GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, February 15, 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.

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 Deputy Mayor Pro Tem Williams to approve the Consent Agenda as presented, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** **Consider approval of the minutes of the February 1, 2022, Regular Meeting**

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

a. **APPROVED** **Shelf-Ready Audiovisual Library Materials** — **Bid No. 0250-22**

Midwest Tape, LLC — **$220,000.00**

This request is to support the Library's selection and purchase of audiovisual materials to meet customer needs.

b. **APPROVED** **Ablon Park Drainage Infrastructure and Fishing Pier Construction** — **Bid No. 0170-22**

J.B. and Co. LLC — **$592,845.00**

This request is to construct two new drainage structures and one new fishing pier at the pond in Ablon Park.

c. APPROVED **GP&L Elm Grove Substation Expansion Steel Structures** **Bid No. 0286-22**

Grid Structures	**$293,433.00**
Optional Contingency	**29,343.00**
TOTAL:	**$322,776.00**

This request is for the purchase of steel structures for the Elm Grove Substation expansion. An Optional Contingency is included for any additional materials that may be required.

d. APPROVED **GP&L Olinger to Ben Davis 138kV Transmission Line Rebuild Engineering Service** **Bid No. 4693-14**

R-Delta Engineers **$281,000.00**

This request is to approve a Change Order for additional engineering services associated with the rebuild of the GP&L Olinger to Ben Davis 138kV Transmission Line. R-Delta Engineers will provide additional engineering services to accommodate project delays, residential development and infrastructure changes in the project area.

e. APPROVED **GP&L Elm Grove Substation Construction Materials** **Bid No. 0285-22**

Techline, Inc.	**$111,823.45**
Optional Contingency	**11,182.00**
TOTAL:	**$123,005.45**

This request is for the purchase of construction materials for the Elm Grove Substation expansion. An Optional Contingency is included for any additional materials that may be required.

f. APPROVED **Scale House Remodel** **Bid No. 0999-21**

Tegrity Contractors, Inc. **$150,000.00**

This request is to approve a Change Order for the CM Hinton Landfill scale house remodel due to unforeseen structural faults encountered during the demolition stage.

g. APPROVED **Backhoe Loader** **Bid No. 0417-22**

Caterpillar, Inc. **$138,945.00**

This request is for the replacement purchase of a new Backhoe Loader Tractor to be utilized by the Duck Creek Wastewater Treatment Plant.

h. APPROVED **Asbestos Abatement & Demolition of Las Brisas Retirement Community** **Bid No. 0435-22**

Intercon Environmental, Inc.	**$219,771.24**
Optional Contingency	**20,000.00**
TOTAL:	**$239,771.24**

This request is for the asbestos abatement and demolition of the recently-acquired Las Brisas Retirement Community in preparation for redevelopment.

i. APPROVED **Traffic Signal Installation and Modernization** **Bid No. 0261-21**

Mel's Electric, LP **$286,478.25**

This request is to approve a Change Order for Traffic Signal Installation and Modernization Services.

j. APPROVED **Shade Structures at Various Parks** **Bid No. 0430-22**

USA Shade & Fabric Structures **$740,346.07**

This request is to fabricate and install shade structures at Central Park, Bradfield Park, Holford Park, Norman Groves Park and Carter Softball Complex.

k. APPROVED **Rick Oden Park Playground Equipment** **Bid No. 0434-22**

Whirlix Design, Inc. **$490,649.00**

This request is for the purchase of playground equipment at Rick Oden Park.

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 21-44, Amro Issa – Crown Castle (District 5)**

Ordinance No. 7291 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for Antenna, Commercial Use on a 1.94-acre tract of land located at 3209 South 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. APPROVED Zoning File No. Z 21-58, Summit Designs (District 3)

Ordinance No. 7292 amending the Garland Development Code of the City of Garland, Texas, by approving a Change in Zoning from Agricultural (AG) District to Single-Family Estate (SF-E) District on a 0.9962-acre tract of land located at 5809 Lyons 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.

c. APPROVED Zoning File No. Z 21-61, Via Bayou, Inc. (District 3)

Ordinance No. 7293 amending the Garland Development Code of the City of Garland, Texas, by approving a 1) an amendment to Planned Development (PD) District 20-13 to allow Cabins And Recreational Vehicles in a portion of Phase 2 and 2) a Detail Plan for Cabins And Recreational Vehicles on a 1.0165-acre tract of land located at 3926 Zion 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 the appointment of Dr. Terrance Joseph Wickman for three years to the Civil Service Commission.

At the January 31, 2022 Work Session, Council considered approving the City Manager's appointment Dr. Terrance Joseph Wickman.

5. APPROVED **Resolution No. 10528** authorized the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2022 Garland General Election; and providing an effective date.

Council approved a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 7, 2022, General Election.

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.

6. **APPROVED** **Resolutions No. 10529** and **10530** f the City Council of the City of Garland, Texas opposing a proposed development to be funded with Texas Department of Housing and Community Affairs 2022 Competitive 9% Housing Tax Credits; opposing a reduction of certain fees; authorizing the certification of this resolution to the Texas Department of Housing and Community Affairs; and providing an effective date.

At the January 31, 2022 and February 14, 2022 Work Sessions, Council considered resolutions for proposed Texas Department of Housing and Community Affairs Low Income Housing 9% Tax Credit Program proposed multifamily developments.

Motion was made by Deputy Mayor Pro Tem Williams to oppose the application for District 4, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

Motion was made by Mayor Pro Tem Hedrick to oppose the application in District 7, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

7. **APPROVED** **Ordinance No. 7294** ordering a General Election for the City of Garland, Texas to be held on the 7th day of May, 2022, for the purpose of electing Council Members to Districts 1, 2, 4 and 5; providing a date for a run-off election; providing for a process to determine position of names on ballots; providing for locations of polling places; providing for early voting dates, providing for authorization for the City Manager and City Secretary to enter into Election Agreements with Dallas and Collin County Elections Departments; providing for notice, publication and posting of this order; and providing an effective date.

Council approved an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 7th day of May 2022.

Motion was made by Deputy Mayor Pro Tem Williams to approve the ordinance ordering the May 7 General Election, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

8. **PUBLIC HEARING HELD:** **Hold a Public Hearing on the 2022 Proposed Capital Improvement Program**

A public hearing will be held on the 2022 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2022 Proposed CIP has been available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 19, 2022.

Mayor LeMay opened the public hearing at 7:11 p.m. There were no speakers on this item.

9. APPROVED Ordinance No. 7295 Adopting the 2022 Capital Improvement Program

An ordinance reflecting the 2022 CIP for the City of Garland, as proposed by the City Manager and as amended by the City Council, was prepared based on direction received at the Monday, February 14, 2022, City Council Work Session.

Motion was made by Deputy Mayor Pro Tem Williams to approve the 2022 Capital Improvement Program as presented, seconded by Council Member Moore.

Motion to amend the Capital Improvement Program, replacing roundabouts with traditional intersections at: Holford Road, Segment B Project and the Brand Road State Highwy 190 to Muirfield Project and granting the City Manager authority to approve additional expenditures, if any, necessary to accomplish the intent of this amendment, seconded by Deputy Mayor Pro Tem Williams.

There was discussion by the Council and City Manager Bradford explained there would be opportunities to address design changes at future Work Session.

Council Member Aubin explained his decision to oppose the amendment.

Council Member Smith withdrew his amendment with the understanding there would be future opportunity to influence the design at a later stage.

A vote was cast on the main motion. Motion carried:

Vote: 9 ayes, 0 nays

10. APPROVED Resolution No. 10531 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, from Brand Road to 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 approved a resolution authorizing the acquisition of the property rights described in the proposed resolution. The City has been able to negotiate with whole take property owners and with some strips and clips property owners in the project area 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 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, for the reconstruction of Naaman School Road, a public thoroughfare, and being more particularly described as: 4129 Naaman School, a tract of land located in the City of Garland, Dallas County, Texas, commonly known as 4129 Naaman School Road and situated in the Onofre Alvarado Survey, Abstract No. 2, Dallas County, and being that certain tract of land described as 2.008 acres with 0.445 contained in 40’ roadway, leaving 1.563 net acres, in General Warranty Deed from Jerry W. McNiel to Vuong Tran, as recorded in County Clerk File No. 202100377080, of the 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

11. 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, from Brand Road to 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. This item is scheduled for formal consideration at the February 15, 2022 Regular Meeting.

This item was a duplicate posting for Item #10, with no action required.

12. Hold public hearings on:

a. APPROVED Consider a Specific Use Provision (SUP) request by 7LC, LLC, for a tea/coffee shop with a drive-through. This property is located at 519 North Jupiter Road in District 6.

Consideration of the application of Z 21-25 7LC, LLC, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District. This property is located at 519 North Jupiter Road (File Z 21-25, District 6)

The staff report was presented by William Guerin, Director of Planning. Danny Bowie, applicant, was the speaker on this item.

The applicant answered a question about traffic flow from Deputy Mayor Pro Tem Williams.

Motion was made by Council Member Vera to approve the Specific Use Provision (SUP, 12a) and the Site Plan (12b) with one motion, seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED **Consider a Site Plan request by 7LC, LLC for a tea/coffee shop with a drive-through. This property is located at 519 North Jupiter Road in District 6.**

Consideration of the application of Z 21-25 7LC, LLC, requesting a Plan for a Restaurant, Drive-Through Use. This property is located at 519 North Jupiter Road. (File Z 21-25, District 6)

c. APPROVED **Consider a Zoning Change request by Realty Capital Management, to revise the zoning boundary lines of Planned Development (PD) District 15-40 for Multi-Family Use to incorporate two (2) additional acres. There are no improvements proposed at this time. The property is located at 4425 Bunker Hill Road in District 1.**

Consideration of the application of Z 21-60 Realty Capital Management, requesting approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses. This property is located at 4425 Bunker Hill Road. (File Z 21-60, District 1)

The staff report was presented by William Guerin, Director of Planning. Mason Orradre, applicant, was the speaker on this item.

There were inquiries and discussion by the Council.

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

Vote: 9 ayes, 0 nays

13. **Citizen comments.:** Tim Rezakhani and Raymond Johnson

14. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:47 p.m.

Submitted By:

____

Scott LeMay, Mayor

____

Eloyce René Dowl, City Secretary