GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, December 15, 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 Ricky McNeal
	Council Member Deborah Morris
	Council Member Jerry A. Nickerson
	Council Member B. J. Williams
	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 Mayor Pro Tem Robert John Smith, 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 December 1 Regular Meeting and December 4 Special Session.**

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

a. APPROVED **Self-Contained Breathing Apparatus (SCBA)** **Bid No. 0238-21**

Municipal Emergency Services **$1,206,304.00**

This request is to provide replacement/upgrades of Self-Contained Breathing Apparatus (SCBA) for Fire, Water, Health and Police (SWAT and Jail).

b. APPROVED **Playground Program Equipment (Whirlix)** **Bid No. 0270-21**

Whirlix Design, Inc. **$485,554.15**

This request is for the purchase of playground equipment in support of the Playground Replacement Program.

c. APPROVED **Playground Program Equipment (KOMPAN)** **Bid No. 0271-21**

KOMPAN, Inc. **$290,879.57**

This request is for the purchase of playground equipment in support of the Playground Replacement Program.

d. **APPROVED** **College Manors Subdivision Wastewater Main Replacement** **Bid No. 0276-21**

Metropolitan Infrastructure, PLLC	**$136,643.32**

This request is to obtain professional engineering services for the design of approximately 2,110 linear feet of 6” wastewater main replacement, including manholes and service laterals.

e. **APPROVED** **GP&L Newman 69kV Substation Civil Site Construction** **Bid No. 1361-20**

DynaGrid Construction Group, LLC	**$565,538.35**
Optional Contingency	**113,107.67**
TOTAL:	**$678,646.02**

This request is to provide Civil Site construction services for the Newman 69kV Substation. An Optional Contingency is included for any additional work that may be required.

f. **APPROVED** **Police Property and Evidence Building Construction** **Bid No. 0583-20**

CORE Construction Services of Texas, Inc.	**$9,738,536.00**

This request is for the construction of the new Police Property and Evidence Building.

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 19-31, Masterplan (District 3)**

Ordinance No. 7183 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Multi-Family (MF) District to a Planned Development (PD) District for Multi-Family Use and 2) a Detail Plan for Multi-Family Use on a 1.9484-acre tract of land located at 5751 Marvin Loving 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.

b. **APPROVED Zoning File No. Z 19-40, Monk Consulting Engineers (District 2)**

Ordinance No. 7184 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Planned Development (PD) District to allow a Church or Place of Worship on a property zoned Planned Development (PD) 13-01 for Single Family-7 Uses and 2) a Detail Plan for a Church or Place of Worship Use on a 38.37-acre tract of land located at 2201 East Miller Road and 2214 East Centerville 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.

c. **APPROVED Zoning File No. Z 20-25, Nationwide Construction (District 1)**

Ordinance No. 7185 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 07-42 to add a Church or Place of Worship and 2) a Detail Plan for a Church or Place of Worship on 3.00-acre tract of land located at 1706, 1710, and 1714 Pleasant Valley 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.

d. **APPROVED Zoning File No. Z 20-30, Spiars Engineering (District 3)**

Ordinance No. 7186 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Community Retail (CR) District to a Planned Development (PD) District for Community Retail Uses and 2) a Detail Plan to allow deviations for the existing nonconforming pylon sign on a 2.964-acre tract of land located at 3414 Broadway Boulevard; 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. 7187** amending Chapter 52, "Environmental Waste Services," of the Code of Ordinances of the City of Garland, Texas; repealing Section 52.27; adding Section 52.39 prohibiting collection of commercial waste without a franchise; adding Section 52.40 assigning franchise administration duties; adding Section 52.41 regarding the granting of non-exclusive franchises; adding Section 52.42 providing for a franchise fee of five percent of the operator's gross revenues; adding Section 52.43 providing a penalty; providing that a violation subjects the person to audit and is a misdemeanor punishable by a fine; providing a savings clause; providing a severability clause; and providing an effective date.

At the November 9, 2020 Work Session, Council considered approving an amendment to Chapter 52 of the City Ordinance "Environmental Waste Services" in order to provide a penalty for the collection of commercial waste without first entering a franchise agreement and add enforcement actions for noncompliance.

5. **APPROVED** **Resolution No. 10462** 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; and providing an effective date.

At the December 14, 2020 Work Session, Council considered a resolution amending the authorized TexPool Representatives due to staff changes in the Financial Services Department.

6. **APPROVED** **Resolution No. 10463** authorizing the City Manager to execute a Project Specific Agreement with Dallas County for transportation improvements on Holford Road from SH 190 to the county line (Project 22017), within the City of Garland, Dallas County; and providing an effective date **.**

In 2012 the City executed a Master Agreement with Dallas County that provides general terms regarding funding availability, agency responsibilities, etc., for “partnering” on eligible Transportation Improvements on roads inside Dallas County. The Master Agreement is the contractual agreement for eventual specific projects. A Project Specific Agreement (PSA) is then required to finalize specific costs and project management. Generally, Dallas County provides a 50% share of all eligible paving and drainage costs.

7. **APPROVED** **Resolution No. 10464** authorizing the submission of a grant application to the Office of the Governor of the State of Texas for certain public safety, law enforcement and homeland security projects; and providing an effective date.

At the December 14, 2020 Work Session, Council considered the 2020 HSGP Resolution identifying the Authorized Official and the 2020 Homeland Security Grant Program City of Garland submitted projects.

8. **APPROVED** **Resolution No. 10465** authorizing the City Manager to execute a Project Specific Agreement with Dallas County for transportation improvements on Holford Road from Naaman Forest to SH 190 (Project 22018), within the City of Garland, Dallas County and providing an effective date.

In 2012 the City executed a Master Agreement with Dallas County that provides general terms regarding funding availability, agency responsibilities, etc., for “partnering” on eligible Transportation Improvements on roads inside Dallas County. The Master Agreement is thecontractual agreement for eventual specific projects. A (Project Specific Agreement) PSA is then required to finalize specific costs and project management. Generally, Dallas County provides a 50% share of all eligible paving and drainage costs.

9. **APPROVED** **Council approved the CDBG-CV and ESG-CV Round 3 CARES Act grant allocations.**

This is formal approval of the CDBG-CV and ESG-CV Round 3 CARES Act grant allocations. This item has been previously discussed by Council during the November 9th, and December 14th, Work Sessions. A Public Hearing was held on November 10, 2020 to obtain any comments on the distribution of funding.

10. APPROVED Council approved of the 2020 Neighborhood Vitality Matching Grant applications as presented.

The City Council reviewed several Fall 2020 Neighborhood Vitality Matching Grant applications at the November 30 Work Session, and recommended approval.

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.

11. APPROVED Water and Wastewater Service Agreement with D.R. Horton, Dallas County Municipal Utility District No. 4

Council is requested to authorize the City Manager to execute the Contracts with D.R. Horton, Dallas County Municipal Utility District No. 4.

The staff report was presented by Wes Kucera, Managing Director, Water.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Mayor Pro Tem Robert John Smith to approve the Memorandum of Understanding for the water and wastewater agreements with D.R. Horton, Dallas County Municipal Utility district No. 4. Motion carried:

Vote: 9 - 0

12. **Hold public hearings on:**

a. **APPROVED** **Consider a Zoning request by Josh Adams to re-zone the property at 905 and 911 East Oates Road in District 4 from Single-Family-7 (SF-7) District to Agricultural (AG) District, to allow a small farm for growing fruits and vegetables.**

Consideration of the application of Josh Adams, requesting approval of a Change in Zoning from Single-Family-7 (SF-7) District to Agricultural (AG) District at 905 and 911 East Oates Road. This request is a Change in Zoning only. (File No. Z 20-33, District 4)

The staff report was presented by Nabiha Ahmed, Development Planner and Jim Olk, Building Official. Speaker on this item was Josh Adams, applicant.

There was discussion by the Council.

Brad Neighbor, City Attorney, explained to the Council their role to consider this item as a straight zoning request and to bear in mind there should be no regulation on how the farm is operated.

Motion was made by Council Member B. J. Williams, and seconded by Council Member Jerry A. Nickerson to approve the reqeust as presented. Motion carried:

Vote: 9 - 0

b. **APPROVED** **Consider a request by Masterplan to amend the Ordinance PD 16-35 which was approved in 2017 for multi-family use at 4501 North Garland Avenue (District 7). Due to a prospective real estate transaction, the amendment would modify the PD to reflect minor changes required during construction.**

Consideration of the application of Masterplan, requesting an Amendment to Planned Development (PD) 16-35 for Multi-Family Use ordinance. This property is located at 4501 North Garland Avenue. (File No. Z 20-37, District 7)

The staff report was presented by Nabiha Ahmed, Development Planner, Will Guerin, Director of Planning and Jim Olk, Building Official. Speaker on this item was Maxwell Fisher, representing JPI, applicant.

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 Ordinance Planned Development 16-35 amendment (Item 7b) and the Detail Plan (Item 7c) in one motion. Motion carried:

Vote: 9 - 0

c. APPROVED **Consider approval of a Detail Plan request by Masterplan for an existing apartment complex at 4501 North Garland Avenue in District 7. No physical changes to the existing site are being requested.**

Consideration of the application of Masterplan, requesting approval of a Detail Plan. This property is located at 4501 North Garland Avenue. (File No. Z 20-37, District 7)

13. 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.

<u>Council Member Jerry Nickerson</u>

- Lisa Araiza - Community Multicultural Commission

Council Member Nickerson presented Ms. Lisa Araiza as his nominee to the Community Multicultural Commission.

A vote was cast to nominate Ms. Araiza:

Vote: 9 - 0

14. Consider the Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

Council considered the appointment of a Mayor Pro Tem, and if so desired, a Deputy Mayor Pro-Tem.

Mayor Pro Tem Smith presented a nomination for Council Member Nickerson to serve as Mayor Pro Tem.

A vote was cast for Council Member Nickerson to serve as Mayor Pro Tem:

Vote: 9 - 0

Mayor Pro Tem Smith presented a nomination for Council Member Morris to serve as Deputy Mayor Pro Tem.

A vote was cast for Council Member Morris to serve as Deputy Mayor Pro Tem:

Vote: 9 - 0

15. Citizen comments: Joshua Garcia

16. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:03 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary