



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, January 18, 2022, 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
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 acknowledged Patty Granville for winning the 2021 Obelisk Award for her support of the Arts in North Texas.

Luke Morrow, President, Morrow Renewables and Chris Hoofnagle, Landfill Director, presented Mayor LeMay with the first RIN Royalty check in the amount of \$342,379.40 for refined natural gas generated at the landfill.

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 Bass (attended the meeting remotely) to approve the Consent Agenda as presented, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the January 4, 2022, Regular Meeting.
2. Consider approval of the following bids:
 - a. **APPROVED** Sewer Jet Truck **Bid No. 0302-22**
Rush Truck Centers of Texas **\$153,742.85**

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

- b. APPROVED Mobile Command Center Bid No. 0303-22**
Farber Specialty Vehicles \$559,401.00

This request is for the replacement purchase of a Mobile Command Center to be utilized by the Garland Police Department.

- c. APPROVED Excavator Bid No. 0304-22**
Caterpillar, Inc. \$220,755.00

This request is for the purchase of a replacement Excavator (Unit #400-0128) to be utilized by the Water Department.

- d. APPROVED GP&L Elm Grove Substation Extension Bid No. 0227-22**
Civil Site Construction
Tri-Con Services, Inc. \$415,703.00
Optional Contingency 41,570.00
TOTAL: \$457,273.00

This request is to provide all labor, tools and equipment for civil site construction at the Elm Grove Substation. An Optional Contingency is included for any additional work that may be required.

- e. APPROVED GP&L Copier Lease Agreement Bid No. 0312-22**
Xerox Business Solutions \$133,467.00

This request is for the approval of a 5-year Lease Agreement to consolidate GP&L's copier equipment, maintenance and supplies in one agreement and take advantage of group pricing.

- f. APPROVED Economic Development Strategic Plan Bid No. 1358-21**
Ninigret Partners, LLC \$198,900.00

This request is to approve the selection of a firm to assist with a Strategic Plan for Economic Development.

- g. APPROVED Restroom and Concession Building Site Bid No. 1106-20**
Construction
Dean Construction \$1,822,302.00

This request is to approve the construction of site improvements for five restroom and concession buildings at various parks.

- h. APPROVED Flock Safety System Bid No. 0320-22**
Flock Group, Inc. \$311,250.00

This request is to purchase the Flock Safety System that will be used to assist the City of Garland Police Department in criminal investigations, gunshot detection, stolen vehicles and active amber and silver alerts. This is a Term Agreement with one optional renewal.

i. APPROVED Design Services for Drainage Improvements Bid No. 0317-22

Civil Consulting Group, PLLC \$240,147.88

This request is to obtain professional engineering design services to address flooding issues in Ashville Drive, Colonel Drive, Palm Valley Drive and Tobin Trail by modification and improvement of existing storm sewer systems.

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 21-47, Zone Systems, Inc. (District 5)

Ordinance No. 7281 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision (SUP) renewal for Fuel Pumps, Retail on a 0.9366-acre tract of land zoned Community Retail (CR) District and located at 1810 West Kingsley 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.

b. APPROVED Zoning File No. Z 21-48, Wood Partners % Masterplan (District 1)

Ordinance No. 7282 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 18-33 and Planned Development (PD) District 03-53 and 2) a Detail Plan for Multi-Family Development on a 9.7958-acre tract of land located at 3422 Firewheel Parkway; 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 21-49, Stantec Consulting Services, Inc. (District 5)

Ordinance No. 7283 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 97-12 and 2) a Detail Plan for an automobile staging lot on an approximately 8.95-acre tract of land located at 2101 and 2201 Millay 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.

4. **APPROVED Employment Agreements for the City Manager, City Auditor, Municipal Judges & City Attorney (including the appointment thereof)**

Council passed and approved: (1) **Ordinance No. 7284** appointing John Sholden as Municipal Judge and approving the employment contract related thereto; (2) and **Ordinance No. 7285** appointing Natalie Banuelos as Municipal Judge and approving the employment contract related thereto; (3) amendments to existing employment agreements, with Bryan Bradford (City Manager), Jedson Johnson (City Auditor), and (4) **Resolution No. 10524** appointing Brian England as City Attorney and approving the employment contract related thereto.

5. **APPROVED Conveyance of City Property - 1700 Block Spencer Road Denton, Texas (Spencer Electric Generation Facility)**

Council approved the Easement and Right-of-Way agreement conveying the 0.271-acre variable width surface use easement and the 0.101-acre 30-foot access easement at 1700 block of Spencer Road in Denton, Texas at the City of Garland Spencer Electric Generation Facility to Atmos Energy Corporation for a total monetary compensation of \$10,000.00.

6. **APPROVED Resolution No. 10525** providing for the redemption of the outstanding City of Garland, Texas, Tax Notes, Series 2021; and resolving other matters incident and related to the redemption of such obligations.

When Council approved the issuance of \$29,355,000 Tax Notes, Series 2021 on September 14, 2021, it was contemplated that the City would exercise the call provision to redeem the notes prior to the scheduled maturity date of November 15, 2022. Staff requests Council consider approving a resolution to redeem the Tax Notes, Series 2021 as contemplated.

7. **APPROVED Council amended the current development agreement with the Draper Garland, LLC to allow them until March 31, 2022, to obtain a building permit and construction loan.**

The City and The Draper Garland, LLC entered into an Economic Development Agreement on April 7, 2021. Due to COVID-19 related challenges with obtaining a building permit, and consequently the company's construction loan, the company requests that the City extend the deadline to obtain the permit from December 31, 2021, to March 31, 2022.

8. **APPROVED Minute action the approving one purchase agreement negotiated to date with the property owner in the amount of \$168,694.00**

Council has been briefed on previous occasions of the plans for Naaman School Road (from Brand to S.H. 78 / Lavon Drive). This project will alleviate road congestion by providing twice the number of travel lanes in each direction and alleviate flooding issues during significant rainfall. 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.

9. **APPROVED Resolution No. 10526** 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, 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 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 strips and clips owners in the area to acquire the necessary property interests. However, the City has been unable to acquire certain property rights from four strips and clips property owners due to liens. The owners are 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 February 1, 2021, and April 5, 2021, in Executive Session.

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 City of Garland, Dallas County, Texas, and being more particularly described as:

3501 Naaman School, being part of the Orofee Alvardeo Survey, Abstract Number 2, Dallas County, Texas and being a portion of a tract of land conveyed by a Warranty Deed to Joe Ewell and wife, Betty Ewell recorded in Volume 80119, Page 1695, Deed Records, Dallas County, Texas; 3414 Naaman School, being part of the James Howard Survey, Abstract Number 542, and part of the Daniel Christ Survey, Abstract Number 226, Dallas County, Texas and being a portion of a called 11.327 acre tract of land conveyed by Special Warranty Deed to Belinda Gail Lynch as recorded in Volume 94235, Page 786, of the Deed Records of Dallas County, Texas; 278 E Ridgeway, being part of the Orofee Alvardeo Survey, Abstract Number 2, Dallas County, Texas and being a portion of a Lot 24, Block 5, of the Glenbrook Meadows No. 10 addition, an addition to the City of Garland, Texas as recorded in Volume 83245, Page 1242, Plat Records, Dallas

County, Texas, same being a tract of land conveyed by General Warranty Deed to Jose Sanchez and Mariana Garay in Instrument Number 202000118378 of the Official Public Records of Dallas County, Texas; 3178 Lavon, being part of the Jacob G. Reagor Survey, Abstract Number 1259, Dallas County, Texas and being a portion of Lot 1R-1, Block 1 of Mid-Crossing Addition Replat of Lot 1, Block 1, an addition to the City of Garland as recorded in Instrument Number 20070049223, Official Public Records, Dallas County, Texas, same being a portion of a tract of land conveyed by a Special Warranty Deed to TSCA,-255, LLC, as recorded in Instrument Number 201800149176, Official Public Records of Dallas County, Texas; 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. 10526**

10. Presentation of 2022 Proposed CIP

Judson Rex, Assistant City Manager formally presented the 2022 Proposed Capital Improvement Program (CIP) for the City Council's review and deliberation.

11. APPROVED 2021-22 Budget Amendment No. 1

Council is requested to consider approval of an ordinance amending the FY 2021-22 Adopted Budget as outlined by 2021-22 Budget Amendment No. 1 which proposes to increase the General Fund's FY 2021-22 appropriation by \$489,343 to meet the needs of the Police Department, including a Flock Safety and Gunshot Detection System, two new additional Police Officers (Gang Unit), one new civilian Crime Analyst, and one additional Mental Health Clinician.

Council Member Aubin requested to combine the action(s) on Items 11 and 12, there was no objection by the Council. He proposed a revised version to this amendment, adding two officers and a lieutenant, in addition to the request made by Chief Jeff Bryan.

There was discussion by the Council. Chief Bryan provided information on the need for this request. Matt Watson, Director of Finance presented some preliminary numbers for the additional staffing request, utilizing one-time funds for the request this year and include in the budget for FY 2022-23.

Motion was made by Council Member Aubin to approve Budget Amendment No. 1, amending the General Fund FY 2021-22 Budget appropriation to \$970,042 and the Civil Service ordinance, adding one additional police supervisor and two additional officers, for a total of four, effective upon passage of each ordinance, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays, Adopting **Ordinance No. 7286**

12. **APPROVED Ordinance No. 7287** 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 Operating Budget and as amended by 2021-22 Budget Amendment No. 1, to include an additional police supervisor for a total of 40 and two officers for a total of 305 officers, having 359 total budgeted positions, effective upon passage of this ordinance.

13. **Hold public hearings on:**

a. **APPROVED**

Consider a Zoning request by Lars Anderson & Associates, Inc. to expand the existing Home Depot for a tool rental center and storage room, and to propose outdoor rentals for equipment and trucks. This property is located at 3261 North President George Bush Turnpike in District 1.

Consideration of the application of Lars Anderson & Associates, Inc., requesting approval of an amendment to Planned Development (PD) District 97-23 for Community Retail (CR) Uses. This property is located at 3261 North President George Bush Turnpike. (File Z 21-42, District 1) (This case was postponed from the January 4, 2022 Regular City Council meeting per the applicant's request.)

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were Jason Pyka and Janay Mommer applicant.

There was discussion by the Council.

Motion was made by Council Member Bass to approve the Zoning request and Detail Plan, with the amended actions, seconded by Council Member Moore. Motion carried:

Vote: 9 ayes, 0 nays

- b. **APPROVED** **Consider a Detail Plan request by Lars Anderson & Associates, Inc. to expand the existing Home Depot for a tool rental center and storage room, and to propose outdoor rentals for equipment and trucks. This property is located at 3261 North President George Bush Turnpike in District 1.**

Consideration of the application of Lars Anderson & Associates, Inc., requesting approval of a Detail Plan for a building expansion and outdoor rentals of vehicles and equipment on a property zoned Planned Development (PD) District 97-23. This property is located at 3261 North President George Bush Turnpike. (File Z 21-42, District 1) (This case was postponed from the January 4, 2022 Regular City Council meeting per the applicant's request.)

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.

APPROVED Council Member Rich Aubin

- Christi Baughman - Plan Commission

Vote: 9 ayes, 0 nays

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 8:13 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary