GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, October 12, 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
	Council Member 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.

Amy Dunphy, Community Outreach Coordinatory, Animal Services, presented the Pet of the Month.

Mayor LeMay and Elisa Morales, Garland Youth Council Liaison, introduced the 2021-2022 Garland Youth Council:
Eric Duggan – Mayor Scott LeMay
Jotham Simon – Mayor Scott LeMay
Ariella Colunga – District 1 Council Member Jeff Bass
Serene Haroon – District 1 Council Member Jeff Bass
Marione Ogboi – District 2 Council Member Deborah Morris
Medina Yasin – District 2 Council Member Deborah Morris
Anne-Marie Schlueter – District 3 Council Member Ed Moore
Leah Tharakan – District 3 Council Member Ed Moore
Jair Delgado – District 4 Deputy Mayor Pro Tem B.J. Williams
Heather Moody – District 4 Deputy Mayor Pro Tem B.J. Williams
Nia Pellegrin – District 5 Council Member Rich Aubin
Victoria Penick – District 5 Council Member Rich Aubin
Emilio Arevalo – District 6 Council Member Robert Vera
Daniyal Saleem – District 6 Council Member Robert Vera
Julian Brown-Griffin – District 7 Mayor Pro Tem Dylan Hedrick
Hailey Gonzalez – District 7 Mayor Pro Tem Dylan Hedrick
Nkemsinachi Ukachi-Nwata – District 8 Council Member Robert John Smith
Christian Williams – District 8 Council Member Robert John Smith

Mayor LeMay read into the record, the letter from Congressman Colin Allred, commemorating October as Hispanic Heritage Month.

Mayor LeMay read into the record, a proclamation for Residents' Rights Month: "Reclaiming My Rights, My Home, My Life" and proclaiming October to be National Long-Term Care Residents' Rights 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 Moore to approve the Consent Agenda as presented, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** **Consider approval of the minutes of the September 21, 2021 Regular Meeting.**

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

a. **APPROVED** **Prefabricated Restroom/Storage Building** **Bid No.1339-21**

Public Restroom Company **$569,123.00**

This request is for a prefabricated restroom/storage building for Downtown Garland. The building will be located at 116 S. Sixth Street where the public restroom pilot program demonstrated the need for this amenity.

b. **APPROVED** **Chlorine and Sulfur Dioxide** **Bid No. 0401-18**

DPC Industries, Inc. **$150,000.00**

This request is to approve a Change Order to our Term Agreement to provide liquid chlorine and sulfur dioxide for the City of Garland's Wastewater Treatment Plants. Continuous chlorination is required to reduce the number of pathogenic microorganisms and to maintain the Texas Commission on Environmental Quality (TCEQ) minimum chlorine residual requirements. Before discharge into the receiving stream, effluent from the Wastewater Treatment Plants must be dechlorinated using sulfur dioxide to protect downstream aquatic life. This Change Order is necessary due to escalating production and transportation costs.

c. **APPROVED** **Lookout Substation Capacitor Bank Control Panels** **Bid No. 1170-21**

Panelmatic, Inc.	**$106,250.00**
Optional Contingency	$10,625.00
TOTAL:	**$116,875.00**

This request is for the purchase of four (4) control panels to be used at the Lookout Substation as part of the capacitor bank installation. The panels will house the capacitor controls and provide protection in the event of an electrical fault. This is part of the approved Lookout Substation Capacitor Bank CIP project. An Optional Contingency is included for any additional materials that may be required.

d. APPROVED GP&L Lookout Substation Capacitor Bank Construction Services — **Bid No. 1001-21**

Power Line Services, Inc.	**$** 956,100.01
Optional Contingency	$96,610.00
TOTAL:	**$1,051,710.01**

This request is to provide construction services for the addition of two (2) 30 MVAR capacitor banks at the Lookout Substation. This is part of the approved Lookout Substation Capacitor Bank CIP project. An Optional Contingency is included for any additional work that may be required.

e. APPROVED GP&L Spencer Unit 4 Circulating Water Pump Motor Repair — **Bid No. 1385-21**

Brandon & Clark, Inc.	**$136,377.33**
Optional Contingency	**$13,637.73**
TOTAL:	**$150,015.06**

This request is to provide emergency repair of the Spencer Unit 4 circulating water pump motor that sustained damage during pump operations. This failure rendered the pump unavailable, and as a result, Spencer Unit 4 was derated by 50%. An immediate repair is needed to allow Spencer Unit 4 to meet power production obligations. An Optional Contingency is included for any additional work that may be required.

f. APPROVED Garvon West Industrial Park Drainage Improvements Design Services — **Bid No. 1370-21**

Pacheco Koch Consulting Engineers, Inc. $985,957.00

This request is to obtain professional services for the design of improvements to the storm drainage system within Garvon West Industrial Park. The storm drainage improvements include 6,000 linear feet of storm sewer, 6,400 linear feet of channel conveyance improvements, a 3-acre mitigation pond, and associated sanitary sewer and water line adjustments. This project is part of the 2019 Bond Program and approved in the 2021 CIP.

g. **APPROVED** **GP&L Bottleneck Intersection Relocation Engineering Services** **Bid No. 1375-21**

R-Delta Engineers **$175,150.00**

This request is to obtain surveying and engineering services to support the relocation of overhead distribution facilities associated with the City of Garland's Bottleneck Intersection project. The intersections for this project included Belt Line Road and Shiloh Road, Belt Line Road and North Garland Road, First Street and Shiloh Road, and Arapaho Road and Shiloh Road.

h. **APPROVED** **Fiber Optic Infrastructure Systems Repair and Maintenance** **Bid No. 1161-21**

Superior Network Systems **$500,000.00**

This request is for a Term Agreement with four (4) optional renewals for fiber optic system repair and maintenance for the Water, IT, and Transportation Departments.

i. **APPROVED** **GP&L McCree Substation Autotransformer Engineering Services** **Bid No. 0877-19**

Black & Veatch **$662,100.00**

This request is to approve a Change Order for additional engineering and oversight services for the autotransformer addition at the GP&L McCree Substation. These services will include construction management and oversight, construction and construction sequencing support, expedited relay settings, and construction drawings to support ERCOT modeling requirements for each phase of new construction integration. This is part of the approved McCree Substation Autotransformer CIP project.

3. **Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.**

a. **APPROVED** **Zoning File No. Z 21-18, MMCG DBR DFW, LLC (District 4)**

Ordinance No. 7257 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Restaurant, Drive-Through Use on a 0.535-acre tract of land zoned Community Retail (CR) District and located at 5801 Broadway Boulevard; 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 21-23, WGI, Inc. (District 1)

Ordinance No. 7258 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 15-40 for Multi-Family Use and 2) a Detail Plan for Multi-Family development on a 11.70-acre tract of land located at 4401 Bunker Hill 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 Project Supplemental Agreement with Dallas County for Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard

Council approved a **Resolution No. 10506** authorizing the City Manager to execute the PSA with Dallas County for the Rowlett Road Cycle Track project.

5. APPROVED Agreement with RTC for receipt of Transportation Development Credits

Council authorized the City Manager to sign the agreement with Regional Transportation Council for receipt of Transportation Development Credits.

6. APPROVED COVID-19 Vaccine Capacity Grant Amendment

Council authorized the City Manager or his designee to execute the contract amendment with the Texas DSHS to improve access to COVID-19 vaccines across Garland, Rowlett and Sachse.

7. APPROVED Ordinance No. 7259 amending the Garland Development Code (GDC) Section 2.05(K) regarding Considerations of Previously Denied Zoning Cases.

This ordinance amends, in part Chapter 2, “Zoning Procedures,” Section 2.05, “Processing of Zoning Application, Plat, Plan, and Decision,” of the Garland Development Code of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a severability clause; and setting an effective date. This item was discussed during the Development Services Committee report item at the September 13, 2021 City Council Work Session.

8. APPROVED O'Banion Parking Restriction Modification

Council adopted **Ordinance No. 7260** restricting parking on the south side of O'Banion Road from Centerville Road to Valley Cove Drive at all times to eliminate sight visibility issues created by parked 18-wheelers.

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. PUBLIC HEARING HELD: Hold a Public Hearing Regarding the use of American Rescue Plan Act (ARPA) Funds

The American Rescue Plan Act (ARPA) provided $350 billion in aid to eligible state, local and tribal governments to meet pandemic response needs and to rebuild a stronger economy as the country recovers. The City of Garland's allocation is approximately $53.5 million. At the September 13, 2021 Work Session, staff prepared a Proposed ARPA funding list that identifies ARPA eligible projects organized by various categories for Council review. On October 9, 2021, at a Special Work Session, Council considered and deliberated on the possible uses of these funds. A public hearing is being held to obtain comments from interested parties regarding the use of American Rescue Plan Act Funds.

The staff report was presented by Matthew Watson, Managing Director of Finance.

Mayor LeMay opened the public hearing at 7:24 p.m. There were no speakers on this item and the hearing was closed at 7:25 p.m.

City Manager Bradford stated this item will come back to the City Council for review and further discussion at the October 18 Work Session, with a resolution to be considered for adoption at the October 19 Regular Session.

10. Hold public hearing(s) on:

a. APPROVED 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. This item was discussed and postponed from the September 21, 2021 Regular City Council meeting.

The staff report was presented by William Guerin, Director of Planning, with supporting comments from Assistant City Manager Judson Rex, Leticia McNatt, Downtown Coordinator. The only speaker on this item was Tracy Claybrook.

There was extensive discussion between the Council and dialogue with Ms. Tracy Claybrook.

Interim City Attorney England requested the Land Use Credit date be effective upon passage of the ordinance.

Motion was made by Council Member Morris to approve the item with the downtown square rezoning and parking requirement amendment, including the Plan Commission's three recommendations: 1) allowing general office and financial institutions by right, 2) allowing second floor apartment dwellings by right and 3) prohibit commercial parking lots and garages, to be effective upon passage of the ordinance, seconded by Council Member Bass.

Motion was made by Council Member Aubin to amend the main motion with the following eight amendments, all amendments seconded by Council Member Smith:

There was a request from Mayor Pro Tem Hedrick to have the amendments repeated and voted on individually.

Council Member Morris stated she would not support Specific Use Provisions on General Office and Financial Institutions.

Mayor LeMay called for a recess at 8:25 p.m. to clarify and prepare the individual amendments.

Mayor LeMay reconvened the meeting at 8:35 p.m.

Amendment #1: To allow use for a gymnasium by Specific Use Provision. Motion carried:
Vote: 9 ayes, 0 nays.

Amendment #2: To allow use for a convenience store by Specific Use Provision. Motion carried:
Vote: 6 ayes, 3 nays (Council Members Bass, Morris and Smith)

Amendment #3: To allow use for a pharmacy by Specific Use Provision. Motion carried:
Vote: 6 ayes, 3 nays (Deputy Mayor Pro Tem Williams, Council Members Bass and Morris).

Amendment #4: To allow use for general office by Specific Use Provision on the first floor and by right on the second floor. Motion carried:
Vote: 6 ayes, 3 nays (Mayor LeMay, Council Members Bass and Morris).

Amendment #5: To allow for personal services by Specific Use Provision on the first floor and by right on the second floor. Motion carried:
Vote: 7 ayes, 2 nays (Council Members Bass and Morris).

Amendment #6: To allow for financial institutions by Specific Use Provision on the first floor and by right on the second floor. Motion Failed:
Vote: 3 ayes (Deputy Mayor Pro Tem Williams, Council Members Aubin and Vera, 6 nays (Mayor Pro Tem Hedrick, Council Members Bass, Morris, Moore and Smith).

Amendment #7: To allow transit station by Specific Use Provision. Motion carried: **Vote:** 9 ayes, 0 nays.

Amendment #8: To allow studio fitness by Specific Use Provision on the first floor and by right on the second floor. Motion carried:
Vote: 5 ayes, 4 nays (Mayor Pro Team Hedrick, Council Members Bass, Morris and Smith).

Mayor LeMay asked Council Member Morris to make the main motion.

Motion was made by Council Member Morris to approve the item, seconded by Council Member Bass. Motion carried:

Vote: 9 ayes, 0 ayes, adopting Ordinance No. 7261

b. APPROVED Consider a Planned Development amendment request by Venture Distilling Land LLC to operate a distillery facility from the existing building. The property is located at 406 and 412 South Barnes Drive in District 6.

Consideration of the application of Venture Distilling Land LLC, requesting approval of an Amendment to Planned Development (PD) 03-47 for Community Retail Uses. This property is located at 406 and 412 South Barnes Drive. (File Z 21-26, District 6)

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

There was discussion by the Council.

Motion was made by Council Member Vera to approve the Planned Development, Specific Use Provision and Detail Plan, according to staff and Plan Commission recommendations, seconded by Council Member Aubin . Motion carried:

Vote: 9 ayes, 0 nays

c. APPROVED Consider a Specific Use Provision request by Venture Distilling Land LLC to operate a distillery facility from the existing building. The property is located at 406 and 412 South Barnes Drive in District 6.

Consideration of the application of Venture Distilling Land LLC, requesting approval of a Specific Use Provision to allow Breweries/Wineries/Distilleries Use on a property zoned Planned Development (PD) 03-47 for Community Retail Uses. This property is located at 406 and 412 South Barnes Drive. (File Z 21-26, District 6)

d. APPROVED Consider a Detail Plan request by Venture Distilling Land LLC to operate a distillery facility from the existing building. The property is located at 406 and 412 South Barnes Drive in District 6.

Consideration of the application of Venture Distilling Land LLC, requesting approval of a Detail Plan for a Distillery facility on a property zoned Planned Development (PD) 03-47 for Community Retail Uses. This property is located at 406 and 412 South Barnes Drive. (File Z 21-26, District 6)

e. APPROVED Consider a Planned Development request by Vincent Gerard & Associates, Inc. to relocate an existing telecommunication tower from Richardson to Garland. This site is located at 213 Holford Road in District 1.

Consideration of the application of Vincent Gerard & Associates, requesting approval of a Planned Development (PD) District for an Antenna, Commercial on a property zoned Agricultural (AG) District. This property is located at 213 Holford Road. (File Z 21-30, District 1)

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

There was discussion by the Council.

Motion was made by Council Member Bass to approve the Planned Development, Specific Use Provision and Detail Plan, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

f. APPROVED Consider a Specific Use Provision request by Vincent Gerard & Associates, Inc. to relocate an existing telecommunication tower from Richardson to Garland. This site is located at 213 Holford Road in District 1.

Consideration of the application of Vincent Gerard & Associates, requesting approval of a Specific Use Provision to allow an Antenna, Commercial on a property zoned Agricultural (AG) District. This property is located at 213 Holford Road (File Z 21-30, District 1)

g. APPROVED Consider a Detail Plan request by Vincent Gerard & Associates, Inc. proposes to relocate an existing telecommunication tower from Richardson to Garland. This site is located at 213 Holford Road in District 1.

Consideration of the application of Vincent Gerard & Associates, requesting approval of Detail Plan for an Antenna, Commercial on a property zoned Agricultural (AG) District. This property is located at 213 Holford Road. (File Z 21-30, District 1)

h. APPROVED Consider a Planned Development request by Ion Design Group, LLC to construct 149 single-family detached homes with trails and open spaces. This site is located at 4698 and 4701 Bunker Hill Road in District 1.

Consideration of the application of Ion Design Group, LLC requesting approval of a Change in Zoning from Agricultural (AG) District to a Planned Development (PD) District for Single-Family-5 (SF-5) Uses. This property is located at 4698 and 4701 Bunker Hill Road. (File Z 20-22, District 1)

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were: Connie Cooper, Bryan Klein and Dave Wilcox (virtual) for the applicant and Donna Chalker Thomas.

Mayor Pro Tem Hedrick requested information on the City's responsibility to maintain the pond; Mr. Guerin provided clarification.

City Manager Bradford requested Mr. Guerin provide specifics on the cost of the waiver for tree mitigation; Mr. Guerin stated the amount will be in the range of $780,000. The higher level of amenities will be a reinvestment of the funds into the project.

There was discussion by the Council.

Motion was made by Council Member Bass to approve the Change in Zoning, Detail Plan and Development Agreement, seconded by Council Member Morris.

Mayor Pro Tem Hedrick asked if the adequacy of the tree replacement could be quantified. Assistant City Manager Rex explained that the existing language in the agreement allows Parks and Recreation the ability to pick the species and quantity of trees. City Manager Bradford asked if the language in the ordinance reflect tree replacement as: "determined by the City's Parks and Recreation Department." The applicant concurred.

Mayor LeMay restated the main motion.

Motion carried:

Vote: 9 ayes, 0 nays

Mayor LeMay recessed the meeting at 10:10 p.m.

Mayor LeMay reconvened the meeting at 10:15 p.m.

i. APPROVED Consider a Detail Plan request by Ion Design Group, LLC to construct 149 single-family detached homes with trails and open spaces. This site is located at 4698 and 4701 Bunker Hill Road in District 1.

Consideration of the application of Ion Design Group, LLC requesting approval of a Detail Plan for Single-Family Detached Homes. This property is located at 4698 and 4701 Bunker Hill Road. (File Z 20-22, District 1)

j. **APPROVED** **Consider a Development Agreement regarding Zoning File No. Z 20-22 and property located at 4701 Bunker Hill Road in District 1.**

Consider a Development Agreement between Dave J. Wilcox and the City of Garland. This Development Agreement relates to Zoning Case Z 20-22 for a proposed single-family development at 4698 and 4701 Bunker Hill Road. The agreement addresses the dedication of a pond, open space and trails, tree mitigation fees, and building materials.

Mayor LeMay recessed the meeting at 10:10 p.m.

Mayor LeMay reconvened the meeting at 10:15 p.m.

k. **APPROVED** **Consider a Zoning request by Allstate Truck & Trailer Repair, LLC for a Truck / Bus Storage and Repair use. This site is located at 4030-4040 Forest Lane in District 6.**

Consideration of the application of Allstate Truck & Trailer Repair, LLC, requesting approval of a Change in Zoning of a 0.3422-acre portion of land from Community Retail (CR) District to Industrial (IN) District. This property is located at 4030-4040 Forest Lane. (File Z 20-31, District 6)

The staff report was presented by William Guerin, Director of Planning. Speaker on this item was Rosanna Hudson.

There was discussion by the Council.

Motion was made by Council Member Vera to approve the Zoning request, Specific Use Provision and Site Plan, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

l. **APPROVED** **Consider a Specific Use Provision request by Allstate Truck & Trailer Repair, LLC for a Truck / Bus Storage and Repair use. This site is located at 4030-4040 Forest Lane in District 6.**

Consideration of the application of Allstate Truck & Trailer Repair, LLC. requesting approval of 1) a Specific Use Provision to allow Truck/Bus Repair and 2) a Specific Use Provision to allow Truck/Bus Storage. This property is located at 4030-4040 Forest Lane. (File Z 20-31, District 6).

m. **APPROVED** **Consider a Site Plan request by Allstate Truck & Trailer Repair, LLC for a Truck / Bus Storage and Repair use. This site is located at 4030-4040 Forest Lane in District 6**.

Consideration of the application of Allstate Truck & Trailer Repair, LLC. requesting approval of a Plan for Truck/Bus Repair and Truck/Bus Storage. This property is located at 4030-4040 Forest Lane. (File Z 20-31, District 6)

11. **Citizen comments:** Gino Rock and Joshua Garcia

12. **Adjourn:** There being no additional business to come before the City Council, Mayor LeMay adjourned the meeting at 10:30 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce René Dowl, City Secretary