



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, September 21, 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
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.

Mayor LeMay recognized Council Member Aubin, who requested a moment of silence in memory of fallen Officer Ronnie Ray Lerma, who died in the line of duty on September 21, 1998, and Lieutenant Earnest Oldham, who died of COVID-19 on September 16.

Mayor LeMay presented a proclamation to Hopes Door-New Beginnings, proclaiming October to be Domestic Violence Awareness 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 Morris to approve the Consent Agenda as presented, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the September 14, 2021 Regular Meeting.
2. Consider approval of the following bids:
 - a. **APPROVED** Sand Filter, Motor and Strainer Replacement at Bradfield Pool Bid No. 1243-21

Sunbelt Pools \$111,464.00

This request is to replace the sand filter, motor and strainer at Bradfield Pool.

- b. APPROVED Playground Replacement Program Construction Bid No. 1106-20**
- Dean Electric, Inc., dba Dean Construction \$106,178.00**
- This request is to approve a Change Order for the Playground Replacement Program Group 1 construction services.
- c. APPROVED Rosehill Road Streetscape Bid No. 0834-21**
- The Fain Group, Inc. \$1,655,689.29**
- This request is to provide hardscape, landscape, lighting and irrigation improvements on Rosehill Road between I.H. 30 and Bobtown Road.
- d. APPROVED Bobtown Road, Waterhouse Boulevard and South Country Club Road Improvements Bid No. 0156-20**
- DDM Construction Corporation \$523,000.00**
- This request is to approve a Change Order for the Bobtown Road, Waterhouse Boulevard and South Country Club Improvements construction contract.
- e. APPROVED Core Human Resources, Payroll and Financial Management System Bid No. 1287-21**
- Precision Task Group \$473,628.00**
- This request is to replace the City's current core Human Resources, Payroll and Financial Management Systems with a new system that meets the current needs of the organization.
- f. APPROVED Fire Station No. 1 - Land Acquisition Services Bid No. 1292-20**
- Teague Nall and Perkins, Inc. \$20,660.00**
- This request is to approve a Change Order for professional services related to the acquisition of property in connection with the construction of a new Fire Station No. 1 complex.
- g. APPROVED Implementation Services for Core Human Resources, Payroll and Financial Management System Bid No. 1288-21**

Accenture, LLP

\$3,321,982.00

This request is to provide professional implementation services to replace the City's current core Human Resources, Payroll and Financial Management Systems with a solution that meets the current needs of the organization.

h. APPROVED Traffic Signal Cabinets

Bid No. 1308-21

Consolidated Traffic Controls, Inc.

\$172,241.00

This request is to provide traffic signal cabinets for Warehouse Inventory to support the Transportation Department.

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 20-44, CCM Engineering (District 3)

Ordinance No. 7253 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Agricultural (AG) District to a Planned Development (PD) District for Single-Family Attached Uses and 2) a Detail Plan for Single-Family Attached Townhouse Units on a 4.668-acre tract of land located at 2126 Rowlett 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.

b. APPROVED Zoning File No. Z 21-13, Cody Dixon (District 1)

Ordinance No. 7254 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Guest House on a 2.500-acre tract of land zoned Agricultural (AG) District and located at 1176 Talley 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. APPROVED Minute action approving a request from the Community Development Department to redistribute \$75,000 in ESG-CV funding from the Garland Housing Agency's Homeless Prevention Rental Assistance Program to the Transcend STEM's Rapid Rehousing Homeless Assistance Program.

At the September 13, 2021 Work Session, Council considered approving a request from the Community Development Department to redistribute \$75,000 from the Garland Housing Agency to Transcend STEM Program in order to comply with changes made by HUD.

5. **APPROVED** **Resolution No. 10504** authorizing a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) - Single Year - 2022 Comprehensive Grant in the amount of \$155,025.88; and providing an effective date.

At the September 13, 2021 Work Session, Council considered accepting the TxDOT Grant Funding for the STEP Comprehensive Grant for FY 2021-2022 in the amount of \$155,025.88.

6. **APPROVED** **Resolution No. 10503** authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for Grant under the 2021 Edward Byrne Memorial Justice Assistance Grant Program; and providing an effective date .

At the September 13, 2021 Work Session, Council considered a request from the Police Department to apply for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) program for reducing crime and improving public safety.

7. **APPROVED** **Ordinance No. 7255** authorizing an amendment to the 2021 Capital Improvement Program (2021 CIP Amendment No. 2); providing for the supplemental appropriation of funds in the Park Land Acquisition Program and the Street/Transportation Operational and Safety Improvements Program; providing for a Savings Clause; and providing an effective date.

At the September 13, 2021 Work Session, Council considered approving the Capital Improvement Program Budget Amendment No. 2 as proposed for the acquisition of park property and Highway 66 left turn lane improvements.

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.

8. **APPROVED** Consider a resolution of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of various property rights located between Brand Road and State Highway 78, in the City of Garland, Texas situated in the Naaman School Road Office Condos Addition, James Howard Survey, and Daniel Crist Survey in the City of Garland, County of Dallas, Texas, said property interests being more particularly described below; providing authorizations to acquire such property rights by purchase or condemnation and making certain finding pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.

Motion was made by Council Member Smith 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 within the James Howard Survey, Abstract No. 542, City of Garland, Dallas County, Texas:

3930 Naaman School, being a portion Lot 1, in Block 1, of the Naaman School Road Office Condominiums Addition, an Addition to the City of Garland, Dallas County, Texas as recorded in Volume 2005108, page 37 of the Official Public Records of Dallas County, Texas;

3850 Naaman School, being a portion of a tract of land conveyed by Special Warranty Deed to Bill E. Crump and Martha Kay Crump recorded in Volume 91247, Page 595 of the Deed Records of Dallas County, Texas;

3826 Naaman School, being a portion of a 0.95 acre tract of land conveyed by Quitclaim Deed to John K. Cox as recorded in Instrument Number 2007046777 of the Official Public Records of Dallas County, Texas and being described in Volume 20002225, Page 10088 Deed Records, Dallas County, Texas;

3414 Naaman School, being a portion of Tract 14, part of the James Howard Survey and the Daniel Crist Survey, 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

3301 Naaman School, being a portion of a tract of land located in the Daniel Crist Survey, Abstract Number 226, Dallas County, Texas and being a portion of a called 7.518 acre tract of land conveyed by Special Warranty Deed to Horton Asset Company as recorded in Volume 2000043, Page 3418 of the Official Public Records of Dallas County, Texas and a called 1.000 acre tract of land conveyed by Special Warranty Deed to Horton Asset Company as recorded in Volume 2001078, Page 3167 of the Official Public Records of 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 Aubin. Motion carried:

Vote: 9 ayes, 0 nays adopting **Resolution No. 10505**

- 9. APPROVED** Consider an ordinance of the City of Garland, Texas, establishing Civil Service Classifications within the Police and Fire Departments; prescribing the number of positions in each classification, prescribing the base salary and types of pay for those classifications; and providing an effective date.

Pursuant to Chapter 143 of the Local Government Code of Texas, the City Council must establish the civil service classifications in the Police and Fire Departments, the number of positions in each classification, the base salary and the types of incentive pays for each classification. The attached ordinance reflects the positions and compensation approved in the 2021-22 budget.

Motion was made by Council Member Morris to approve the ordinance establishing Civil Service Classifications as presented, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays, adopting **Ordinance No. 7256**

10.

Hold public hearings on:

- a. APPROVED Consider a Specific Use Provision request by MMCG DBR DFW, LLC for a Drive-Through Restaurant/Coffee Shop. This property is located at 5801 Broadway Boulevard in District 4.**

Consideration of the application of MMCG DBR DFW, LLC, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located 5801 Broadway Boulevard. (File Z 21-18, District 4)

Mayor LeMay stated there are two items related to this application: a Specific Use Provision and Site Plan. Deputy Mayor Pro Tem Williams agreed to consider both items in one motion.

The staff report was presented by William Guerin, Director of Planning. Speaker on this item was Sam Moore, representing the applicant, Dutch Bros.

There was discussion by the Council.

Motion was made by Deputy Mayor Pro Tem Williams to approve Items 10 a and 10 b as recommended by Plan Commission and staff, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

- b. APPROVED Consider a Site Plan request by MMCG DBR DFW, LLC for a Drive-Through Restaurant/Coffee Shop. This property is located at 5801 Broadway Boulevard in District 4.**

Consideration of the application of MMCG DBR DFW, LLC, requesting approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located at 5801 Broadway Boulevard. (File Z 21-18, District 4)

- c. APPROVED Consider a Planned Development (PD) District amendment request by WGI, Inc. to construct an apartment complex with 356 dwelling units along with a trail.**

Consideration of the application of WGI, Inc., requesting approval of an amendment to Planned Development (PD) District 15-40 for Multi-Family Use. This property is located at 4401 Bunker Hill Road. (File Z 21-23, District 1)

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were: Drew Klasimg, Todd Erickson and Mason Orradre for the applicant.

There was discussion by the Council.

Action on Items 10 c and 10 d was made in one motion:

Motion was made by Council Member Bass to approve Planned Development and Detail Plan, seconded by Council Member Moore. Motion carried:

Vote: 9 ays, 0 nays

d. APPROVED Consider a Detail Plan request by WGI, Inc. to construct an apartment complex with 356 dwelling units along with a trail.

Consideration of the application of WGI, Inc., requesting approval of a Detail Plan for Multi-Family development on a property zoned Planned Development (PD) District 15-40 for Multi-Family Use. This property is located at 4401 Bunker Hill Road. (File Z 21-23, District 1)

e. POSTPONED Consider amendments to Chapter 7 “Downtown (DT) District” of the Garland Development Code to 1) create a Downtown Square (DS) sub-district and limit future uses allowed on the properties surrounding the Downtown Square, and 2) to eliminate off-street parking requirements in the Downtown Historic (DH) sub-district and proposed Downtown Square (DS) sub-district.

The Development Services Committee and the Plan Commission have reviewed and made recommendations for amendments to the Garland Development Code to 1) create a Downtown Square (DS) sub-district and limit future uses allowed on the properties surrounding the Downtown Square, and 2) to eliminate off-street parking requirements in the Downtown Historic (DH) sub-district and proposed Downtown Square (DS) sub-district.

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

There was extensive discussion by the Council. Council Member Morris provided commentary on the process undertaken to bring this item forward to the Council, expressing her support of the amendments with the Plan Commission recommendations and the exclusion of parking lots and garages.

Council Member Aubin made additional comments and a request to postpone action on this item; there was additional discussion by Council to postpone.

Motion was made by Council Member Morris to postpone this item until the October 12, 2021, Regular Session, seconded by Council Member Moore. Motion carried:

Vote: 9 ayes, 0 nays

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