GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, January 5, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present:	Mayor Scott LeMay
	Mayor Pro Tem Jerry A. Nickerson
	Deputy Mayor Pro Tem Deborah Morris
	Council Member Ricky McNeal
	Council Member B. J. Williams
	Council Member Rich Aubin
	Council Member Robert Vera
	Council Member Dylan Hedrick
	Council Member Robert John Smith
Staff Present:	City Manager Bryan Bradford
	Deputy City Manager Mitch Bates
	Assistant City Manager John Baker
	Assistant City Manager Jud Rex
	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 Ricky McNeal, and seconded by Council Member B. J. Williams to approve the Consent Agenda as presented, with the exemption of Item 2c, which was pulled by Council Member Williams. Motion carried:

Vote: 9 - 0

1. APPROVED **Consider approval of the minutes of the December 15, 2020 Regular Meeting.**

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

a. APPROVED **Energy Trading Risk Management Software System Hosting and Support Fees** — **Bid No. 0298-21**

Power Costs, Inc. **$238,000.00**

This request is for annual support and hosting fees for the GP&L Energy Trading Risk Management Software System and Test/TQA environment. The service agreement will renew annually as long as GP&L continues to use the software.

b. APPROVED **GP&L Electric Motor Repair and Maintenance** — **Bid No. 0628-18**

Brandon & Clark, Inc. **$23,750.00**

This request is to approve a Change Order for GP&L electric motor maintenance and repair services. This Change Order is necessary to cover greater-than-anticipated motor repairs required during the past year.

d. APPROVED **Distribution Overhead Line Maintenance & Construction** — **Bid No. 0626-19**

Irby Construction Company **$1,000,000.00**

This request is to approve a Change Order for GP&L distribution overhead line maintenance and construction. This Change Order will allow for additional overhead construction services that are anticipated as a result of the modification to the distribution pole inspection and replacement process.

e. APPROVED 2019 Alley Replacement Project Bid No. 0987-19

Tri-Con Services, Inc. $98,156.37

The purpose of this request is to approve a Change Order for the 2019 Alley Replacement Project. The original project included the removal/replacement of ten (10) alleys located in the northern portion of the city. This Change Order is to complete additional concrete street/sidewalk repairs that include removing/replacing additional street/sidewalk pavement adjacent to the alley improvements.

3. Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.

a. APPROVED Zoning File No. Z 20-37, Masterplan (District 7)

Ordinance No. 7188 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 16-35 for Multi-Family Use and 2) a Detail Plan on a 15.179-acre tract of land located at 4501 North Garland Avenue; 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 20-33, Josh Adams (District 4)

Ordinance No. 7189 amending the Garland Development Code of the City of Garland, Texas, by approving a Change of Zoning from Single-Family-7 (SF-7) District to Agricultural (AG) District on 3.54-acre tract of land located at 905 and 911 East Oates 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 Buckingham Road Railroad Crossing Rehabilitation Agreement

Resolution No. 10467 approving the Rehabilitation Agreement for the railroad crossing on Buckingham Road just west of SH 78, which was reconstructed as part of the widening and reconstruction of that street between First Street and SH 78 in 2001.

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.

5. APPROVED Major Thoroughfare Right-of-Way Maintenance and Litter Control (formerly Item 2c) **Bid No. BL 08287**

Carruthers Landscape Management, Inc. $193,293.92

The purpose of this change order is to provide additional Litter Pickup and Maintenance visit to our mowing contract BL08287 . The proposed change order increases the existing contract amount of $78,780 by 246% for a new total of $272,060.

The staff report was presented by Andy Hesser, Managing Director, Parks and Recreation.

There was discussion by the Council.

Motion to approve was made by Council Member McNeal, seconded by Council Member Williams: Motion carried:

Vote: 9 ayes - 0 nays

6. Hold public hearing(s) on:

a. APPROVED Public hearing and adoption of ordinance to expand boundaries of TIF #3 and adopt a Project and Financing Plan

On November 18, 2020, the Board of Directors for TIF Zone #3 met to discuss expanding the boundaries and to create a Project and Financing Plan. A Project and Financing Plan is required to allow the City to utilize TIF funds on projects within the zone.

The Board unanimously recommends to Council the expansion of the Zone boundaries to include the VA hospital and surrounding properties. In addition, a listing of projects was approved by the Board to be included in the Project and Financing Plan and staff was instructed to complete the required schedules outlined in Chapter 311 of the Tax Code for Council to formally consider.

A public hearing is required before Council acts to approve the modifications to TIF #3.

Mayor LeMay opened the public hearing at 7:12 p.m.; there were no speakers on this item.

Motion to approve the item as presented was made by Council Member Smith, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes - 0 nays, adopting **Ordinance No. 7190**

b. APPROVED Consider a Variance request by Ryan Johnston to allow a monument sign setback less than the required five (5) feet from the property line. The applicant is appealing the Plan Commission's denial of the request. The applicant represents Lavon Drive Baptist Church, located at 1520 Lavon Drive in District 2.

Consideration of the application of Ryan Johnston, requesting approval of a Variance to Chapter 4, Article 5 of the Garland Development Code regarding setbacks for a monument sign to allow a reduced setback from the property line where five (5) feet is required. This property is located at 1520 Lavon Drive. (File No. SV 20-01, District 2)

Mayor LeMay explained that because the applicant is requesting an appeal of the Plan Commission's denial, this item requires seven votes for approval.

The staff report was presented by Kimberly Hopkins, Development Planner. Speaker on this item was: Ryan Johnston, applicant.

There was discussion by the Council. Deputy Mayor Pro Tem asked Brad Neighbor, City Attorney if the Council could legally approve the variance. Mr. Neighbor confirmed the Council could legislatively grant the variance.

Motion to approve the item as presented was made by Deputy Mayor Pro Tem Morris, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes - 0 nays

c. APPROVED Consider a Zoning request by Ocean Star Metals, Inc. to re-zone the property at 521, 523, 525 Shepherd Drive (District 6), which is used for recycling operations, from Heavy Commercial (HC) District to Industrial (IN) District.

Consideration of the application of Ocean Star Metals, Inc., requesting approval of a Change in Zoning from Heavy Commercial (HC) District to Industrial (IN) District. The business is currently a non-conforming use due to a change in the Garland Development Code. The expiration of the SUP requires a change in zoning classification in order to continue operations. (File No. Z 20-32, District 6)

Mayor LeMay explained application of the 20% rule if this item be approved; it would require seven votes for the ordinance to be adopted when it is brought forward.

The staff report was presented by Kimberly Hopkins, Development Planner, Will Guerin, Director of Planning and Mike Lee, Fire Chief. Speakers on this item were: Judy Wang and Joel Wilkinson, applicant(s).

There was extensive discussion by the Council.

Motion to deny the Zoning request change was made by Council Member Vera, seconded by Deputy Mayor Pro Tem Morris. Motion failed:

Vote: 4 ayes (Deputy Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith) / 5 nays (Mayor LeMay, Mayor Pro Tem Nickerson and Council Members: McNeal, Williams and Hedrick)

Motion was made by Council Member Hedrick to approve the Zoning request, seconded by Council Member McNeal.

There was additional discussion by the Council.

Council Member Williams asked the Brad Neighbor, City Attorney, if the fencing amendment could be included with Council Member Hedrick's motions; Mr. Neighbor confirmed it could.

Council Member Smith asked for clarification if the fencing amendment should be held and addressed during the Specific Use Provision request. Will Guerin, Director of Planning stated it would be appropriate for the SUP to be addressed at that time.

Mayor LeMay restated the original motion, after the explanation from the City Attorney, that the item could be approved with less than seven votes, but would require the application of a super majority when the ordinance is brought forward. Motion carried:

Vote: 5 ayes (Mayor LeMay, Mayor Pro Tem Nickerson and Council Members: McNeal, Williams and Hedrick) / 4 nays (Deputy Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith)

d. APPROVED Consider a Specific Use Provision request by Ocean Star Metals, Inc. to continue operating a metal recycling facility for a period of ten (10) years. The property is located at 521, 523, 525 Shepherd Drive in District 6.

Consideration of the application of Ocean Star Metals, Inc., requesting approval of a Specific Use Provision to allow a Recycling Salvage Yard (unlimited outside storage) Use. (File No. Z 20-32, District 6)

Motion was made by Council Member Vera to deny approval of the Specific Use Provision, seconded by Council Member Aubin. Motion failed:

Vote: 4 ayes (Deputy Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith) / 5 nays (Mayor LeMay, Mayor Pro Tem Nickerson and Council Members: McNeal, Williams and Hedrick)

Motion was made by Council Member Hedrick to approve the Special Use Provision, with inclusion of the requirement for a solid wall, seconded by Council Williams. Motion carried:

Vote: 5 ayes (Mayor LeMay, Mayor Pro Tem Nickerson and Council Members: McNeal, Williams and Hedrick) / 4 nays (Deputy Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith).

e. **APPROVED** **Consider a Site Plan request by Ocean Star Metals, Inc. for an existing metal recycling facility located at 521, 523, 525 Shepherd Drive in District 6.**

Consideration of the application of Ocean Star Metals, Inc., requesting approval of a Site Plan for a Recycling Salvage Yard (unlimited outside storage) Use. This site is located at 521, 523, 525 Shepherd Drive. (File No. Z 20-32, District 6)

Motion was made by Council Member Vera to deny the Site Plan, seconded by Council Member Aubin. Motion failed:

Vote: 4 ayes (Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith) / 5 nays (Mayor LeMay, Mayor Pro Tem Nickerson, and Council Members: McNeal, Williams and Hedrick)

Motion was made by Council Member Hedrick to approve the Site Plan, seconded by Council Member McNeal. Motion carried:

Vote: 5 ayes (Mayor LeMay, Mayor Pro Tem Nickerson, and Council Members: McNeal, Williams and Hedrick) / 4 nays (Mayor Pro Tem Morris and Council Members: Aubin, Vera and Smith)

Mayor LeMay recessed the meeting for ten minutes at 9:00 p.m.

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

f. **DENIED** **Consider a Specific Use Provision request by Smashin Gas Motors to allow Automobile Sales at 1220 North First Street in District 8.**

Consideration of the application of Smashin Gas Motors, requesting approval of a Specific Use Provision to allow Automobile Sales, New or Used on a property zoned Industrial (IN) District. (File No. Z 20-36, District 8)

The staff report was presented by Kimberly Hopkins, Development Planner. Speaker on this item was Brandon Arnold, applicant.

There was discussion by the Council.

Motion was made by Council Member Smith to deny the Specific Use Provision and the Site Plan, seconded by Council Member Vera. Motion carried:

Vote: 8 ayes - 1 nay (Mayor LeMay)

g. **DENIED** **Consider a Site Plan request by Smashin Gas Motors for Automobile Sales at 1220 North First Street in District 8.**

Consideration of the application of Smashin Gas Motors, requesting approval of a Site Plan for Automobile Sales, New or Used on a property zoned Industrial (IN) District. (File No. Z 20-36, District 8)

7. **Citizen comments:** Joshua Garcia

8. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:32 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary