GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, July 20, 2021, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present:	Mayor Scott LeMay
	Mayor Pro Tem Dylan Hedrick
	Deputy Mayor Pro Tem B. J. Williams
	Council Member Jeff Bass
	Council Member Deborah Morris
	Council Member Ed Moore
	Council Member Rich Aubin
	Council Member Robert Vera
	Council Member Robert John Smith
Staff Present:	City Manager Bryan Bradford
	Assistant City Manager John Baker
	Deputy City Manager Mitch Bates
	Assistant City Manager Judson Rex
	Interim City Attorney Brian England
	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 Council Member Robert Vera, and seconded by Council Member Jeff Bass to approve the Consent Agenda, excluding Item 2I, pulled by Council Member Williams for individual consideration. Motion carried:

Vote: 9 - 0

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

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

a. **APPROVED** **Engineering Services for Secondary Clarifiers and Trickling Filter Rehabilitation** — **Bid No. 1012-21**

Arcadis U.S., Inc.	**$412,368.00**
Optional Contingency	**25,000.00**
TOTAL:	**$437,368.00**

This request is to obtain Professional Engineering Services for detailed design of improvements of the secondary clarifiers and one trickling filter at the Rowlett Creek Wastewater Treatment Plant. An Optional Contingency is included for any additional services that may be required.

b. APPROVED **Engineering Services for Wastewater Main Replacements** **Bid No. 1023-21**

Criado & Associates, Inc. **$162,723.00**

This request is to obtain Professional Engineering Services to replace approximately 5,400 linear feet of existing 8" wastewater line within the alley just south of Village Green Drive between Mill Pond Drive and N. Shiloh Road and just east of Sam Houston Drive between Belt Line Road and Homestead Place.

c. APPROVED **GP&L Dent Road to Shelby 138kV Transmission Line Construction** **Bid No. 0821-19**

Maslonka Powerline Services **$138,000.00**

This request is to approve a Change Order for GP&L Dent Road to Shelby 138kV Transmission Line Construction.

d. APPROVED **TMPA Keith Switch to Steep Hollow 138kV Transmission Line Construction Services** **Bid No. 0827-21**

RES System 3, LLC	**$4,549,106.00**
Optional Contingency	**454,910.60**
TOTAL:	**$5,004,016.60**

This request is to provide construction services for the TMPA Keith Switch to Steep Hollow 138kV Transmission Line rebuild. An Optional Contingency is included for any additional work that may be required.

e. APPROVED **Patricia Drive Water Main Replacement - CMT** **Bid No. 1316-20**

Professional Service Industries, Inc. **$5,484.00**

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

f. **APPROVED** **Dump Truck** **Bid No. 1038-21**

Freightliner of Austin	**$111,876.00**

This request is for the purchase of one replacement dump truck to be utilized by GP&L.

g. **APPROVED** **Street Department Concrete Repairs** **Bid No. 0317-18**

XIT Paving and Construction, Inc.	**$750,000.00**

This request is to approve a Change Order to add funds to the 2018 Street Department Term Contract for Concrete Repair (Section One).

h. **APPROVED** **Itron Water Meter Modules** **Bid No. 1045-21**

Republic Meter, Inc.	**$332,500.00**

This request is for the purchase of Itron water meter modules for Warehouse Inventory. This approval is for a Term Agreement with four optional renewals.

j. **APPROVED** **Lookout Capacitor Bank Steel Structures** **Bid No. 0902-21**

DIS-TRAN Steel, LLC	**$366,216.00**
Optional Contingency	**36,621.60**
TOTAL:	**$402,837.60**

This request is for the purchase of steel support structures, lightning protection masts and associated apparatus for the installation of two 30 MVAR – 138kV capacitor banks at the Lookout Substation. An Optional Contingency is included for any additional material that may be required.

k. APPROVED Lookout Substation Capacitor Bank Materials **Bid No. 0908-21**

Techline, Inc.	**$529,669.52**
Optional Contingency	**<u>52,966.95</u>**
TOTAL:	**$583,636.47**

This request is for the purchase of materials for the installation of 60 MVAR of manually switched capacitors and 120 MVAR of dynamic capacity support at the Lookout Substation. An Optional Contingency is included for any additional material that may be required.

l. APPROVED Commit to Wellness Technology Platform Partners **Bid No. 1004-20**

Virgin Pulse, Inc. **$75,000.00**

This request is to approve a Change Order for the Virgin Pulse Wellness Platform. This platform is fully funded by a rebate from Blue Cross Blue Shield of Texas.

m. APPROVED Rick Oden Park Construction - Phase 1B **Bid No. 0976-20**

Dean Construction (Dean Electric, Inc.) **$6,798,842.00**

This request is for construction services at Rick Oden Park. Phase 1B includes construction of the baseball field, trail, pedestrian bridge, pavilions, parking lots, a restroom building and site amenities.

n. APPROVED Country Club Park Estates Drainage Improvements Design Services **Bid No. 1051-21**

Metropolitan Infrastructure, PLLC **$340,640.00**

This request is to obtain professional services for design of improvements to the drainage channel and storm drain system, replacement of existing roadway pavement and improvements to the various wastewater utilities in the Country Club Park Estates Addition area.

o. APPROVED Access Controls for Animal Shelter & Adoption Facility **Bid No. 1055-21**

Entech Sales and Service **$169,012.00**

This request is for the purchase and installation of access controls at the new Animal Shelter & Adoption Facility.

p. APPROVED Holford Road Segment A Appraisal Services **Bid No. 1435-20**

Pinnacle Consulting Management Group, Inc. **$15,750.00**

This request is to approve a Change Order for the Holford Road Segment A appraisal services.

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 21-01, Burger Engineering, LLC (District 7)

Ordinance No. 7233 amending the Garland Development Code of the City of Garland, Texas by approving Specific Use Provision Amendment for a Restaurant, Drive-Through Use on a 1.234-acre tract of land zoned Community Retail (CR) District and located at 5425 North President George Bush Turnpike; 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. Z 21-14, Langan (District 5)

Ordinance No. 7234 amending the Garland Development Code of the City of Garland, Texas by approving 1) a Restaurant, Drive-Through Use and 2) a Detail Plan for a Restaurant, Drive-Through on a 0.689-acre tract of land zoned Planned Development (PD) District 08-52 and located at 3205 South Garland Avenue; 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.

c. **APPROVED** **Zoning File No. Z 21-19, Simon Property Group (Texas), L.P (District 1)**

Ordinance No. 7235 amending the Garland Development Code of the City of Garland, Texas by approving an Amendment to Planned Development (PD) District 03-53 to allow Additional Commercial Uses on approximately 68.107 acres of land located at 245 Cedar Sage 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.

4. **APPROVED** **Council authorized the City Manager to execute a contingent fee legal services contract, subject to the approval of the City Attorney and the Texas Attorney General and the requirements of State law.**

At the June 7, 2021 Work Session, Council considered whether to pursue litigation against the video service providers for unpaid franchise fees.

5. **APPROVED** **Resolution No. 10497** approving the abandonment, release and conveyance of a public right of way, Orpheus Drive Right-of-Way; authorizing the Mayor of the City of Garland to execute a Deed conveying the property to Two Worlds - Apollo Residents' Association (A/K/A Brentwood Village Homeowners Association); and providing an effective date.

Council approved a resolution authorizing the Mayor to abandon and convey Orpheus Drive Right-of-Way (ROW) in its entirety from Pegasus Drive to the adjacent alley and conveying the tract to the Two Worlds-Apollo Residents Association.

6. **APPROVED** **Ordinance No. 7236** authorizing an amendment to the 2021 Capital Improvement Program (2021 CIP Amendment No. 1); providing for the Supplemental Appropriation of Funds in the Railroad Crossing Improvements Program; providing a Savings Clause; and providing an effective date.

At the July 5, 2021 Work Session, Council considered amending the 2021 Capital Improvement Program (CIP) to appropriate $585,000 for the Downtown Garland Pedestrian Crossing Improvements.

7. **APPROVED** **Ordinance No. 7237** amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas; 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.

Council is requested to adopt the attached ordinance to prohibit parking on the south side of West Avenue F from Flook Street to 12th Street between the hours of 9:00 a.m. - 10:00 a.m. and 1:00 p.m. - 2:00 p.m. on school days.

8. **APPROVED** **City Health Plan Third-Party Administrator Extension**

Council approved a one-year extension to the Blue Cross Blue Shield of Texas (BCBSTX) agreement.

9. **APPROVED** **Minute action approving an Interlocal Agreement which authorizes the City Manager to execute the Interlocal Agreement with the City of Dallas.**

The City of Garland and the City of Dallas are will enter into an Interlocal Agreement for the sharing of communication tower space.

10. **APPOINTMENTS:** **Council appointment of an Interim City Attorney**

Due to the impending retirement of City Attorney Brad Neighbor and the winding down and transition of duties, Council appointed Brian England as Interim City Attorney effective July 21, 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** **EMS Medical Control Services** **Bid No. 1061-21**
(formerly 2i on the Consent Agenda)

Medical City Plano **$130,699.50**

This request is for the improvements to an already robust Emergency Medical System by moving the Medical Oversight and Direction agreement from Parkland Hospital to Medical City Plano. This approval is for a one-year Term Agreement.

The staff report was presented by Assistant Chief Webb, Garland Fire Department.

Council Member Williams requested an overview for the change of the Medical Oversight and Direction from Parkland Hospital to Medical City Plano.

Motion was made by Council Member Robert Vera, and seconded by Council Member Rich Aubin to approve Item 2i. Motion carried:

Vote: 9 - 0

12. APPOINTMENTS: Council appointed a City of Garland representative to the Texas Municipal Power Agency Board of Directors.

At the July 19, 2021 Work Session, Council interviewed candidates interested in being appointed as the City of Garland's representative to the Texas Municipal Power Agency Board of Directors for a two-year term beginning July 20, 2021.

Council Member Aubin presented Mr. Tom Jefferies for nomination to the TMPA Board, seconded by Council Member Vera. A vote was cast as follows:

Vote: 9 - 0

13. Hold public hearings on:

a. APPROVED Consider a request by Pankaj Patel for a Limited Service Hotel [Fairfield Inn and Suites by Marriott] with 85 rooms. This property is located at 565 Town Center Boulevard in District 1.

Consideration of the application of Pankaj Patel, requesting approval of an Amendment to Planned Development (PD) District 03-53, 2) a Specific Use Provision for Hotel/Motel, Limited Service Use, and 3) a Detail Plan for Hotel/Motel, Limited Service. This property is located at 565 Town Center Boulevard. (This application was submitted prior to September 1, 2019.) (File Z 18-19, District 1)

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

There was Council Discussion.

Speaker on this item was Pankaj Patel, architect for the applicant.

Motion was made by Council Member Jeff Bass, and seconded by Council Member Rich Aubin to approve the Amendment to Planned Development, Specific Use Provision for Hotel/Motel and Detail Plan. Motion carried:

Vote: 9 - 0

b. APPROVED **Consider a Zoning request by PM Design for a Drive-Through Restaurant [Raising Cane's]. This property is located at 5345 North President George Bush Turnpike in District 1.**

Consideration of the application of PM Design, requesting approval of an Amendment to Planned Development (PD) District 19-07 for Community Retail Uses, to allow a Restaurant, Drive-Through. This property is located at 5345 North President George Bush Turnpike. (File Z 21-11, District 1)

Mayor LeMay announced there would be one motion to consider Items 12 b and 12 c.

The staff report was presented by William Guerin, Director of Planning. Speaker on this item was Everett Fields, applicant.

Motion was made by Council Member Jeff Bass, and seconded by Council Member Rich Aubin to approve the Zoning request and the Detail Plan for a Drive-Through Restaurant. Motion Carried:

Vote: 9 - 0

c. APPROVED **Consider Detail Plan request by PM Design for a Drive-Through Restaurant [Raising Cane's]. This property is located at 5345 North President George Bush Turnpike in District 1.**

Consideration of the application of PM Design, requesting approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 19-07 for Community Retail Uses. This property is located at 5345 North President George Bush Turnpike. (File Z 21-11, District 1)

d. APPROVED **Consider a Zoning request by Beau Durham to allow a Pylon Sign for a Drive-Through establishment [HTeaO]. This property is located at 3428 West Buckingham Road in District 6.**

Consideration of the application of Beau Durham, requesting approval of an amendment to Planned Development (PD) Districts 95-34 and 20-03 to allow a Pylon Sign for a Restaurant, Drive-Through. This property is located at 3428 West Buckingham Road. (File Z 21-20, District 6)

Mayor LeMay announced there would be one motion to consider Items 12 d and 12 e.

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

Speaker on this item was Scott Dougherty.

There was discussion by the Council.

Motion was made by Council Member Robert Vera, and seconded by Council Member Robert John Smith to approve a Pylon Sign for a Drive-Through Establishment. Motion carried:

Vote: 9 - 0

e. APPROVED **Consider a Detail Plan request by Beau Durham to allow a Pylon Sign for a Drive-Through establishment [HTeaO]. This property is located at 3428 West Buckingham Road in District 6.**

Consideration of the application of Beau Durham, requesting approval of a Detail Plan to allow a Pylon Sign for a Restaurant, Drive-Through. This property is located at 3428 West Buckingham Road. (File Z 21-20, District 6)

f. APPROVED **Zoning File No. Z 21-04, MVAH Partners (District 8)**

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas by approving 1) a Change in Zoning from Community Office (CO) District and Industrial (IN) District to a Planned Development (PD) District for Multi-Family Use and 2) a Detail Plan for Multi-Family Use on a 11.90-acre tract of land located at 1102 North Shiloh 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. **(This item was approved at the May 18, 2021 Regular City Council meeting with the condition that the ordinance is brought back at a later date as a Planned Development with a Detail Plan.)**

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were: Darren W. Smith and David Greer, for the applicant.

There were comments by Council Member Smith.

Motion was made by Council Member Robert John Smith, and seconded by Council Member Ed Moore to approve Item 12 f as presented. Motion carried:

Vote: 9 - 0

14. **Consider appointments to Boards and Commissions.**

Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

Council Members presented their nominations to boards and commissions, with Mayor Pro Tem Hedrick presenting the nominees for Mayor LeMay. A vote was cast appointing the following persons to the respective boards and commissions:

Vote: 9 - 0

Mayor Scott LeMay

- Eric Duggan - Garland Youth Council
- Jotham Simon - Garland Youth Council

Council Member Jeff Bass

- Ariella Colunga - Garland Youth Council
- Serene Haroon - Garland Youth Council

Council Member Deborah Morris

- Marione Ogboi - Garland Youth Council
- Medina Yasin - Garland Youth Council

Council Member Ed Moore

- Wesley Johnson - Board of Adjustment
- Justina James - Community Multicultural Commission
- Reuben Lael Griffin - Cultural Arts Commission
- Robert Bruns - Environmental Community Advisory Board
- Lisa Araiza - Library Board
- Jerry Carter - Parks & Recreation Board
- Stephanie Paris - Plan Commission
- Vicki Wohlander - Property Standards Board
- Forrest Oliver - Senior Citizens Advisory Board
- Joffrun Alexander - Tax Increment Finance #1 Downtown Board
- Lisa Roark - Tax Increment Finance #2 South Board
- David Perry - Tax Increment Finance #3 Board
- Calvin Nichols - Unified Building Standards
- Leah Tharakan - Garland Youth Council
- Anne-Marie Schlueter - Garland Youth Council

Council Member Rich Aubin

- Nia Pellegrin - Garland Youth Council
- Victoria Penick - Garland Youth Council

Council Member Robert Vera

- Daniyal Saleem - Garland Youth Council
- Emilio Arevalo - Garland Youth Council

Mayor Pro Tem Dylan Hedrick

- Hailey Gonzalez - Garland Youth Council
- Julian Rashod Brown-Griffin - Garland Youth Council

Council Member Robert John Smith

- John McDonald - Board of Adjustment
- Kymberlaine Banks - Community Multicultural Commission
- Lupita Torres - Cultural Arts Commission
- Robert Kaaa - Environmental Community Advisory Board
- Trellas Gotcher - Library Board
- Kenia Hudson-Ott - Parks & Recreation Board
- Christopher Ott - Plan Commission
- Dale Long - Property Standards Board
- Kim Everett - Senior Citizens Advisory Board
- Joseph Schroeder - Tax Increment Finance #1 Downtown Board
- Carissa Dutton - Tax Increment Finance #2 South Board
- Tony Torres - Tax Increment Finance #3 Board
- James Hope - Unified Building Standards Board
- Nkemsinachi Ukachi-Nwata - Garland Youth Council
- Christian Williams - Garland Youth Council

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

16. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:04 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary