GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, November 16, 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 and Paul Mayor, CEO, Garland Chamber of Commerce, presented the Small Business Saturday proclamation to Mark Morrocco, MG Retail Partners and Dala Rowntree, Plaza Garland.

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 Vera 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 November 9, 2021, Regular Meeting.**

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

a. **APPROVED** **Construction Equipment** **Bid No. 0116-22**

RDO Equipment Company **$142,725.00**

This request is for the replacement purchase of a Backhoe Loader with hydraulic hammer and a new purchase of a small Excavator with standard canopy to be utilized by the Water Department.

b. **APPROVED** **Skid Steer Loader and Motor Grader** **Bid No. 0119-22**

Caterpillar, Inc. **$433,757.00**

This request is for the replacement purchase of a Motor Grader to be utilized by the Street Department and a new purchase of a Skid Steer Loader to be utilized by the Water Department.

c. **APPROVED** **Sewer Surveillance Van** **Bid No. 0117-22**

Grande Truck Center **$253,407.00**

This request is for a replacement purchase of a Sewer Surveillance Van to be utilized by the Wastewater Department.

d. **APPROVED** **Fuel and Lube Truck for Hinton Landfill** **Bid No. 0118-22**

Lonestar Freightliner Group, LLC **$282,204.00**

This request is for the replacement purchase of a Fuel and Lube Truck to be utilized by the Hinton Landfill.

e. **APPROVED** **Sewer Jet Truck** **Bid No. 0120-22**

Grapevine Dodge Chrysler Jeep, LLC	**$56,659.00**
Texas Underground, Inc.	**91,277.05**
TOTAL:	**$147,936.05**

This request is for the replacement purchase of a Sewer Jet Truck to be utilized by the Wastewater Department.

f. **APPROVED** **Replacement Vans** **Bid No. 0124-22**

Caldwell Country Ford **$115,020.00**

This request is for the replacement purchase of three Vans to be utilized by the Police, Facilities Management and Wastewater Departments.

g. **APPROVED** **Simunitions Training Facility Design Services** **Bid No. 0126-22**

Brinkley Sargent Wiginton Architects **$201,000.00**

This request is to obtain professional services for the architectural and engineering design for the renovation of the existing Garland Evidence Building to repurpose the facility for use as a Simunitions/Reality-Based Training facility.

h. APPROVED **Satellite Imagery Analysis for Underground Water Leaks** **Bid No. 0094-22**

Utilis, Inc. **$143,000.00**

This request is to provide two project deliveries of satellite imagery of points of interest for suspected water leaks in our water distribution system, including a detailed map model of potential pipe deficiencies.

i. APPROVED **Sundown Lane and Rollingwood Commons Water and Wastewater Improvements** **Bid No. 0130-22**

Grantham & Associates, Inc. **$159,855.00**

This request is to obtain Engineering and Surveying services associated with replacement of water and wastewater lines.

j. APPROVED **Range Improvements Design Services** **Bid No. 0125-22**

Brinkley Sargent Wiginton Architects **$233,000.00**

This request is to obtain professional services for the architectural and engineering design for enhancements to the existing Garland Police Range.

k. APPROVED **Spencer 4 Cooling Tower Repair** **Bid No. 0671-21**

Master Tech Services, Inc. **$310,634.00**

This request is to approve a Change Order for the Spencer Plant Unit 4 cooling tower repairs.

l. APPROVED **Replacement Vehicles** **Bid No. 0132-22**

Silsbee Ford, Inc. **$630,498.00**

This request is for the replacement purchase of twenty vehicles to be utilized by various City departments.

m. APPROVED **Construction Material Testing for Bobtown Road, Waterhouse Boulevard and South Country Club Improvements** **Bid No. 0909-20**

TSIT Engineering and Consultants, LLC **$25,220.00**

This request is to approve a Change Order to provide additional Construction Material Testing (CMT) services for the Bobtown Road, Waterhouse Boulevard and South Country Club Improvements project.

n. APPROVED **Technical Consulting Services** **Bid No. 0133-22**

Principle Services, LLC **$700,000.00**

This request is to obtain project management, contractor oversight, construction management, cost tracking, scheduling & procurement assistance and communications coordination with other utilities and contractors related to transmission and substation infrastructures and construction activities. This approval is for a Term Agreement with two optional renewals.

3. APPROVED **Resolution No. 10511** declaring that the purposes of the Decommissioning Reserve Account under the Joint Operating Agreement between the Texas Municipal Power Agency ("Agency") and the cities of Bryan, Denton, Garland and Greenville (The "Member Cities") have been accomplished and approving a reduction of the required account balance of the Decommissioning Reserve Account.

At the November 8, 2021 Work Session, Council considered approving a resolution reducing the TMPA Decommissioning Reserve Account to $0.00 which will allow for proceeds from the sale of the Gibbons Creek Lignite Mine lands to be dispersed to the Member Cities, rather than deposited into the Account.

4. APPROVED **Resolution No. 10512** accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) Grant in the amount of $15,057.00; and providing an effective date.

At the November 8, 2021 Work Session, Council considered accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) - Impaired Driving Mobilization (IDM) Grant in the amount of $15,057.00.

5. APPROVED **Resolution No. 10513** authorizing the City Manager to execute a Project Specific Agreement with Dallas County for transportation improvements to the Duck Creek Central Trail - Segment 2 MCIP Project from Briarwood Drive to the southern limits of Duck Creek Central Trail - Segment 1 at the north side of the Jack Coleman Tennis Complex in Rick Oden Park (Project 12001), within the City of Galand, Dallas County and providing an effective date.

At the November 8, 2021 Work Session, Council considered whether to enter into a Project Supplemental Agreement (PSA) with Dallas County for the design and construction of the Duck Creek Central Trail - Segment 2.

6. APPROVED **Minute action approval of one purchase agreement negotiated to date with the property owner in the amount of $112,585.**

Council has been briefed on previous occasions of the plans for the Bottlenecks Improvements Program. The program will widen improvements and provide additional turn bays to relieve bottlenecks at 12 major intersections throughout the city and alleviate road congestion. The program requires the acquisition of easements and right-of-way (only "strips and clips" are needed for the program). One purchase agreement has been successfully negotiated with a property owner for the acquisition of land needed to move forward with the Buckingham/Plano intersection/project within the program.

7. APPROVED **Minute action the approval of one purchase agreement negotiated to date with the property owner in the amount of $121,063.**

Council has been briefed on previous occasions of the plans for Naaman School Road (from Brand 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.

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 along Naaman School Road, east of Brand Road and west of State Highway 78, in the city of Garland, Texas, situated in the Mid-Crossing addition, 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 findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.**

The City has been able to negotiate with property owners of whole-takes in the project area to acquire the necessary property interests. The City has also been able to negotiate with some of the strips and clips owners in the area, as well, to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with one strips and clips property owner. The owner is named in the proposed resolution. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. The City Attorney will provide in written form the appropriate wording of the motion. Council was briefed on requirements for land acquisition on the Naaman School Road project on April 5, 2021 and on February 1, 2021, respectively, in Executive Session.

Motion was made by Council Member Bass 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 Jacob Reagor Survey, Abstract No. 11258, City of Garland, Dallas County, Texas, and being more particularly described as:

3232 Lavon, being Lot 2, Block 1, Mid-Crossing addition, and being described in the General Warranty Deed to Wendy's Properties, LLC recorded in Instrument Number 201500283378, Official Public Records of Dallas County, Texas, for the expansion of, and construction of improvements to, a certain public right-of-way, commonly know 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 Smith. Motion carried:

Vote: 9 ayes, 0 nays adopting **Resolution No. 10514**

9. APPROVED Consider a resolution of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquistion of various property rights located at the intersection of Buckingham and Plano, in the cities of Richardson and Garland, Texas, situated in the town north park no. 1 addition, in the City of Richardson, 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 findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.

Council is requested to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. The City has been able to negotiate with a number of property owners in the program/project area to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with one property owner. The owner is named in the proposed resolution. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. Council was briefed on requirements for land acquisition on the Bottleneck Improvements Program on February 1, 2021, in Executive Session.

Motion was made by Mayor Pro Tem Hedrick 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 City of Richardson, Dallas

County, Texas, and being more particularly described as:

1360 S. Plano Road, being a portion of Lot 27A, in Block 1, of the 1st Installment Town Park North Addition, an Addition to the City of Richardson, Dallas County, Texas according to the Map thereof recorded in Volume 85193, page 3122 of the Deed Records of Dallas County, Texas, for the construction of roadway improvements, and related utilities, to a public right-of-way.

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 Vera. Motion carried:

Vote: 9 ayes, 0 nays adopting **Resolution No. 10515**

10. Hold public hearings on:

a. APPROVED **Consider a Zoning request by Millennium Village, L.P. / Masterplan to construct 184 multi-family dwelling units and 15 "townhouse style" multi-family units. This property is located at 1602 Belt Line Road in District 7.**

Consideration of the application of Millennium Village, LP. / Masterplan, requesting approval of a Change in Zoning from Planned Development (PD) District 85-20 for Community Retail Uses to a Planned Development (PD) District for Multi-Family Use. This property is located at 1602 Belt Line Road. (File Z 21-29, District 7)

Mayor Pro Tem Hedrick was asked by Council to address Item's 10a (Change in Zoning) and 10b (Detail Plan) in separate votes.

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Maxwell Fisher.

There was discussion by the Council.

Motion was made by Mayor Pro Tem Hedrick to approve the Zoning request, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED **Consider a Detail Plan request by Millennium Village, L.P. / Masterplan to construct 184 multi-family dwelling units and 15 "townhouse style" multi-family units. This property is located at 1602 Belt Line Road in District 7.**

Consideration of the application of Millennium Village, LP. / Masterplan, requesting approval of a Detail Plan for Multi-Family development. This property is located at 1602 Belt Line Road. (File Z 21-29, District 7)

Motion was made by Mayor Pro Tem Hedrick to approve the Detail Plan, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

c. APPROVED Consider a Specific Use Provision request by Westfall Engineering, PLLC to construct a restaurant/coffee shop with a drive-through. This property is located at 5300 North Garland Avenue in District 1.

Consideration of the application of Westfall Engineering, PLLC, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 13-02. This property is located at 5300 North Garland Avenue. (File Z 21-34, District 1)

Mayor LeMay asked if Council Member Bass was in agreement to take action on Items 10c and 10d in one motion. Council Member Bass agreed to make one motion for the Specific Use Provision and Detail Plan.

The Staff report was presented by William Guerin, Director of Planning. The speaker on this item was Michael Westfall, applicant.

There was discussion by the Council.

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

Vote: 9 ayes, 0 ayes

d. APPROVED Consider a Detail Plan request by Westfall Engineering, PLLC to construct a restaurant/coffee shop with a drive-through. This property is located at 5300 North Garland Avenue in District 1.

Consideration of the application of Westfall Engineering, PLLC, requesting approval of a Detail Plan for a Restaurant, Drive-Through. This property is located at 5300 North Garland Avenue. (File Z 21-34, District 1)

e. APPROVED Consider a Zoning request by Mousa Abudaabes, Plato's Closet Store to operate a used goods retail store in an existing tenant space. This property is located at 4430 Lavon Drive, Suite 374 in District 1.

Consideration of the application of Mousa Abudaabes, Plato's Closet Store, requesting approval of an amendment to Planned Development (PD) District 04-54 to allow a Used Goods, Retail Sales (Indoors) Use. This property is located at 4430 Lavon Drive, Suite 374. (File Z 21-40, District 1)

Mayor LeMay asked Council Member Bass if he was opposed to hearing all three Items 10e, 10f and 10g together. Council Member Bass agreed to address all three items in one action.

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were: Moussa Abudaabes, applicant and Wes Hoblit.

There was discussion by the Council.

Motion was made by Council Member Bass to approve the Zoning request, 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 Mousa Abudaabes, Plato's Closet Store to operate a used goods retail store in an existing tenant space. This property is located at 4430 Lavon Drive, Suite 374 in District 1.**

Consideration of the application of Mousa Abudaabes, Plato's Closet Store, requesting approval of a Specific Use Provision to allow a Used Goods, Retail Sales (Indoors) Use. This property is located at 4430 Lavon Drive, Suite 374. (File Z 21-40, District 1)

g. APPROVED **Consider a Detail Plan request by Mousa Abudaabes, Plato's Closet Store to operate a used goods retail store in an existing tenant space. This property is located at 4430 Lavon Drive, Suite 374 in District 1.**

Consideration of the application of Mousa Abudaabes, Plato's Closet Store, requesting approval of a Detail Plan to allow a Used Goods, Retail Sales (Indoors) Use. This property is located at 4430 Lavon Drive, Suite 374. (File Z 21-40, District 1)

11. **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.

Deputy Mayor Pro Tem B.J. Williams

- Sal Liberto - Senior Citizens Advisory Board

Deputy Mayor Pro Tem Williams presented his nominee and a vote was cast as follows:

Vote: 9 ayes, 0 nays

12. **Citizen comments:** There were no speakers ont his item.

13. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:28 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary