GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, April 20, 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 Morris to adopt the Consent Agenda as presented, with the exception, of Item 5, which was pulled by Council Member Aubin for Individual Consideration, seconded by Council Member McNeal. Motion carried:

Vote: 9 ayes - 0 nays

1. APPROVED Consider approval of the minutes of the April 6, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Design Services for Watson Park Improvements — Bid No. 0632-21

MHS Planning & Design — $193,800.00

This request is to obtain professional services for the design and construction administration of improvements at Watson Park.

b. **APPROVED** **Professional Services for Tuckerville Park Development** **Bid No. 0697-21**

MHS Planning & Design **$641,250.00**

This request is to provide professional design services for the development of a new tennis complex at Tuckerville Park.

c. **APPROVED** **Common Area Paving at Skatepark** **Bid No. 1113-17**

SPA Skateparks **$108,225.00**

This request is to approve a Change Order for SPA Skateparks to include 6,000 square feet of additional paving into the skatepark scope for common area paving through the skatepark and Rick Oden Park.

d. **APPROVED** **Construction Material Testing for Shiloh Road from IH 635 to Kingsley Road** **Bid No. 0314-19**

Alliance Geotechnical Group, Inc. **$97,550.00**

This request is to approve a Change Order to provide additional Construction Material Testing (CMT) services for the Shiloh Road – I.H. 635 to Kingsley Paving, Drainage and Utilities Improvements project.

e. **APPROVED** **GP&L Lookout Substation Capacitor Banks** **Bid No. 0514-21**

Texas Electric Cooperatives, Inc.	**$233,950.00**
Optional Contingency	**23,995.00**
TOTAL:	**$257,945.00**

This request is for the purchase of two (2) 138kV, 60 MVAR 3-phase capacitor banks for the GP&L Lookout Substation. An Optional Contingency is included for any additional work that may be required.

f. **APPROVED** **Commercial Corridor Design Services** **Bid No. 0705-21**

Teague Nall and Perkins, Inc. **$791,500.00**

This request is to obtain professional services for the design of the corridor revitalization elements for First Street from Miller Road to Main Street/Lavon Drive.

g. **APPROVED** **Transportation Maintenance & Operations Facility Renovation Construction Services** **Bid No. 0469-21**

Hill & Wilkinson General Contractors - Base Bid	**$1,477,171.00**
Hill & Wilkinson General Contractors - Alternate 1	**29,263.00**
TOTAL:	**$1,506,434.00**

This request is to procure general construction services for renovations to the Transportation Maintenance & Operations Facility located at 409 Forest Gate Drive.

h. **APPROVED** **Access Controls for Police Property and Evidence Building** **Bid No. 0706-21**

Entech Sales and Service **$156,288.00**

This request is for the purchase and installation of access controls at the new Police Property and Evidence Building.

i. **APPROVED** **Landfill Bulldozer Rebuild** **Bid No. 0716-21**

Holt Cat **$650,000.00**

This request is to provide emergency repair services to a D8T bulldozer used at the Landfill.

j. **APPROVED** **Replacement Vehicles for Parks and EWS Department** **Bid No. 0728-21**

Caldwell Country Ford **$181,255.00**

This request is for the purchase of replacement vehicles to be utilized by Parks and Environmental Waste Services.

k. **APPROVED** **Replacement Vehicles for GP&L and Parks Department** **Bid No. 0727-21**

Silsbee Ford **$130,713.75**

This request is for the purchase of three replacement vehicles and one new vehicle to be utilized by GP&L and Parks.

l. **APPROVED** **Gale Fields Recreation Center Construction Services** **Bid No. 1130-20**

Core Construction	**$887,432.00**

This request is for the construction of the improvements at Gale Fields Recreation Center.

m. **APPROVED** **Downtown Garland Pedestrian Crossing Improvements** **Bid No. 0734-21**

Kansas City Southern Railway Company (KCS)	**$508,338.00**
Maximum Contingency	**76,251.00**
TOTAL:	**$584,589.00**

This request is to improve the Downtown Garland pedestrian crossings in an effort to further promote pedestrian connectivity.

n. **APPROVED** **Roof Replacements for Gale Fields Recreation Center and Head Start Child Care Center** **Bid No. 0726-21**

Supreme Roofing	**$547,562.00**

This request is for the replacement of roofs that have reached end of life at the Gale Fields Recreation Center and the Head Start Child Care Center.

o. **APPROVED** **TMPA Keith Switch to Steep Hollow Transmission Line Conductor** **Bid No. 0531-21**

KBS Electrical Distributors, Inc.	**$420,542.00**
Optional Contingency	**42,054.20**
TOTAL:	**$462,596.20**

This request is to provide conductor and guy wire for the rebuild of the TMPA Keith Switch to Steep Hollow Transmission Line. An Optional Contingency is included for any additional materials that may be required.

3. **A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.**

a. **APPROVED** **Zoning File No. Z 20-42, II Stephens Development, LLC (District 5)**

Ordinance No. 7214 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Single-Family-10 (SF-10) District to a Planned Development (PD) District for Single-Family-5 (SF-5) Uses, and 2) a Detail Plan for Single-Family Detached Homes on a 15.265-acre property located at 2040 West Miller 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** **Request for Development Assistance from Micropac Industries Inc.**

Council approved the staff recommendations for a partial rebate of the applicable RE tax and certain City development fees.

5. **APPROVED** **Partnership Agreement between the Garland Housing Finance Corporation (GHFC) and the City of Garland to Administer Donated GHFC Funding**

At the April 19, 2021 Work Session, Council considered authorizing the City Manager to enter into a Partnership Agreement to administer new GHFC grant programs.

Council authorized the City Manager to enter into a Partnership Agreement to administer new Garland Housing Finance Corporation (GHFC) grant programs.

6. **APPROVED** **Minute action approving two purchase and relocation assistance agreements negotiated to date with the property owners and tenants in the aggregate amount of $208,000.**

At the April 5, 2021 Executive Session, Council reviewed and discussed several purchase and relocation assistance agreements.

7. **APPROVED** **Minute action approving two purchase agreements negotiated to date with the property owners in the aggregate amount of $416,100.**

At the April 5, 2021 Executive Session, Council reviewed and discussed several purchase and relocation assistance agreements regarding Fire Station 1 Land Acquisition.

8. **APPROVED** **Minute action authorizing the Mayor to execute and convey the easement tract to Farmers Electric Cooperative in the amount of $32,090.**

At the April 5, 2021 Work Session, Council considered approving the easement tract as requested by Farmers Electric Cooperative.

9. **APPROVED** **Minute action approving the easements related to the Hinton Landfill Gas-To-Energy Project**

At the April 19, 2021 Work Session, Council considered two easements related to the Hinton Landfill Gas-To-Energy Project.

10. **APPROVED** **Ordinance No. 7215 of the City of Garland, Texas, approving and authorizing the issuance of General Obligation Commercial Paper Notes, Series 2021, in an aggregate principal amount at any one time outstanding not to exceed $50,000,000 to provide interim financing to pay project costs for eligible projects and to refund obligations issued in connection with an eligible project; authorizing such short term obligations to be issued, sold and delivered in various forms, including Commercial Paper Notes and a Bank Note, and prescribing the terms, features and characteristics of such instruments; approving and authorizing certain authorized officers and employees of the City to act on behalf of the City in the selling and delivery of such short term obligations, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; providing for the levy, assessment and collection of a tax sufficient to pay the interest on Commercial Paper Notes and a Bank Note and to create a Sinking Fund for the redemption of a Bank Note; resolving other matters incident and related to the issuance, sale, security and delivery of Commercial Paper Notes, including the approval of an issuing and Paying Agent Agreement, a Reimbursement Agreement, a Fee Letter and a Dealer Agreement; approving the use of an Offering Memorandum in connection with the sale from time to time of such short term obligations; and providing an effective date.**

Council approved a termination of the General Obligation Commercial Paper Program, Series 2015 and establish the General Obligation Commercial Paper Program, Series 2021.

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** **Use of Community Development Block Grant (CDBG) Funding for the Demolition of 1922 Castle Drive in Partnership with the Garland Housing Finance Corporation (formerly Item 5 on the Consent Agenda)**

At the April 19, 2021, Work Session, Council considered authorizing the City Manager to execute an agreement to provide CDBG funding in the amount of $211,000 for the demolition of a blighted, abandoned structure located at 1922 Castle Drive.

Mayor LeMay provided comments on the Work Session discussion from April 19, which resulted in amendments to the contract.

Council Member Aubin presented commentary on the reason for the amendments. Motion was made by Council Member Aubin to approve the amended version of the agreement, which was provided to the full Council, seconded by Council Member Vera.

Council Member Williams requested clarification on the 30-day period (page 2 of the agreement) to clear all items; asking why the timeframe is 30 days?

Brian England, First City Attorney, confirmed that the 30-day period was negotiated by all parties, allowing time to clear up deficiencies; if they are not cleared, it could be a breech of the contract, which could result in future withholding of payments. Council Member Williams was satisfied with the clarification provided.

Mayor LeMay repeated the main motion. Motion carried:

Vote: 9 ayes - 0 nays

12. APPROVED **Resolution No. 10484** of the City of Garland, Texas, authorizing the use of eminent domain for the acquisition of property rights for the construction and operation of a municipal fire complex in Garland, Dallas County, Texas; providing authorizations to acquire such property rights by condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of the resolution; and providing an effective date.

This matter was submitted to the Council by written briefing on the April 5, 2021 Work Session. Garland Voters approved Proposition B, an authorization for the City to issue obligation bonds for, among other things, the acquisition of property for the location of, and the construction of, a new fire station #1 complex. The new fire station will be located on an area of land east of First Street, north of Avenue D and south of Avenue B. The City has been able to successfully negotiate with most property owners to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with the final three remaining property owners named in the proposed resolution. For the remaining tracts, public convenience and necessity require the acquisition of property rights by condemnation.

Council Members McNeal and Smith were recused from this item, leaving the virtual meeting before the vote was cast.

Mayor LeMay called for discussion or speakers on this item; there was no discussion.

Pursuant to Sec. 22.06.053 of the Texas Government Code a motion was made by Deputy Mayor Pro Tem Morris that the City Council of the City of Garland, Texas, authorize the use of the power of eminent domain to acquire the following properties located in the City of Garland, Dallas County, Texas:

- 406, 410 and 441 Ford – Lots, 9 and 10 in Block E, of the 1st Installment Coopers Addition, an Addition to the City of Garland, Dallas County, Texas according to the Map thereof recorded in Volume 7, page 423 of the Map Records of Dallas County, Texas; and Lot 1, in Block D of the 1st Installment Coopers Addition, an Addition to the City of Garland, Dallas County, Texas according to the Map thereof recorded in Volume 7, page 423 of the Map Records of Dallas County, Texas;

- 414 Hicks – Lot 6, in Block H, of the 2nd Installment Coopers Addition, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 7, page 443, of the Map Records of Dallas County, Texas;

for the construction of a municipal fire complex. My motion includes approval of the proposed resolution and intends that the record vote on this matter applies to all units of property to be condemned, seconded by Council Member Aubin. Motion carried:

Vote: 7 ayes, 0 nays

13. **APPROVED** **Resolution No. 10485** of the City of Garland, Texas, authorizing the use of eminent domain for the acquisition of property rights for the construction and expansion of a public right-of-way, Naaman School Road, in Garland, Dallas County, Texas; providing authorizations to acquire such property rights by condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of the resolution; and providing an effective date.

This matter was submitted to the Council by written briefing on the April 5, 2021 Work Session. Naaman School Road (from Brand to S.H. 78 / Lavon Drive) is currently a two-lane asphalt street. It is being reconstructed to a four-lane divided roadway with curbs. Because the City does not already own all the property upon which the project will be constructed, the City has engaged in an effort to acquire certain property interests. The City has been able to successfully negotiate with most property owners to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with the property owner named in the proposed resolution. For the remaining tract, public convenience and necessity require the acquisition of property rights by condemnation.

Pursuant to Sec. 2206.053 of the Texas Government Code: Motion was made by Deputy Mayor Pro Tem Morris that the City Council of the City of Garland, Texas, authorize the use of the power of eminent domain to acquire the following property located in the City of Garland, Dallas County, Texas:

- 227 E. Brand Road and 229 E. Brand, being All the certain tracts being situated in the Onofre Alvarado Survey, Abstract No. 2, Page 55, tract 22, ACS 0.19 and tract 36, ACS 0.2875, Dallas County, Texas;

for the expansion of, and construction of improvements to, a certain public right-of-way, commonly known as Naaman School Road.

My motion includes approval of the proposed resolution and intends that the record vote on this matter applies to all units of property to be condemned, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

14. Hold public hearings on:

a. APPROVED Consider a Zoning [Planned Development] request by Rodolfo V. Herrera Elizalde to allow an approximately 700 square-foot Guest House to be located behind the primary house. This site is located at 1544 Flores Drive in District 5.

Consideration of the application of Rodolfo V. Herrera Elizalde, requesting approval of a Change in Zoning from Single-Family-7 (SF-7) District to a Planned Development (PD) District for Single-Family-7 (SF-7) Uses. This property is located at 1544 Flores Drive. (File No. Z 21-02, District 5)

Mayor LeMay requested to process all related items together; Council Member Aubin concurred.

The staff report was presented by Will Guerin, Director of Planning. Speaker on this item was Raul Lopez, applicant. During his comments, Mr. Lopez explained that he was speaking on behalf of his in-laws, who own the property. He informed Council there was a misunderstanding with the contractor regarding the requested 698 square foot size for the guest house; the applicants are willing to reduce the size to 393 square feet, which complies with Garland Development Code.

There was discussion by the Council. Brad Neighbor, City Attorney, requested clarification regarding the dwelling size. Mr. Lopez confirmed they are willing to conform to the size limitations of the GDC.

Council Member Aubin asked if the dwelling use could be limited? Mr. Neighbor explained it could not be used for a short term rental, which would be a violation of the zoning ordinance and could be enforced. There were additional questions by Council Member Aubin.

Motion was made by Council Member Aubin denying the Planned Development, approval of the Specific Use Provision for five years, with the revised 393 square feet, and approval of a revised Detail Plan in compliance with the GDC, seconded by Council Member Williams. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED Consider a Specific Use Provision request by Rodolfo V. Herrera Elizalde to allow an approximately 700 square-foot Guest House to be located behind the primary house. This site is located at 1544 Flores Drive in District 5.

Consideration of the application of Rodolfo V. Herrera Elizalde, requesting approval of a Specific Use Provision for a Guest House on a property zoned Single-Family-7
(SF-7) District. This property is located at 1544 Flores Drive. (File No. Z 21-02, District 5)

c. APPROVED Consider a Detail Plan request by Rodolfo V. Herrera Elizalde to allow an approximately 700 square-foot Guest House to be located behind the primary house. This site is located at 1544 Flores Drive in District 5.

Consideration of the application of Rodolfo V. Herrera Elizalde, requesting approval of a Detail Plan for a Guest House on a property zoned Single-Family-7 (SF-7) District This property is located at 1544 Flores Drive. (File No. Z 21-02, District 5)

d. APPROVED Consider a Specific Use Provision request by Alliance Architects, Inc. to receive, store, and distribute hand sanitizer in an existing 216,335 square-foot building. This property is located at 1600 South Jupiter Road in District 6.

Consideration of the application of Alliance Architects, Inc., requesting approval of a Specific Use Provision for a High Risk Use on a property zoned Industrial (IN) District. This property is located at 1600 South Jupiter Road. (File No. Z 21-03, District 6)

Mayor LeMay requested to take action on both items in one vote; Council Member Vera concurred.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were Chief Eric Lovett, Carlos deSaracho and Tom Fleming, Ecolab.

There was discussion by the Council.

Motion was made by Council Member Vera to approve the Specific Use Provision and the Site Plan, seconded by Mayor Pro Tem Nickerson. Motion carried:

Vote: 9 ayes, 0 nays

e. **APPROVED** **Consider a Site Plan request by Alliance Architects, Inc. to receive, store, and distribute hand sanitizer in an existing 216,335 square-foot building. This property is located at 1600 South Jupiter Road in District 6.**

Consideration of the application of Alliance Architects, Inc., requesting approval of a Site Plan for a High Risk Use on a property zoned Industrial (IN) District. This property is located at 1600 South Jupiter Road. (File No. Z 21-03, District 6)

f. **POSTPONED** **Consider a request by MVAH Partners to re-zone the property to allow an apartment complex. This property is located at 1102 North Shiloh Road in District 8.**

Consideration of the application of MVAH Partners, requesting approval of a Change in Zoning from Community Office (CO) District and Industrial (IN) District to Multi-Family (MF) District. This property is located at 1102 North Shiloh Road. (File No. Z 21-04, District 8) **(The applicant requests postponement to the May 18, 2021, Regular City Council Meeting.)**

Motion was made by Council Member Smith to postpone this item to May 18, 2021, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

15. **Citizen comments:** Joshua Garcia, Jennifer Ernst, Cary Hodson, Travis Ehlers, Samuel Irby and Jason Lain.

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

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary