GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, January 12, 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 Judson 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 Deputy Mayor Pro Tem Deborah Morris, and seconded by Mayor Pro Tem Jerry A. Nickerson to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. APPROVED Consider approval of the minutes of the January 5, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Polyurethane Foam Stabilization Services Bid No. 0368-21

URETEK USA, Inc. $2,000,000.00

This request is to provide polymer material injection services beneath settled concrete pavement slabs. This approval is for a Term Agreement with four optional renewals.

b. **APPROVED** **Mini-Excavators** **Bid No. 0360-21**

Caterpillar Inc. **$149,304.00**

This request is for the replacement purchase of two mini-excavators to be utilized by the Wastewater Department.

c. **APPROVED** **Glenbrook Drive, Centerville Road to Carroll Drive and Glenbrook Court Paving, Water and Wastewater Utility Improvements and Centerville Sidewalk** **Bid No. 0049-21**

Tri-Con Services, Inc. **$1,961,000.00**

This request is to provide paving, water, wastewater and drainage improvements on South Glenbrook Drive between Centerville Road and Carroll Drive and Glenbrook Court. Improvements also include sidewalks, ramps, irrigation, water and wastewater services, sodding and signs.

d. **APPROVED** **Animal Shelter and Adoption Facility Construction** **Bid No. 0492-20**

Hill & Wilkinson General Contractors **$11,117,990.00**

This request, Guaranteed Maximum Price (GMP) 2, is for the remainder of the construction of the new Animal Shelter and Adoption Fac*ility.*

e. **APPROVED** **Holford Recreation Center and Neighborhood Aquatic Center Design Services** **Bid No. 0370-21**

Brinkley Sargent Wiginton Architects **$2,816,149.00**

This request is to obtain professional services for the architectural programming, followed by architectural and engineering design services, for Holford Recreation and Neighborhood Aquatic Center.

f. **APPROVED** **Walnut Creek Branch Library Design Services** **Bid No. 0371-21**

VLK Architects, Inc. **$1,096,000.00**

This request is to obtain professional services for the architectural programming, library consulting and design services for the new Walnut Creek Branch Library.

g. **APPROVED** **GP&L College Road to Jupiter Road 138kV Transmission Line Structures** **Bid No. 0222-21**

Techline, Inc.	**$616,267.00**
Optional Contingency	**123,253.40**
TOTAL:	**$739,520.40**

This request is to provide transmission line structures needed for the replacement of a transmission line segment along College Road to Jupiter Road. An Optional Contingency is included for any additional materials that may be required.

h. **APPROVED** **GP&L College Road to Jupiter Road 138kV Transmission Line Materials** **Bid No. 0223-21**

Techline, Inc.	**$184,919.39**
Optional Contingency	**36,983.87**
TOTAL:	**$221,903.26**

This request is to provide construction materials needed for the replacement of a transmission line segment along the College Road to Jupiter Road transmission line. An Optional Contingency is included for any additional materials that may be required.

i. **APPROVED** **Traffic Signal Installation and Modernization** **Bid No. 0261-21**

Mel's Electric, LP	**$1,223,432.25**

This request is to provide Traffic Signal Installation and Modernization Services on an as-needed basis. This approval is for a Term Agreement with four optional renewals.

3. **APPROVED** **Ordinance No. 7191** adopted concurrently with the cities of Bryan, Denton and Greenville approving the execution of the Texas Municipal Power Agency ("Agency") of an Asset Purchase Agreement for the sale of the Agency's Gibbons Creek Steam Electric Station and related assets in Grimes County, Texas; approving an Associated Decommissioning Budget Amendment; and providing an effective date.

In accordance with the Joint Operating Agreement between TMPA and its Member Cities of Bryan, Denton, Garland and Greenville, for the City Council's consideration and approval is a concurrent ordinance with the cities of Bryan, Denton and Greenville for the execution of an asset purchase agreement for the sale of TMPA's Gibbons Creek Steam Electric Station and related assets in Grimes County and approval of TMPA's amendment to its FY2021 Generation Budget.

4. APPROVED **Ordinance No. 7192** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 1); providing for supplemental appropriation of funds in the Electric Operating Fund; and providing an effective date.

At the January 11, 2021 Work Session, Council considered an amendment to the 2020-21 Adopted Budget. For Council's consideration is an ordinance amending the 2020-21 Adopted Budget to appropriate funds in the amount of $4,603,973 as a result of an increase in the Texas Municipal Power Agency's FY 2021 Generation Budget and its charges to the City.

5. APPROVED **Resolution No. 10468** establishing a Downtown Historic District Revitalization Grant Program; limiting the source of program funding; and providing an effective date.

At the November 16, 2020 Work Session, Council considered expanding the existing Downtown Historic District Façade Improvement Program to include general improvements, not limited to exteriors, of eligible commercial properties within the district. The expanded program also encourages business owner application with property owner consent and considers awning or sign replacement as eligible, stand-alone projects for reimbursement.

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. **Presentation of 2021 Proposed CIP**

City Manager Bradford formally presented the 2021 Proposed Capital Improvement Program (CIP) for the City Council's review and deliberation.

7. APPROVED **Resolution No. 10469** of the City of Garland, Texas, authorizing the City Manager to enter into a Project Agreement with the State of Texas, acting through the Texas Parks and Wildlife Department ("Department"); and providing an effective date.

Council adopted a funding resolution and authorization to submit a grant application for the Local Park Grant Program from the Texas Parks and Wildlife Department in order to improve John Paul Jones Park and Chaha Boat Ramp.

Motion was made by Mayor Pro Tem Jerry A. Nickerson, and seconded by Council Member Robert John Smith to approve as presented, the Project Agreement with the Texas Parks and Wildlife Department. Motion carried:

Vote: 9 - 0

8. DENIED Zoning File No. Z 20-32, Ocean Star Metals, Inc. (District 6)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Heavy Commercial (HC) District to Industrial (IN) District, 2) a Specific Use Provision to allow a Recycling Salvage Yard (Unlimited Outside Storage) Use, and 3) a Plan to allow a Recycling Salvage Yard (Unlimited Outside Storage) Use on a 0.947-acre tract of land located at 521, 523, and 525 Shepard 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.

The Council action for this item was to vote on the ordinance with the 20% rule remaining in effect, to approve or deny the item; it requires seven votes from the Council.

Speakers on this item were Judy Wang, applicant and Joyce Lindauer, applicant's attorney. Michael Hoerner was signed up to speak on this item, but did not speak; the Mayor read his opposing statement into the record.

There was discussion by the Council.

Motion to deny was made by Council Member Vera, 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, Council Members: McNeal, Williams and Hedrick)

Motion to approve was made by Council Member Hedrick, seconded by Council Member Williams. Motion failed:

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

9. Citizen comments: Joshua Garcia

10. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:41 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary