GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, July 7, 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 Rich Aubin, and seconded by Council Member Jerry A. Nickerson to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. **APPROVED** **Consider approval of the minutes of the June 9 Special, June 16 Regular and June 23 Special Meetings.**

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

   a. **APPROVED** **Duck Creek Pipeline Rehabilitation** **Bid No. 0969-20**

   Insituform Technologies, LLC **$1,999,980.50**

   This request is to provide trenchless rehabilitation of approximately 7,498 feet of the existing 30-inch sanitary sewer interceptor of that flows through the Duck Creek Golf Course and approximately 144 feet of an existing 8-inch pipe in the intersection of Belt Line & Jupiter.

b. APPROVED **GP&L Shelby to Dent Road Transmission Line Right-of-Way Appraisal Change Order** **Bid No. 0221-20**

JLL Valuation & Advisory Services, LLC **$19,200.00**

This request is to approve Change Order #1 for the Shelby to Dent Road Transmission Line Project right-of-way appraisal.

c. APPROVED **TMPA Shelby Station 138kV Terminal Change Order** **Bid No. 0532-19**

Sayers Construction, LLC **$81,729.39**

This request is to approve Change Order #3 for TMPA Shelby Station 138kV Terminal Construction Services.

d. APPROVED **2019 Alley Replacement Project Change Order** **Bid No. 0987-19**

Tri-Con Services, Inc. **$314,169.00**

This request is to approve Change Order #1 for the 2019 Alley Replacement Project.

e. APPROVED **GP&L Newman Substation Control House** **Bid No. 0780-20**

Electric Power Products, Inc.	**$470,802.00**
Optional Contingency	**70,620.00**
TOTAL:	**$541,422.00**

This request is for the purchase of a control house for the GP&L Newman Substation as part of the approved Newman Substation Modifications CIP project. An Optional Contingency is included for any additional services that may be required.

f. APPROVED **Classic Drive Drainage Study Change Order** **Bid No. 0195-20**

O'Brien Engineering, Inc. **$44,740.00**

This request is to approve Change Order #1 to include additional drainage analysis for Stream 2C5 (Keen Creek) between West Walnut Street and North Yale Drive to analyze the streams capacity due to additional complaints of drainage issues and flooding.

g. **APPROVED** **Landfill Entry Safety and Efficiency Improvements** **Bid No. 0877-20**

JP Bowlin Co., LLC **$140,832.00**

This request is to replace components of the scales that are nearing end of life and improve efficiency as part of the Landfill Entry Improvements project.

h. **APPROVED** **Police Uniforms** **Bid No. 1031-20**

GT Distributors, Inc. **$136,457.21**

This request is to purchase officer uniforms for the Garland Police Department to use in their daily operations. This approval is for a Term Agreement with two optional renewals.

i. **APPROVED** **Winters Park/Spring Creek Greenbelt Trail** **Bid No. 0187-17**

Roeschco Construction **$2,192,343,51**

This request is to complete construction of the Winters Park/Spring Creek Greenbelt trail project due to the original contractor defaulting on their payment and performance bonds.

j. **APPROVED** **Central Park Paving, Drainage, and Wastewater Improvements** **Bid No. 0920-20**

SYB Construction Co., Inc.	**$1,724,748.20**
Optional Contingency	**172,000.000**
TOTAL:	**$1,896.748.20**

This request is to replace deteriorating asphalt paving, provide increased parking capacity, improve drainage and lighting and replace wastewater infrastructure along Avenue H and Avenue F near the northern portion of Central Park. An Optional Contingency is included for any additional work that may be required.

k. **APPROVED** **Flagging and Observation Services for Kingsley Road from Jupiter to National Change Order** **Bid No. 0762-20**

Bartlett & West, Inc. **$54,000.00**

This request is to approve Change Order #1 for additional construction observation and flagging services within the Kansas City Southern (KCS) Railways right-of-way for the Kingsley Road and First Street Water Line Replacement project.

I. APPROVED **Audubon Recreation Center General Construction Services** **Bid No. 0564-20**

AP Gulf States, Inc., d.b.a. Adolfson & Peterson Construction	**$4,250,000.00**
Optional Contingency	**250,000.00**
TOTAL:	**$4,500,000.00**

This request is to obtain general construction services for additions and renovations to Audubon Recreation Center located at 342 W. Oates Road. An Optional Contingency is included for any additional work that may be required.

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 **Zoning File No. Z 20-04, Pulte Group (District 3)**

Ordinance No. 7152 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Planned Development (PD) District 18-05 for Community Retail Uses to a Planned Development (PD) District for Single-Family-5 (SF-5) Uses and 2) a Detail Plan for Single-Family-5 (SF-5) Uses on 18.045-acre tract of land located at 5001 Zion 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.

b. APPROVED **Zoning File Z 20-07 Garland Senior Living, Ltd. (District 8)**

Ordinance No. 7153 amending the Garland Development Code of the City of Garland, Texas, by approving 1) 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], and 2) an Amended Detail Plan on a 16.29-acre tract of land located at 502 Belt Line Road, 301 Tina Drive and 2222 Monarch Drive; 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. 7154** amending multiple provisions of Chapter 31, Article IX, "Construction or Repair of Sidewalks," of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.

At the June 1, 2020 Work Session, Council considered a resolution authorizing the proposed amendments to Chapter 31, Article IX Construction or Repair of Sidewalks, Sections 31.120 thru 31.138.

5. **APPROVED** **Resolution No. 10445 amending the City's authorized representatives for purposes of participation in the Texas Local Government Investment Pool; designating a person with primary responsibility; providing an additional but limited representative; an providing an effective date.**

Council approved a resolution amending the authorized TexPool Representatives.

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.

6. **APPOINTMENTS:** **Minute action approving the appointment of a City of Garland representative to the Texas Municipal Power Agency Board of Directors.**

At the July 6, 2020 Work Session, Council interviewed candidates interested in being appointed as the City of Garland's representative to the Texas Municipal Power Agency Board of Directors for a two-year term beginning July 7, 2020.

Motion was made by Council Member David Gibbons, and seconded by Mayor Pro Tem Robert John Smith to reappoint Jamie Ratliff to the Texas Municipal Power Agency Board of Directors. Motion carried:

Vote: 9 - 0

7. **Hold public hearings on:**

a. **APPROVED** **Consider the application of Kirkman Engineering, requesting approval of 1) a Change of Zoning from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses including Food Processing & Storage, and Outdoor Storage and Tank Battery; and 2) a Detail Plan. This property is located at 515 Mills Road. (File No. Z 19-21, District 2)**

The applicant proposes to expand an existing food (pickle) processing facility.

The staff report was presented by Kira Wauwie, Principal Planner. Speaker on this item was: Shay Kirkman, Civil Engineer (applicant).

There was discussion by the Council.

Motion was made by Council Member Deborah Morris, and seconded by Deputy Mayor Pro Tem Robert Vera to approve with the additional trees in the parking area as recommended by the Plan Commission. Motion carried:

Vote: 9 - 0

b. APPROVED **Consider the application of Geoffrey Bossiere, requesting approval of a Change in Zoning from Neighborhood Services (NS) District to a Planned Development (PD) District for Neighborhood Services (NS) District to add Uses not currently permitted. This property is located at 3630 North Shiloh Road. (File No. Z 19-39, District 7)**

The applicant requests to add uses to be allowed for possible future permitting that are currently not allowed in the Neighborhood Services (NS) District. This item serves as the applicant's Planned Development (PD) amendment request. The proposed uses are Specialized Learning Center, Business School, Trade School, Personal Services School, Private/Charter School, Post Office, Social Service Agency, Funeral Home, Indoor Athletic Facility, Civic Club, Indoor Commercial Amusement, Cultural Facility, Fitness Gym (Indoor), Theater, Small Scale, Antique Shop (Indoor), Grocery Store, Furniture Store, Laundromat, Pet Store (Indoor), General Office, Restaurant, Pharmacy Store, Printing/Publishing House, Recording Studio, and Veterinary Clinic.

The staff report was presented by Nabiha Ahmed, Development Planner and Will Guerin, Planning Director. Speaker on this item was Geoffrey Bossiere.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the zoning change with removal of the restaurant with drive-thru and the provision to require school operations to be indoor use only. Motion carried:

Vote: 9 - 0

c. APPROVED **Consider the application of Geoffrey Bossiere, requesting approval of a Detail Plan for Neighborhood Services (NS) District to add Uses not currently permitted. This property is located at 3630 North Shiloh Road. (File No. Z 19-39, District 7)**

The applicant requests to add uses to be allowed for possible future permitting that are currently not allowed in the Neighborhood Services (NS) District. This item serves as the applicant's Detail Plan request.

Motion was made by Council Member Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the Detail Plan as presented. Motion carried:

Vote: 9 - 0

d. **APPROVED** **Consider the application of Haskell, requesting approval of a Specific Use Provision for High Risk Use on a property zoned Industrial (IN) District. This property is located at 2305 Sherwin Street. (File No. Z 20-10, District 5)**

The applicant proposes to install a glacial acetic acid storage tank on an existing property.

The staff report was presented by Kimberly Hopkins, Development Planner and Will Guerin, Planning Director. Speakers on this item were: Assistant Fire Chief Eric Lovett, Brad Crooks, applicant, Stephen Yearout, James Allen, applicant, Fire Chief Mark Lee, Jan Alexander and Don Phillips.

There was discussion by the Council. Mayor Pro Tem Smith opined on his decision to approve the item based on the safety discussion.

Motion by Council Member Rich Aubin, seconded by Council Member Dylan Hedrick to approve the item based on staff and Plan Commission recommendation. Motion carried:

Vote: 8 - 1 (Council Member Morris)

Mayor LeMay recessed the meeting at 8:55 p.m.

Mayor LeMay reconvened the meeting at 9:10 p.m

e. **APPROVED** **Consider the application of Vincent Gerard & Associates, Inc., requesting approval of Amending Specific Use Provision 96-19 to allow additional Commercial Antennas on a property zoned Community Retail (CR) District. This property is located at 3200 Broadway Boulevard. (File No. Z 20-11, District 3)**

The applicant proposes to add additional telecommunication equipment to an existing building rooftop.

The staff report was presented by Kimberly Hopkins, Development Planner and Will Guerin, Planning Director. Speakers on this item were: Vincent Huebinger, applicant and Melissa Massey.

There was discussion by the Council.

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

Vote: 9 - 0

f. **APPROVED** **Consider the application of BGE, Inc., requesting approval of 1) a Specific Use Provision and 2) a Detail Plan for a Restaurant, Drive-Through [Take-out Window] on a property zoned Planned Development (PD) District 19-18 for Community Retail (CR) Uses (Town Center Styled Regional Shopping Mall and Complementary Peripheral Development). This property is located at 270 Town Center Boulevard. (File No. Z 20-12, District 1)**

The applicant proposes to build an 11,500 square-foot building for retail, restaurant, and restaurant with a drive-up take-out window.

The staff report was presented by Kira Wauwie, Principal Planner. Speakers on this item were Garrett Scoggins and Asher Reilly.

There was discussion by the Council.

Motion was made by Council Member David Gibbons, and seconded by Council Member Jerry A. Nickerson to approve the application as presented. Motion carried:

Vote: 9 - 0

8. **Citizen comments:** Lisa Dribben, Holli Sanborn, Thomas Buck, Melissa Massey, Maria de la Cruz, Don Phillips, Chris Lew, Melanie Latauska, Stephen Yearout, Jan Alexander, Karen Ebner, Samuel Parks, Anniece Dixon, Shelly Parks, Gabriell Gaiter, Joshua Garcia, David Sims, Jimmy Walker, Sharla Clark and Olivia Dixon.

9. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 10:44 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary