



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, May 18, 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 Jeff Bass
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 approve the Consent Agenda as presented, with the exception of Item 6, which was pulled by Council Member Aubin for Individual Consideration, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the May 4, 2021 Regular and May 11, 2021 Special Meetings.

2. Consider approval of the following bids:

- a. **APPROVED** Keele Drive Wastewater Main Replacement **Bid No. 0893-20**

Aushill Construction, LLC **\$176,827.66**

This request is to approve a Change Order for the Keele Drive Wastewater Main Replacement.

- b. **APPROVED** **TMPA Keith Switch to Steep Hollow** **Bid No. 0611-21**
Transmission Line Overhead Hardware

KBS Electrical Distributors, Inc.	\$142,098.23
Optional Contingency	<u>14,209.82</u>
TOTAL:	\$156,308.05

This request is for the purchase of overhead hardware needed for the rebuild of the Keith Switch to Steep Hollow Transmission Line. An Optional Contingency is included for any additional materials that may be required.

- c. APPROVED Forest Lane, Buckingham and Country Club Road Water and Wastewater Mains Replacement Bid No. 0787-21**

Lam Consulting Engineering \$131,800.00

This request is to obtain professional engineering services for replacing water and wastewater lines between Forest Lane North and Forest Lane South from S. Garland Avenue to Duck Creek, Buckingham Road (Northstar Plaza) from Old Mill Run to N. Garland Avenue and N. Country Club Road from Pleasant Valley Road to Bosque Drive.

- d. APPROVED GP&L McCree Substation Upgrade for Autotransformer Addition - Engineering Bid No. 0877-19**

Black & Veatch \$287,980.00

This request is to approve a Change Order for additional engineering design and services to accommodate changes to the construction sequence plan due to outage coordination delays.

- e. APPROVED Naaman School Road Overhead Distribution Reconstruction - Tubular Steel Structures and Materials Bid No. 0714-21**

Techline, Inc. \$197,519.66

This request is for the purchase of tubular steel monopoles and materials needed for the relocation of overhead distribution facilities along Naaman School Road as a result of street widening.

- f. APPROVED GP&L Underground Maintenance and Construction Bid No. 1070-17**

Infratech Corporation \$225,000.00

This request is to approve a Change Order to add funds to the GP&L Underground Maintenance and Construction Term Contract.

- g. APPROVED Materials for King Mountain to Queen Bess 345kV Transmission Line Bid No. 0672-21**

Techline, Inc.	\$129,194.73
Optional Contingency	<u>12,919.47</u>
TOTAL:	\$142,114.20

This request is for the purchase of materials needed for the construction of the King Mountain to Queen Bess 345kV Transmission line. An Optional Contingency is included for any additional materials that may be required.

- h. APPROVED Cayenta Finance System Upgrade Bid No. 0819-21**

Cayenta	\$146,960.00
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The City's Finance Department has requested an upgrade to the Cayenta Financial Management System to maintain support with the current version and to implement enhanced product functionality.

- i. APPROVED Radio Module Encoder Receiver Transmitter Replacement Bid No. 0816-21**

Republic Meter, Inc.	\$997,500.00
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This request is for the purchase of Itron 500W Encoder Receiver Transmitter (ERT) End-Point Devices for reading water meters. This approval is for a Term Agreement with four optional renewals.

- j. APPROVED GP&L/TMPA McCree Substation Control Cable Bid No. 0818-21**

Graybar	\$204,237.00
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This request is for the purchase of control cable for both the GP&L and TMPA portions of the McCree Substation.

- k. APPROVED GP&L King Mountain to Queen BESS 345kV Transmission Line Monopoles Bid No. 0669-21**

Techline, Inc.	\$573,330.00
Optional Contingency	<u>57,333.00</u>
TOTAL:	\$630,663.00

This request is for the purchase of steel transmission poles and associated apparatus needed for the construction of the King Mountain to Queen BESS 345kV transmission line. An Optional Contingency is included for any additional materials 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. Z 21-06, Maxwell Fisher on behalf of Embree Eastside, Ltd. (Palladium USA International, Inc.) (District 2)**

Ordinance No. 7222 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Community Retail (CR) District to a Planned Development (PD) District for Multi-Family Use and 2) a Detail Plan for Multi-Family Use on a 4.180-acre tract of land located at 1010 State Highway 66; 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. DD 20-03, Good Samaritans of Garland (District 2)**

Council approved an order for a Major Waiver to a Downtown Development Plan. The Major Waiver request was approved with conditions, via public hearing, during the May 4, 2021 Regular City Council meeting.

4. **APPROVED Resolution No. 10487 authorizing the acceptance of a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) - Click it or Ticket (CIOT) grant in the amount of \$6,201.30; and providing an effective date.**

At the May 17, 2021 Work Session, Council considered a resolution authorizing the City Manager to accept the State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Click It or Ticket (CIOT) grant for May 21, 2021, to June 9, 2021 in the amount of \$6,201.30.

5. **APPROVED Ordinance No. 7223** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 5); providing for supplemental appropriation of funds in the Heliport Fund; and providing an effective date.

At the May 17, 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 \$32,000 in the Heliport Fund for a flight path redevelopment study.

6. **APPROVED Authorization for the City Manager or his designee to execute a contract agreement with the Texas Department of State Health Services (DSHS) to improve access to COVID-19 vaccines across Garland, Rowlett and Sachse.**

At the May 17, 2021 Work Session, Council considered a contract agreement with the Texas Department of State Health Services to improve access to COVID-19 vaccines across Garland, Rowlett and Sachse.

7. APPROVED Minute action approving the purchase of eight real property purchase agreements in the aggregate amount of \$401,550.00

Council has been briefed on previous occasions of the construction of a municipal fire complex in an area of east Garland commonly referred to as “the Triangle.” Since the approval of the 2019 Bond Program, Staff has been working with its consultants to acquire the necessary real property to construct the fire complex. Eight purchase agreements have been successfully negotiated with property owners for the acquisition of land needed to move forward with the project.

8. APPROVED Minute action approving a real estate property purchase agreement in the amount of \$199,000.00.

Council has been briefed on previous occasions on the plans for Naaman School Road (from Bran to S.H. 78 / Lavon Drive). It is currently a two-lane asphalt street and is being reconstructed to a four-lane divided roadway with curbs. This requires additional land/right-of-way and staff has been working with consultants to acquire the necessary property. One additional purchase agreement has been successfully negotiated with a property owner for the acquisition of land needed to move forward with the project.

9. APPROVED Approval for a partial rebate of the applicable Business and Personal Property (BPP) tax.

Council approved a development incentive request from Future Foam, Inc. for a partial rebate of applicable Business and Personal Property (BPP) tax required of a proposed new manufacturing project for a specific period.

10. APPROVED Approval of the two Neighborhood Vitality Matching Grant projects.

Council recommended the following Neighborhood Vitality Matching Grant applications to be placed on the Consent Agenda at the April 5, 2021 Work Session: Villages of Valley Creek North Homeowners Association as submitted and Irongate at Firewheel Neighborhood Association with modification.

Hold public hearings on:

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 Ordinance No. 7224** amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland, Texas to provide a parking offense for certain parking on public property; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.
(formerly Item 6 on the Consent Agenda)

At the May 3, 2021 Work Session, Council considered an ordinance that will prohibit parking unregistered vehicles on streets.

Council Member Aubin opined on the lack of necessity for the ordinance and stated he was opposed to codifying, what he views as selective enforcement.

Motion was made by Deputy Mayor Pro Tem Morris to approve Item 6, seconded by Council Member Hedrick. Motion carried:

Vote: 7 ayes, 2 nays (Council Members Aubin and Smith)

- a. **DENIED** **Consider a Zoning [Planned Development] request by Manhard Consulting to construct an apartment complex with 63 dwelling units on a site currently zoned Multi-Family District. The existing church building located at the northwest of the subject property, currently zoned Community Retail District, would be acquired, remodeled and used as an amenity for the proposed multi-family development. This property is located at 1214 and 1302 West Miller Road in District 5.**

Consideration of the application of Manhard Consulting, requesting approval of a Change in Zoning from Multi-Family (MF) District and Community Retail (CR) District to a Planned Development (PD) District for Multi-Family Uses. This property is located at 1214 and 1302 West Miller Road. (File No. Z 20-45, District 5)

Mayor LeMay stated Council Member Aubin concurs with taking action on all related items together.

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

Council Member Williams asked about responses that were included in the packet from outside the area; requesting how the list was compiled.

Mr. Guerin explained these comments were from the new online interactive zoning page; citizens are allowed to comment there.

There was extensive Council discussion regarding the higher density on the site, twenty-eight instead of eighteen dwelling units per acre. Council Member Hedrick asked if the applicant was required to submit a lighting plan; Mr. Guerin confirmed a lighting plan is required to meet the Garland Development Code requirements. Council Member Aubin asked if the density would impact the traffic on Miller Road. Mr. Guerin stated the traffic analysis was reviewed by Paul Luedtke, Director of Transportation and his team, determining that the small number of units would not adversely impact traffic on Miller Road and did not require a full traffic study.

Speakers on this item were: Brian Bridgwater, Engineer for the applicant and Ravi Mehta, applicant. There was additional discussion by the Council.

The Honorable John Willis spoke during the public comment portion of the meeting.

Motion to deny, without prejudice, was made by Council Member Aubin, requesting the applicant submit a plan that incorporates the additional church property, seconded by Council Member Williams.

Council Member Aubin asked Brad Neighbor, City Attorney, to clarify if the church property, as a part of this motion, could be zoned having eighteen units? Mr. Neighbor explained the only option is to deny without prejudice and have the applicant come back with a proposal incorporating the church property.

Mayor LeMay restated the motion.

Motion carried:

Vote: 9 ayes, 0 nays

Mayor LeMay requested Mr. Guerin contact the applicant to discuss future plans.

- b. DENIED** **Consider a Detail Plan request by Manhard Consulting to construct an apartment complex with 63 dwelling units on a site currently zoned Multi-Family District. The existing church building located at the northwest of the subject property, currently zoned Community Retail District, would be acquired, remodeled and used as an amenity for the proposed multi-family development. This property is located at 1214 and 1302 West Miller Road in District 5.**

Consideration of the application of Manhard Consulting, requesting approval of a Detail Plan for a Multi-Family development. This property is located at 1214 and 1302 West Miller Road. (File No. Z 20-45, District 5)

- c. APPROVED** **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) (This case was postponed from the April 20, 2021 Regular City Council Meeting.)

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

Council Member Smith informed the Council, even though the item is being presented as zoning for multi-family, his motion will include a request for conversion to a Planned Development.

Speaker presenting on this item was Darren Smith, applicant. The applicant is in full agreement with Council Member Smith and will submit a Planned Development after redesign to comply with the Garland Development Code. Additional Speaker on this item was Rich Resser.

Council Member Smith requested guidance from Brad Neighbor, City Attorney, on the language for the motion. Mr. Neighbor advised to instruct staff to present an ordinance for consideration by the Council with Planned Development details; the item should not be on the Consent Agenda, but submitted for individual discussion. The motion would be to approve, instructing staff to craft as a Planned Development ordinance, working with the applicant to obtain the necessary attachments, providing for individual consideration and allowing the Council to review the detail components.

Council Member Smith concurred with the motion, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

12. Citizen comments: Joshua Garcia and Heather Hall

13. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:37 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary