GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, May 4, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present:	Mayor Scott LeMay
	Council Member 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
Absent:	Council Member Jerry A. Nickerson
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.

The Pet of the Month was presented by Amy Dunphy, Animal Services, Community Outreach Coordinator.

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 Smith to approved the Consent Agenda as presented, seconded by Council Member Vera. Motion carried:

Vote: 8 ayes - 0 nays

1. APPROVED Consider approval of the minutes of the April 20, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Arterial Pavement Maintenance Requirements Contract - Minor Repairs V — Bid No. 0106-21

Jerusalem Corporation — $520,233.00

This request is to approve a Change Order that will authorize Jerusalem Corporation to remove and replace additional quantities of existing concrete pavement at various locations throughout the city.

b. APPROVED Mayfield Avenue Paving and Water & Wastewater Mains Replacement **Bid No. 0540-21**

New World Contracting, LLC	**$2,634,556.42**
Optional Contingency	**<u>315,000.00</u>**
TOTAL:	**$2,949,556.42**

This request is to provide construction services for installation of approximately 15,892 SY of 8-inch 4,000 psi reinforced concrete street paving, 4,611 linear feet of 8-inch water lines, and 796 linear feet of 8-inch sanitary sewer in Mayfield Avenue from Saturn Road to Kazak Drive and from Keele Drive to W. Centerville Road. An Optional Contingency is included for any additional work that may be required.

c. APPROVED Replacement of Water Mains on Camilla Lane, West Carolyn Drive and West Walnut Circle **Bid No. 0523-21**

Tri-Con Services, Inc.	**$839,000.00**
Optional Contingency	**<u>83,900.00</u>**
TOTAL:	**$922,900.00**

This request is to provide construction services for the replacement of approximately 2,600 linear feet of existing water line along Camilla Lane from Stadium Drive to the end of the cul-de-sac. An Optional Contingency is included for any additional work that may be required.

d. APPROVED Municipal Court OnBase Workflow Enhancements **Bid No. 0748-21**

DataBank IMX **$121,688.00**

This request is to upgrade the OnBase Electronic Content Management System used by Municipal Court to manage documents, workflows and process life cycles.

e. APPROVED TMPA Ben Davis to McCree Reconductor Construction Services **Bid No. 1239-19**

Higher Power Electrical, LLC **$316,050.00**

This request is to approve a Change Order for the cost of labor associated with pier foundation and guy anchor drilling.

f. **APPROVED** **Design Services for Bobtown Road, Waterhouse Boulevard and S. Country Club Road Improvements** **Bid No. 5703-15**

Huitt-Zollars, Inc. **$9,410.00**

This request is to approve a Change Order for additional Engineering Design Services related to the redesign of the storm sewer at the intersection of Bobtown Road and McKenzie Lane.

g. **APPROVED** **Roof Replacements for North Garland Branch Library and Police Forensics Building** **Bid No. 0764-21**

Supreme Roofing	**$426,335.00**
Optional Contingency	**20,000.00**
TOTAL:	**$446,335.00**

This request is for the replacement of roofs that have reached end of life at the North Garland Branch Library and the Police Forensics building.

h. **APPROVED** **Crane Body** **Bid No. 0768-21**

Versalift Southwest, LLC **$952,160.00**

This request is for the replacement of a crane body specifically made for a Freightliner truck chassis to be utilized by GP&L.

i. **APPROVED** **Heavy Duty Trucks** **Bid No. 0772-21**

Freightliner of Austin **$888,445.00**

This request is for the purchase of three replacement heavy duty trucks to be utilized by GP&L.

j. **APPROVED** **Commercial Container Repairs** **Bid No. 1250-20**

DFW Container Service **$25,000.00**

This request is to approve a Change Order in order to maintain service demands for commercial container repairs and replacements due to significant growth in the Commercial Services Division.

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 21-02, Rodolfo V. Herrera Elizalde (District 5)

Ordinance No. 7216 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Guest House on a 0.415-acre tract of land zoned Single-Family-7 (SF-7) District and located at 1544 Flores 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. Zoning File No. Z 21-03, Alliance Architects, Inc. (District 6)

Ordinance No. 7217 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a High Risk Use on a 11.947-acre tract of land zoned Industrial (IN) District and located at 1600 South Jupiter 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 **Ordinance No. 7218** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 3), providing for supplemental appropriation of funds in the Narcotic Seizure Fund; and providing an effective date.

At the April 19, 2021 Work Session, Council considered an amendment to the 2020-2021 Adopted Budget to appropriate funds in the amount of $15,000 in the Narcotic Seizure Fund to supply doses of Narcan Nasal Spary for Police Officers.

5. APPROVED **Ordinance No. 7219** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 4), providing for supplemental appropriation of funds in the General Fund, Public Health Grant Fund, Economic Development Fund, Electric Utility Fund, Water Utility Fund, Wastewater Utility Fund, Environmental Waste Services Fund, Firewheel Fund, Stormwater Utility Fund, Group Health Insurance Fund, Self Insurance Fund, Information Technology Fund, Facilities Management Fund, Hotel/Motel Tax Fund, Housing Assistance Fund, Community Development Block Grant Fund, Fair Housing Grant Fund, Infrastructure Repair and Replacement Fund, Downtown TIF Fund, and providing an effective date.

At the May 3, 2021 Work Session, Council considered an amendment to the 2020-21 Adopted Budget to appropriate funds in the amount of $2.5 million to provide a one-time, lump sum payment to City employees.

6. **APPROVED** **Ordinance No. 7220** providing for the refunding of Electric System Subordinate Lien Revenue Notes, Taxable Series 2021 and Electric Utility System Commercial Paper Notes, Series 2018, appointing a pricing officer and delegating to the pricing officer the authority to approve on behalf of the City the terms of sale of refunding bonds, and establishing parameters for the approval of such matters by the pricing officer.

Refunding Electric System Subordinate Lien Revenue Notes, Taxable Series 2021 and Electric Utility System Commercial Paper Notes, Series 2018, appointing a pricing officer and delegating to the pricing officer the authority to approve on behalf of the City the terms of sale of refunding bonds, and establishing parameters for the approval of such matters by the pricing officer.

7. **APPROVED** **Council approved the allocation of Community Development Block Grant, HOME Infill Grant and the Emergency Solutions Grant Programs for Fiscal Year 2021-2022**

Staff recommends approval of the allocation of grant funding for Fiscal Year 2021-2022.

8. **APPROVED** **Resolution No. 10486** of the City of Garland finding that Oncor Electric Delivery Company, LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code 25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; requiring notice of this resolution to the company and legal counsel; and setting an effective date.

Council approved a resolution denying the Oncor Rate Case Application.

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.

9. Hold public hearings on:

a. APPROVED Consider a Zoning [Planned Development] request by Maxwell Fisher on behalf of Embree Eastside, Ltd. (Palladium USA International, Inc.) to construct an apartment complex with 107 dwelling units. This property is located at 1010 State Highway 66 in District 2.

Consideration of the application of Maxwell Fisher on behalf of Embree Eastside, Ltd. (Palladium USA International, Inc.), requesting approval of a Change in Zoning from Community Retail (CR) District to a Planned Development (PD) District for Multi-Family Use. This property is located at 1010 State Highway 66. (File No. Z 21-06, District 2)

Mayor LeMay requested to take action on all related items at the same time; Deputy Mayor Pro Tem Morris concurred.

The Staff report was presented by Will Guerin, Director of Planning. Speakers on this item were Maxwell Fisher and Avis Chaisson for the applicant.

There was inquiry and discussion by the Council. Council Member Aubin asked Brad Neighbor, City Attorney, if a zoning change is premature, because the tax credits may to be approved? Mr. Neighbor explained no zoning is permanent until vested; it can be rezoned if the State application is not approved. Council Member Aubin expressed concern that, if approved, the project may be very different if the Texas Department of Housing & Community Affairs funding is not approved and the property is developed by another entity. Mr. Neighbor further explained, if another applicant proceeds with the project, they must build it according to the existing detail plan. He reminded the Council there is a general provision in the granting ordinance, if promises are made with respect to the application, those commitments become part of the approval, unless the applicant comes back requesting a change.

Additional speakers were: Sandi Bennett, Ashley Fuller, Paola Prado, Kim Parker, Palladium USA Development Partner, Jessica Salmeron, Keith Pomykal and The Honorable Annie Dickson.

Deputy Mayor Pro Tem Morris provided additional comments in support of the project. Council Member Williams thanked Palladium for their work on the existing project in District 4.

Motion was made by Deputy Mayor Pro Tem Morris to approve the Zoning and Detail Plan as presented, seconded by Council Member McNeal. Motion carried:

Vote: 8 ayes - 0 nays

b. APPROVED **Consider a Detail Plan request by Maxwell Fisher on behalf of Embree Eastside, Ltd. (Palladium USA International, Inc.) to construct an apartment complex with 107 dwelling units. This site is located at 1010 State Highway 66 in District 2.**

Consideration of the application of Maxwell Fisher on behalf of Embree Eastside, Ltd. (Palladium USA International, Inc.), requesting approval of a Detail Plan for Multi-Family Use. This property is located at 1010 State Highway 66. (File No. Z 21-06, District 2)

Mayor LeMay recessed the meeting at 8:15 p.m.

Mayor LeMay reconvened the meeting at 8:25 p.m.

c. APPROVED **Consider a Major Waiver request by Good Samaritans of Garland, to build a 2,700 square-foot food pantry building with restrooms and an office to replace an existing pantry. This property is located at 212 and 214 North Twelfth Street in District 2.**

Consideration of the application of Good Samaritans of Garland, requesting approval of a Major Waiver of a 2,700 square-foot building for an existing Social Service Facility/Agency on a property zoned Downtown (DT) District, InTown Residential (North) Sub-District. This property is located at 212 and 214 North Twelfth Street. (File No. DD 20-03, District 2)

Mayor LeMay requested to take action on all related items together; Deputy Mayor Pro Tem Morris concurred.

The staff report was presented by Will Guerin, Director of Planning.

There were questions for the staff from Council.

The Honorable Lori Dodson, former Mayor of Garland, gave the presentation for the applicant.

Deputy Mayor Pro Tem Morris began the Council discussion; The Honorable Lori Dodson responded to her questions and other Council inquiries. Council Member Williams requested Chief Bryan comment on police activity (calls for service) at and around Good Samaritans. Council Member Hedrick expressed concern that an approval of this request will codify the legal non-conforming use.

Council Member Smith asked if the permit could be written to eliminate this use when the applicant leaves the location. Brad Neighbor explained the request is not a Special Use Provision, but a Major Waiver to reconfigure a non-conforming use to a conforming use; it can be conditioned, but there is no mechanism to connect it to Good Samaritans. Council Member Smith asked if a first right of refusal can be given to the City upon sell; Mr. Neighbor responded, no.

Speakers on this item were: Robert Smith, Russell Duckworth, Chair, Good Samaritans Board of Directors, Janet Hajek, Zarael Castillo and Richard Hargrove. The Honorable Lori Dodson and Pam Swendig, Executive Director, Good Samaritans, addressed concerns from the neighbors and other speakers.

There were additional Council inquiries and discussion.

Deputy Mayor Pro Tem Morris opined in advance of her motion. Motion was made by Deputy Mayor Pro Tem Morris to approve the Waiver with conditions limiting operations to the core mission :

1. Limit operations to food pantry services only, with collection storage and free distribution of food.
2. Food provided for off-site consumption only.
3. Mobile or transitory services not directly related to the distribution of food, such as: portable showers, laundry, medical, counseling and other social services are prohibited.
4. Hours of operation are Monday through Friday, 9 a.m. to 5 p.m.
5. Outdoor amplified sound devices are prohibited.

seconded by Council Member Williams.

Council Member Smith stated he could not support the motion as stated with conditions 2 and 4. Council Member Aubin had concerns with the hours of operations, requesting Good Samaritans comment on this condition. Council Member Hedrick asked if there are enforcement mechanisms for the conditions; Mr. Neighbor stated it could be enforced as a violation of the Major Waiver, that being a citation enforcement. Deputy Mayor Pro Tem Morris explained there are more hours included in her motion and she is open to amend the hours of operation and the use of outdoor amplified sound devices being allowed with permits for special events. Council Member Williams concurred with the amendments. Mayor LeMay restated the conditions, striking the hours of operation and including outdoor amplified sound with a permit.

Motion was made by Council Member Smith to amend, striking condition 2, Food for off-site consumption only, seconded by Council Member Aubin, motioned carried:

Vote: 6 ayes (Mayor LeMay, Council Members McNeal, Aubin, Vera, Hedrick and Smith)
2 nays (Deputy Mayor Pro Tem Morris and Council Member Williams)

Mayor LeMay restated the main motion, with amendments. Motion carried:

Vote: 8 ayes, 0 nays

d. APPROVED **Consider a Downtown Development Plan request by Good Samaritans of Garland, to build a 2,700 square-foot food pantry building with restrooms and an office to replace an existing pantry. This property is located at 212 and 214 North Twelfth Street in District 2.**

Consideration of the application of Good Samaritans of Garland, requesting approval of a Downtown Development Plan for a 2,700 square-foot food pantry building with storage, restrooms and office use. This property is located at 212 and 214 North Twelfth Street. (File No. DD 20-03, District 2)

10. **Citizen comments:** Joshua Garcia

11. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 10:17 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary