GARLAND

# MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, March 2, 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.**

Amy Dunphy, Community Outreach Coordinator, Animals Services, presented the Pet of the Month.

Mayor LeMay read the proclamation that will be delivered to Brenna Kenney, proclaming March 2021 to be Theatre in Our Schools Month.

## 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 Robert Vera to approve the Consent Agenda as presented. Motion Carried:

**Vote:** 9 - 0

1. APPROVED **Consider approval of the minutes of the February 23, 2021 Regular Meeting.**

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

a. APPROVED **Central Library Design Services** **Bid No. 0493-21**

**720 Design, Inc.** **$982,896.00**

This request is to obtain professional architectural and engineering design services and construction administration services for improvements to the Central Library.

b. **APPROVED** **TMPA Keith Switch to Steep Hollow 138kV Transmission Line Rebuild Engineering Design Services** **Bid No. 0479-20**

| | |
|---|---|
| **M&S Engineering, LLC** | **$75,990.00** |

This request is to approve a Change Order for M&S Engineering, LLC, to provide LiDAR services.

c. **APPROVED** **GP&L and TMPA Transmission Right-of-Way Chemical Treatment** **Bid No. 0536-21**

| | |
|---|---|
| **Chemical Weed Control** | **$300,000.00** |

This request is to obtain bare-ground chemical treatment services for GP&L and TMPA Transmission Right-of-Way (ROW). This approval is for a Term Agreement with four optional renewals.

d. **APPROVED** **Daytona and Woodmere Drive Water and Wastewater Main Replacement** **Bid No. 0373-21**

| | |
|---|---|
| **Aushill Construction, LLC** | **$570,499.00** |
| **Optional Contingency** | **57,049.90** |
| **TOTAL:** | **$627,548.90** |

This request is to replace approximately 1,400 linear feet of existing water and sanitary sewer mains on Daytona Drive from Bobtown Road to Sarasota Drive and on Woodmere Drive from Heather Glen Drive to Rollingridge Lane. 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. 20-28, Ephriem Mengstab (District 5)**

**Ordinance No. 7200** amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Truck/Bus Storage Use on a 2.609-acre tract of land zoned Industrial (IN) District and located at 2430 Lonnecker 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. 20-40, Jack Birdsong (District 3)**

**Ordinance No. 7201** amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Use to add Reception Facility Use, 2) a Specific Use Provision for a Reception Facility, and 3) a Detail Plan for a Reception Facility on a 2.413-acre tract of land located at 354 East Interstate Highway 30; 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. 7202** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 2), providing for supplemental appropriation of funds in the General Fund, the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Information Technology Replacement Fund, the Information Technology Project Fund, the Hotel/Motel Tax Fund, the TIF #1 Fund, the Economic Development Fund, and various funds associated with purchase order encumbrances; and providing an effective date.

At the February 22,2021 Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2020-21 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2019-20 fiscal year, and (3) expenditures not anticipated in the 2020-21 Adopted Budget.

**5. APPROVED** **Ordinance No. 7203** amending Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas; amending Section 22.140 by providing definitions; amending the pollution limitations in Section 22.141; amending the permit issuance process in Section 22.144; amending the reporting requirements in Section 22.145; amending a statutory reference in Section 22.147; amending Section 22.148 regarding publication of noncompliance; amending Section 22.149 to add a cease-and-desist remedy; providing that a violation is a misdemeanor punishable by a fine; providing a Savings Clause; providing a Severability Cluase; and providing an effective dated.

At the February 22, 2021 Work Session, Council considered an amendment to Chapter 22, Article VIII, "Industrial Wastes" to incorporate the Streamlining Rule and to adopt redeveloped Technically Based Local Limits (TBLLs) as required by the Texas Commission on Environmental Quality (TCEQ).

6. **APPROVED** **Ordinance No. 7199** authorizing the issuance of "City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said notes; specifying the terms and conditions of such notes; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement; the engagement of consultants; and providing an effective date.

Council approved an ordinance in substantially the form as attached.

## 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** **Resolution No. 10479** authorizing the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2021 Garland General Election; and providing an effective date.

Council approved a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 1, 2021 General Election.

Motion was made by Council Member Rich Aubin, and seconded by Mayor Pro Tem Jerry A. Nickerson to approve the item as presented. Motion carried:

**Vote:** 9 - 0

8. **Hold public hearings on:**

a. **APPROVED** **Consider a Zoning request by JM Civil Engineering to allow a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

Mayor LeMay requested to take action on the three related items in one vote; Council Member Hedrick concurred.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were: Jared Westmoreland, applicant, Jennifer Ernst, Joshua Garcia and Pauline Sias.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member B. J. Williams to approve the Zoning request, Specific Use Provision (with increased canopy height up to 22 feet) and Detail Plan as presented. Motion carried:

**Vote:** 9 - 0

**b. APPROVED Consider a Specific Use Provision request by JM Civil Engineering to allow a Gas Station/Convenience Store Use for a period of twenty-five (25) years. The property is located at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of a Specific Use Provision to allow Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

**c. APPROVED Consider a Detail Plan request by JM Civil Engineering for a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of a Detail Plan for Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

**d. APPROVED Consider a Variance request by Murphy Oil USA to allow an establishment that sells alcoholic beverages to be located less than the minimum required distance from a school. The property is located at 4680 North Shiloh Road in District 7**

Consideration of the application of Murphy Oil USA, requesting approval of a Variance to reduce the minimum separation requirement between an establishment that sells or serves alcoholic beverages and a school. This property is located at 4680 North Shiloh Road. (File No. BW 20-02, District 7)

The staff report was presented by Will Guerin. Speakers on this item were Kyle Hill, applicant and Jennifer Ernst.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member Robert John Smith to approve the Variance request as presented. Motion carried:

**Vote:** 9 - 0

**e. APPROVED Consider a Specific Use Provision request by Baldwin Associates to continue operating a Charter School for a period of ten (10) years. The property is located at 2266 Arapaho Road in District 7**

Consideration of the application of Baldwin Associates, requesting approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

Mayor LeMay requested to take action on the two related items in one vote; Council Member Hedrick concurred.

The staff report was presented by Will Guerin, director of Planning. Speaker on this item was Rob Baldwin, applicant.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member Rich Aubin to approve the Specific Use Provision and Site Plan as presented. Motion carried:

**Vote:** 9 - 0

**f. APPROVED Consider a Site Plan request by Baldwin Associates for a Charter School at 2266 Arapaho Road in District 7**

Consideration of the application of Baldwin Associates, requesting approval of a Site Plan for a Charter School. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

**g. APPROVED Consider a Specific Use Provision request by R-Delta Engineers, Inc. to allow an Electric Substation Use for an unlimited time period. The property is located at 2900 Elm Grove Road in District 1**

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Specific Use Provision for an Electric Substation Use on a property zoned Agricultural (AG) District. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

Mayor LeMay requested to take action on the two related items in one vote; Council Member McNeal concurred.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were Frank Polma (Engineer for GP&L) and Carlie Zachary.

There was discussion by the Council.

Motion was made by Council Member Ricky McNeal, and seconded by Mayor Pro Tem Jerry A. Nickerson to approve the Specific Use Provision and Site Plan as presented.
Motion carried:

**Vote:** 9 - 0

h. APPROVED **Consider a Site Plan request by R-Delta Engineers, Inc. for an Electric Substation at 2900 Elm Grove Road in District 1**

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Plan for an Electric Substation. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

**9.** **Citizen comments:** Holli Sanborn, Jennifer Ernst and Joshua Garcia.

**10.** **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:21 p.m.

**Submitted By:**

______________________________

**Scott LeMay, Mayor**

______________________________

**Eloyce René Dowl, City Secretary**