GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, June 8, 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
	Assistant City Manager John Baker
	Assistant City Manager Judson Rex
	City Attorney Brad Neighbor

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 for Animal Services, presented the Pet of the 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 Williams to approve the Consent Agenda as presented, with the exception, of Item 2n, which was pulled by Council Member Williams for Individual Consideration, seconded by Council Member Bass. Motion carried:

Vote: 9 ayes, 0 Nays

1. APPROVED Consider approval of the minutes of the May 18, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Patricia Drive Water Main Replacement Bid No. 0892-20

SYB Construction Company $120,703.72

This request is to approve a Change Order for the Patricia Drive Water Main Replacement.

b.	APPROVED	GP&L Underground Line Locating Services		Bid No. 0613-21

USIC Locating Services, LLC **$250,000.00**

This request is to provide Underground Line Locating Services for GP&L on an as-needed basis. This approval is for a Term Agreement with four optional renewals.

c.	APPROVED	Articulating Telescopic Aerial Device		Bid No. 0828-21

Altec Industries, Inc. **$162,213.00**

This request is to purchase a scheduled replacement Articulating Telescopic Aerial Device (Aerial Bucket Truck) for Garland Power & Light.

d.	APPROVED	GP&L Naaman to Apollo 138kV Transmission Structure Replacements		Bid No. 0607-21

Techline, Inc.	**$107,054.63**
Optional Contingency	**16,058.19**
TOTAL:	**$123,112.82**

This request is for the purchase of three transmission poles and associated apparatus for the relocation of transmission facilities due to the Naaman School Road street widening. An Optional Contingency is included for any additional materials that may be required.

e.	APPROVED	GP&L Elm Grove Substation Extension Reconstruction Engineering Services		Bid No. 0886-21

R-Delta Engineers **$500,000.00**

This request is to obtain electrical, civil, structural, geotechnical and design engineering services to support the extension of the GP&L Elm Grove Substation.

f.	APPROVED	Windsurf Bay Ticket Booth with Restroom		Bid No. 0912-21

Public Restroom Company **$195,213.00**

This request is to provide a stand-alone ticket booth with restroom for Windsurf Bay Park to help with traffic control on weekends.

g.	APPROVED	TMPA Ben Davis Flood Mitigation Engineering Services		Bid No. 0900-21

Black & Veatch	**$305,500.00**

This request is to obtain engineering services to support flood mitigation efforts at the TMPA Ben Davis Substation.

h. APPROVED GP&L King Mountain Switch Station - Queen BESS Terminal Steel Structures **Bid No. 0730-21**

Texas Electric Cooperatives, Inc.	**$258,015.00**
Optional Contingency	**<u>25,801.50</u>**
TOTAL:	**$283,816.50**

This request is for the purchase of steel structures needed for the construction of the Queen BESS Terminal located at the King Mountain Switch Station. An Optional Contingency is included for any additional materials that may be required.

i. APPROVED Concession and Restroom Buildings at Various Park Sites **Bid No. 0913-21**

Public Restroom Company	**$2,908,583.00**

This request is to fabricate and install restroom and concession buildings at various park sites around the city.

j. APPROVED Playground Program Equipment (Kompan) **Bid No. 0914-21**

Kompan, Inc.	**$183,228.99**

This request is for the purchase of playground equipment at Winters Park Softball Complex and Meadowcreek Branch Park in support of the Playground Replacement Program.

k. APPROVED Playground Program Equipment (Lea Park & Play) **Bid No. 0916-21**

Lea Park & Play, Inc.	**$102,836.23**

This request is for the purchase of playground equipment at Independence Park in support of the Playground Replacement Program.

l. APPROVED Luminaires and Street Light Poles for Warehouse Inventory **Bid No. 0732-21**

Techline, Inc.	**$220,995.00**
Trastar, Inc.	**<u>185,535.00</u>**
TOTAL:	**$406,530.00**

This request is to purchase luminaires and street light poles to support GP&L's lighting installation, maintenance and repair operations. This approval is for a Term Agreement with four optional renewals.

m. **APPROVED** **Property Insurance Coverage** **Bid No. 0789-21**

Brown & Brown, Inc. **$3,823,000.00**

The City is seeking an insurance broker to place property, terrorism, inland marine and boiler and machinery insurance coverage (collectively, "Property Insurance") for our various City property. City property includes, but is not limited to, City buildings, administrative offices, maintenance buildings, theaters, power plants and associated equipment, recreational facilities and other properties located throughout the Dallas area. This approval is for a Term Agreement with four optional renewals.

3. **APPROVED** **Council approved the Cultural Arts Master Plan as presented.**

At the May 17, 2021 Work Session, Council considered a draft of the Garland Cultural Arts Master Plan as presented by Ben Martin and Lynn Osgood with Civic Arts.

4. **APPROVED** **Resolution No. 10487** agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a Tax Sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

At the May 17, 2021 Work Session, Council was briefed on the potential sale of property located at 1130 Meandering Way.

5. **APPROVED** **Resolution No. 10488** agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as a result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

At the May 17, 2021 Work Session, Council was briefed on the potential sale of property located at 504 Clark Street.

6. **APPROVED** **Council authorized the City Manager to execute the contract with the City of Rowlett for wastewater treatment services.**

At the May 17, 2021 Work Session, Council considered a contract with the City of Rowlett to provide wastewater treatment services for 20 years from the effective date.

7. **APPROVED** **Ordinance No. 7225** authorizing the issuance of "City of Garland, Texas, General Obligation Refunding Bonds, Series 2021;" specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.

At the April 5, 2021 Work Session, Council considered a refunding of Commercial Paper Notes and Certificates of Obligation with General Obligation Refunding Bonds.

8. **APPROVED** **Ordinance No. 7226** authorizing the issuance of "City of Garland, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021;" providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City's Water and Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

At the April 5, 2021 Work Session, Council authorized the sale of Certificates of Obligation in the approximate amount of $24 million to fund a portion of the 2021 CIP.

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. **APPROVED** **Major Medians and Thoroughfare Maintenance (formerly Item 2n on the Consent Agenda)** **Bid No. 0682-20**

Carruthers Landscape Management, Inc. $44,000.00

This request is to approve a Change Order to increase the contract capacity for grounds maintenance of 126.21 acres of medians along major thoroughfares throughout the city.

Andy Hesser, Managing Director, Parks and Recreation, presented an overview on the item. He also provided information regarding concerns related to the vendor's obligation and/or performance as outlined in their contract.

Motion was made by Council Member Williams to approve Item 2n, seconded by Mayor Pro Tem Nickerson. Motion carried:

Vote: 9 ayes, 0 nays

10. APPROVED Minute action approving the appointment of a City of Garland representative to the North Texas Municipal Water District Board.

At the June 7, 2021 Work Session, Council considered appointing a representative to the North Texas Municipal Water District Board for a two-year term beginning June 8, 2021.

Council Member Aubin nominated Mr. Don Gordon to be appointed to the North Texas Municipal Water District. A vote was cast as follows:

Vote: 9 ayes, 0 nays

11. DENIED Reconsideration Request of a Previously Denied Zoning Application (File No. Z 20-32, District 6)

The applicant, Ocean Star Metals, Inc., has submitted a written request for the City Council to reconsider the previously denied Zoning Case Z 20-32. This property is located at 521, 523, and 525 Shepherd Drive. The City Council previously considered and in effect denied this application on January 12, 2021, by a lack of a super majority vote. Approval of the reconsideration request would allow the applicant to submit a new zoning application in less than the Garland Development Code's required one-year waiting period for denied cases.

William Guerin, Director of Planning, provided a review of the January 2, 2021, case denial, application and the request to reconsider the request.

Mayor LeMay explained the Council's role in addressing the current issues related to the property and requirements to approve or deny the application.

Speakers on this item were Peter Kavanaugh, representing the applicant and Judy Wang, applicant. The applicant's request is for a short term Specific Use Provision.

There was discussion by the Council and direct questions to the applicant. Council Member Aubin asked if there have been substantial changes in conditions around the area and/or property? He asked Brian England, First City Attorney, to explain the definition of substantial change in conditions, as described in the Garland Development Code. Mr. Guerin stated he is not aware of any substantial change in condition in the area.

Mayor LeMay stated he previously supported the applicant, but would not do so for this reconsideration.

Motion was made by Council Member Vera to deny the request, seconded by Deputy Mayor Pro Tem Morris.

Council Member Williams asked Mr. Guerin if the GDC provision substantial changes in conditions was shared with the applicant. Mr. Guerin stated he did not specifically discuss this provision with Mr. Kavanaugh. Council Member Vera called upon the chair for point of order; stating Council cannot direct questions to the staff. Mayor LeMay upheld Council Member Vera's request for point of order and Council Member Williams yielded the floor, asking Brian England, First City Attorney, to clarify if he was permitted to direct questions to staff. Mr. England explained that the request is not a legal matter, but a policy decision to allow questions to the staff.

Mayor LeMay restated the main motion to deny. Motion carried:

Vote: 7 ayes, 2 nays (Council Members Williams and Hedrick)

4. Hold public hearings on:

a. APPROVED Consider a Specific Use Provision (SUP) request by Spiars Engineering to extend the SUP time period of an existing convenience store and gas station [RaceTrac]. This property is located at 2602 Lavon Drive in District 1.

Consideration of the application of Spiars Engineering, requesting approval of a Specific Use Provision extension for Fuel Pumps, Retail on a property zoned Community Retail (CR) District. This property is located at 2602 Lavon Drive. (File No. Z 21-10, District 1)

Mayor LeMay requested to take action on the Specific Use Provision and Site Plan in one action.

William Guerin, Director of Planning presented the staff report.

Speaker on this item was Brad Williams, applicant.

There was discussion by the Council.

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

Vote: 9 ayes, 0 nays

b. APPROVED Consider a Site Plan request by Spiars Engineering for an existing convenience store and gas station [RaceTrac]. This property is located at 2602 Lavon Drive in District 1.

Consideration of the application of Spiars Engineering, requesting approval of a Plan for Fuel Pumps, Retail on a property zoned Community Retail (CR) District. This property is located at 2602 Lavon Drive. (File No. Z 21-10, District 1)

12. **Citizen comments:** There were no speakers on this item.

13. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:47 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary