** **Bid No. 0951-20**

Caterpillar, Inc. **$2,248,207.00**

This request is to purchase replacement heavy equipment to be used by the Hinton Landfill.

i. **APPROVED** **West Miller Paving, Drainage, Water and Wastewater Improvements and Nash Water Improvements** **Bid No. 0791-20**

Tri-Con Services, Inc.	**$2,815,715.10**
Optional Contingency	**$281,571.51**
TOTAL:	**$3,097,286.61**

The purpose of this request is to provide pavement, drainage, water, and wastewater improvements on West Miller Road and water improvements on Nash Street. West Miller Road consists of approximately 920 linear feet of 8-inch to 24-inch water by open cut; 300 linear feet of 24-inch water by bore; 4,170 linear feet of 6-inch and 8-inch wastewater line; 10,000 square yards of street, driveway, alley, and sidewalk replacement; and 630 linear feet of 18-inch to 42-inch RCP storm sewer including all incidentals.

j. **APPROVED** **Major Thoroughfare Median Maintenance** **Bid No. 0682-20**

Carruthers Landscape Management, Inc. **$158,400.00**

This request is to provide grounds maintenance including mowing, edging, removal of grass clippings, and litter control for 126.21 acres of medians along major thoroughfares throughout the city.

k. **APPROVED** **MGR Bikeway (Duck Creek Trail Connections)** **Bid No. 0733-20**

North Rock Construction, LLC	**$2,794,025.54**
Optional Contingency	**<u>270,000.00</u>**
TOTAL:	**$3,064,025.54**

This request is to provide for the construction of two (2) trail connectors. The first connector is the construction of 2,700 LF of a 12-foot-wide concrete trail at Glenbrook Drive & Centerville Road and a 3-span steel truss pedestrian bridge across Duck Creek.

3. **APPROVED** **Resolution No. 10440 adopting the 2020-2021 CDBG, HOME and ESG federal grant allocations**

This item has been previously discussed by Council during the May 18th, June 1st and June 15th Work Sessions as well as a Public Hearing that was held on May 19, 2020 to obtain any comments on the grant allocations.

4. **APPROVED** **Ordinance No. 7148 adopting the 2019-20 Budget Amendment No. 3**

At the June 1, 2020, Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2019-20 Adopted Budget. For City Council's consideration is an Ordinance amending the 2019-20 Adopted Budget to appropriate funds in the amount of $1,600,000 for the maintenance and repair of generating units at the GP&L Olinger facility.

Budget Amendment No. 3 proposes to increase the Electric Utility Fund's FY 2019-20 operating appropriation by $1,600,000. Funding will come from fund balance reserves in the Electric Utility Fund.

5. **APPROVED** **Ordinance No. 7149 amending parking restrictions on Garvon Street**

Local businesses have noted that on street parking has made travel along Garvon Street difficult. The current ordinance prohibits parking on this street however the ordinance needs slight modification to be enforceable. Council is requested to approve an ordinance to make parking restrictions enforceable.

6. **APPROVED** **Resolution No. 10441 amending Authorized TexPool Representatives**

Each entity that participates in the TexPool investment pool must appoint authorized representatives. Only authorized representatives have the ability to conduct transactions with TexPool and inquire on TexPool transactions. For security purposes, TexPool requires the governing body approve a resolution to amend existing authorized representatives. Due to staff changes, the Financial Services Department is requesting that authorized representatives to TexPool be 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.

7. **APPROVED** **Minute action approving the City of Garland representatives to the Dallas Area Rapid Transit Board of Directors**

At the June 15, 2020 Work Session, Council interviewed candidates interested in being appointed as the City of Garland's representative to the Dallas Area Rapid Transit Board for a two-year term beginning July 1, 2020.

Motion was made by Council Member David Gibbons, and seconded by Council Member Jim Bookhout to appoint Mr. Jonathan Kelly as Garland Representative and Mr. Mark Enoch as Garland, Glenn Heights and Rowlett representative to the Dallas Area Rapid Transit Board for a two year term. Motion carried:

Vote: 9 - 0

8. **APPROVED** **Resolution No. 10442 authorizing the use of eminent domain for the acquistion of ROW for the Nevill Road to Greasewood 345kV transmission line**

Council approved a resolution authorizing the acquisition of the property rights described in the proposed resolution. At present there is only one property owner against whom proceedings in eminent domain may need to be instituted. A single resolution may be adopted for all of the units of property to be potentially condemned if: (1) the motion to approve is made in a manner specified in the Texas Government Code; and (2) the minutes of the meeting reflect that the vote applies to all of the units of property to be condemned.

Motion was made by Council Member Jim Bookhout, and seconded by Deputy Mayor Pro Tem Vera, that the City Council of the City of Garland, Texas, acting by and through Garland Power and Light, authorize the use of the power of eminent domain to acquire easement interests in the following properties located in the Pecos County, Texas:

Tracts 1 and 2: 44.172 acres, more or less, located in sections 51, 44, and 37, Block 11, H&GN RR Co. Survey, Abstract Nos. 553, 6966, and 546, Pecos County, Texas, and owned by Margaret McDonald Woodward a/k/a Margaret Ballew; and

Tract 3: 25.303 acres, more or less, located in sections 37 and 39, Block 12, H&GN RR Co. Survey, Abstract Nos. 307

and 308, Pecos County, Texas, and owned by Margaret McDonald Woodward a/k/a Margaret Ballew;With each of those tracts being necessary to develop, construct, own, operate, and maintain a 345-kV electric transmission line to interconnect the new Concho Bluff solar generation facility in Pecos County, Texas, as approved by the Public Utility Commission of Texas in its order dated October 15, 2019 in PUC Docket No. 49513, related to the "Application of the City of Garland to Amend its Certificate of Convenience and Necessity for the Nevill Road-To-Greasewood Single Circuit 345-kV Transmission Line in Pecos County".

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." Motion carried:

Vote: 9 - 0

9. **APPROVED** **Ordinance No. 7150** adopting certain property tax exemptions and directing a designated employee to calculate the voter-approval tax rate of the City of Garland in the manner provided for a special taxing unit.

At the June 1, 2020, Work Session staff provided information related to the preliminary FY 2021 budget forecast and the impacts of increasing certain City of Garland property tax exemptions. In addition, the impacts of adjusting the property tax rates beyond the 3.5% threshold for new revenue as authorized under Chapter 26 of Texas Tax Code was presented.

Motion was made by Council Member Jim Bookhout, and seconded by Mayor Pro Tem Robert John Smith to approve as presented. Motion carried:

Vote: 8 - 1

10. **Hold public hearings on:**

a. **APPROVED** **Consider the application of Garland Senior Living, Ltd., requesting approval of an Amendment to Planned Development (PD) District 07-33 for Single-Family-7 (SF-7) Uses to add Multi-Family Dwelling Uses [Elder Care – Independent Living Use]. This property is located at 502 Belt Line Road, 301 Tina Drive and 2222 Monarch Drive. (File No. Z 20-07, District 8) (This request was postponed from the June 2, 2020 Regular City Council meeting.)**

The applicant proposes to build a Senior Living Apartment community on an unimproved portion of a property that is developed with a church. This item serves as the applicant's Planned Development (PD) amendment request.

The staff report was presented by Kira Wauwie, Principal Planner. Speakers on this item were Tom Hurth, President and CEO for Paladium. There was discussion by the Council.

Motion was made by Mayor Pro Tem Robert John Smith, and seconded by Council Member Jim Bookhout to approve Items 10 a and 10 b with the additions presented. Motion carried:

Vote: 9 - 0

b. APPROVED Consider the application of Garland Senior Living, Ltd., requesting approval of an Amended Detail Plan for Elder Care – Independent Living Use. This property is located at 502 Belt Line Road, 301 Tina Drive and 2222 Monarch Drive. (File No. Z 20-07, District 8) (This request was postponed from the June 2, 2020 Regular City Council meeting.)

The applicant proposes to build a Senior Living Apartment community on an unimproved portion of a property that is developed with a church. This item serves as the applicant's Detail Plan request.

c. APPROVED Consider the application of Pulte Group, requesting approval of a Change in Zoning from Planned Development (PD) District 18-05 for Community Retail (CR) Uses to a Planned Development (PD) District for Single-Family-5 (SF-5) Uses. This property is located at 5001 Zion Road. (File No. Z 20-04, District 3) (This request was postponed from the June 2, 2020 Regular City Council meeting.)

The applicant proposes to build a subdivision consisting of detached single-family homes. The previous development proposed was for a church. This item serves as the applicant's Planned Development (PD) amendment request.

The staff report was presented by Nabiha Ahmed, Development Planner. Speakers on this item were Matt Duenwald, Kimley Horn and Stephen Kendrick, Pulte Group. There was discussion by the Council.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Council Member David Gibbons to approve in one vote Items 10 c, 10d and 10 e, to include a 21 foot setback for the driveway(s). Motion carried:

Vote: 9 - 0

d. APPROVED Consider the application of Pulte Group, requesting approval of a Detail Plan for Single-Family-5 (SF-5) Uses. This property is located at 5001 Zion Road. (File No. Z 20-04, District 3) (This request was postponed from the June 2, 2020 Regular City Council meeting.)

The applicant proposes to build a subdivision consisting of detached single-family homes. The previous development proposed was for a church. This item serves as the applicant's Detail Plan request.

e. APPROVED Consider a Development Agreement regarding Zoning File No. Z 20-04. (This request was postponed from the June 2, 2020 Regular City Council meeting.)

Consider a Development Agreement between Pulte Group and the City of Garland. This Development Agreement relates to Zoning Case Z 20-04 for a proposed single-family development at 5001 Zion Road. It is recommended that a development agreement accompany Zoning Case Z 20-04 regarding specific standards to the building elevations and materials of the homes as presented by the applicant.

11. **Citizen comments**:

Speakers on this item were: Isaac Yu, Zachary Nguyen, Sara James, Terry Hillard and Gary Bauer.

12. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:46 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary