MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, April 5, 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 RenÃ© 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 Coordinator, Animal Services, presented the Pet of The Month.

Mayor LeMay, along with Karen Archibald, Director of Libraries, announced Garland libraries received the 2021 Achievement of Excellence in Libraries Award. Garland libraries were in the top 105 public libraries in the state.

Mayor LeMay, along with Mona Woodard, Neighborhood Services Administrator, announced that Garland's Community Development Department received a Certificate of Distinction award from the National Development Association for the Veteran's Day Home Dedication Project on November 11, 2021.

Mayor LeMay, along with Chief Mark Lee, Fire Department, recognized Captain Michael Arriaga, Driver-Paramedic Brandon Ethridge and Firefighter-Paramedic Kristin Breaux for their efforts in excellence and bravery shown at a structure fire on February 15, 2021. The crew risked their own safety to rescue a victim trapped in a house fire.

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 Mayor Pro Tem Hedrick to approve the Consent Agenda, seconded by Council Member Moore. Motion carried:

Vote: 9 ayes, 0 nays

1. APPROVED **Consider approval of the minutes of the March 15, 2022 Regular Meeting.**

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

a. APPROVED **Excavator** — **Bid No. 0480-22**

Kirby-Smith Machinery, Inc. — **$491,502.00**

This request is for the replacement purchase of an excavator to be utilized by the Street Department.

b. APPROVED **Equipment for Parks Department** — **Bid No. 0485-22**

Zimmerer Kubota & Equipment, Inc. — **$171,659.28**

This request is for the purchase of new and replacement tractors and mowing equipment that will be utilized by the Parks Department.

c. APPROVED **Track Loader** **Bid No. 0504-22**

Caterpillar, Inc.	**$123,533.00**

This request is for the purchase of a new track loader to be utilized by the Hinton Landfill.

d. APPROVED **Heavy Equipment for Hinton Landfill** **Bid No. 0519-22**

RDO Equipment Co.	**$1,650,652.82**

This request is for the replacement purchase of two articulated dump trucks and one crawler dozer to be utilized by the Hinton Landfill.

e. APPROVED **Damaged Plant Replacement and Landscape Bed Mulching** **Bid No. 0376-22**

Qualicare Landscape Services	**$115,378.64**
Optional Contingency	**20,000.00**
TOTAL:	**$135,378.64**

This request is for the replacement of dead plant material and the mulching of landscape beds throughout the city due to the inclement weather event in February 2021. An Optional Contingency is included for any additional materials that may be required.

f. APPROVED **New Compactor for the Hinton Landfill** **Bid No. 0545-22**

R.B. Everett & Company	**$1,277,875.50**

This request is for the purchase of a new compactor to be utilized by the Hinton Landfill.

g. APPROVED **Hanover Drive, Plantation Road and Richland Drive Water Mains Replacement** **Bid No. 0333-22**

Aushill Construction, LLC	**$1,024,064.00**
Optional Contingency	**120,000.00**
TOTAL:	**$1,144,064.00**

This request is to provide construction services to replace water mains including streets and sidewalks for Hanover Drive (Forest Ridge to Plano Road), Richland Drive (Stoneridge Drive to Shiloh Road) and Plantation Road (Sam Houston Drive to Wagon Wheel Road). An Optional Contingency is included for any additional work that may be required.

h. APPROVED **Side-Loader Cab and Chassis** **Bid No. 0546-22**

Bond Equipment Company, Inc.	**$1,136,344.00**

This request is for the purchase of six replacement side-loader cab and chassis for the Sanitation Department.

i. APPROVED **Front-Loader Chassis** **Bid No. 0547-22**

Chastang Enterprises, Inc.	**$407,648.00**

This request is for the purchase of two replacement front-loader chassis to be utilized by the Sanitation Department.

j. APPROVED **Side-Loader and Front-Loader Bodies** **Bid No. 0548-22**

Reliance Truck and Equipment **$1,315,420.80**

This request is for the purchase of eight (8) replacement side-loader and front-loader bodies to be utilized by the Sanitation Department.

k. APPROVED **Heavy Trucks** **Bid No. 0549-22**

Freightliner of Austin **$646,088.00**

This request is for the replacement purchase of four heavy trucks to be utilized by the Sanitation Department.

l. APPROVED **Transfer Trailers** **Bid No. 0550-22**

Performance Truck **$247,032.76**

This request is for the replacement purchase of two transfer trailers to be utilized by the Sanitation Department.

m. APPROVED **Opticom GPS System** **Bid No. 0552-22**

Consolidated Traffic Controls, Inc. **$1,992,835.00**

This request is for the full replacement of the emergency services signal equipment which provides for priority control of the traffic signals to permit the safe passage of Fire Department emergency vehicles.

n. APPROVED **GP&L College to Brand Distribution Line Structures** **Bid No. 0450-22**

Techline, Inc. **$353,164.00**

This request is for the purchase of sixty-two steel distribution structures to support the reconstruction of the College to Brand Distribution Line.

o. APPROVED **GP&L College to Brand Distribution Line Materials** **Bid No. 0451-22**

Techline, Inc. **$271,409.00**

This request is for the purchase of conduit, conductor and other associated materials to support the reconstruction of the College to Brand Distribution Line.

p. APPROVED **GP&L Millwood Switch Station Steel Structures and Anchor Bolts** **Bid No. 0426-22**

Techline, Inc. **$395,411.00**

This request is for the purchase of two 138kV A-frame dead-end structures, anchor bolts and associated materials for the construction of the GP&L Millwood Switch Station.

q. APPROVED **GP&L Millwood Switch Station Materials** **Bid No. 0427-22**

Texas Electric Cooperatives, Inc. **$219,786.45**

This request is for the purchase of DMC components, surge arrestors, junction boxes, bus, jumper, insulators and other materials for the construction of the Millwood Switch Station.

r. APPROVED 2022 Sidewalk & Curb Program **Bid No. 0441-22**

R & A Legacy Construction, LLC **$650,000.00**

This request is for the approval of the 2022 Sidewalk & Curb Program. This approval is for a Term Agreement with four optional renewals.

s. APPROVED Granger Annex Renovation Construction **Bid No. 0088-22**

Big Sky Construction **$2,470,055.00**

This request is to approve construction for the renovation of the Granger Annex building located in Central Park.

t. APPROVED Lakewood Addition Drainage Design Services **Bid No. 0571-22**

Dewberry Engineers, Inc.	**$559,849.00**

This request is for professional services for design of storm sewer (drainage) improvements and necessary replacement of sidewalk and water and wastewater lines in the Lakewood Addition subdivision.

u. APPROVED Central Library Additional Design Services **Bid No. 0493-21**

720 Design, Inc.	**$217,840.00**

This request is to approve Change Order #1 for professional design services for the modernization of Central Library.

v. APPROVED GP&L Spencer 4 Cooling Tower Wastewater Transportation and Disposal **Bid No. 0565-22**

TAS Environmental Services, LP	**$164,055.00**
Optional Contingency	**16,405.50**
TOTAL:	**$180,460.50**

This request is for the transportation and disposal of contaminated water from the Spencer 4 Cooling Tower. An Optional Contingency is included for any additional work that may be required.

w. Heavy Equipment for Hinton Landfill **Bid No. 0519-22**

R D O Equipment Co.	**$1,650,652.82**

This request is for the replacement purchase of two articulated dump trucks and one crawler dozer to be utilized by the Hinton Landfill.

No action was taken on this item because it was a duplication of Item 2d.

x. APPROVED Fleet Fuels **Bid No. 0587-22**

Jack Ray Oil Co.	**$6,000,000.00**
W. Douglas Distributing	**300,000.00**
TOTAL:	**$6,300,000.00**

This request is for the purchase of gasoline and diesel fuel to be utilized by City departments in their daily operations. A secondary supplier is included as a contingency. This approval is for a one-year Term Agreement with three optional renewals.

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 21-37, KRG Civil Engineers (District 1)

Ordinance 7308 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 06-78 for Community Retail Uses and 2) a Detail Plan for a Church Use on a 2.27-acre tract of land located at 2313 Naaman School 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 21-59, Advantage Self-Storage Advisors, LLC (District 7)

Ordinance No. 7309 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 85-49; 2) a Specific Use Provision for a Self-Storage Facility (Mini Warehouse); and 3) a Detail Plan on a 6.051--acre tract of land zoned Planned Development (PD) District 85-49 for Community Retail (CR) Uses and located at 3599 North Garland Avenue; 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 **Ordinance No. 7310** amending Section 25.05, "Reservation Fees for Parks and Recreation Facilities," of Chapter 25, "Parks and Recreation" of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a Severability Clause; and providing an effective date.

At the March 14, 2022 Work Session, Council considered an ordinance to amend Section 25.05, "Reservation Fees for Parks and Recreation Facilities," to add a senior citizen fee for use of fitness areas in recreation centers. The proposed fee for senior citizens is $20 annually for Garland residents ages 65 and up and $40 annually for non-residents 65 and up.

5. APPROVED **Resolution No. 10539** authorizing City staff to enter and convey a permanent easement to the North Texas Municipal Water District for installing a water delivery point and other related infrastructure adjacent to Lou Huff Park and the Garland Power and Light Office; and providing an effective date.

Council approved a resolution for a permanent utility easement with the NTMWD for a new meter station located in Lou Huff Park.

6. APPROVED **Council approved the Friendship Park Lease Agreement**

At the January 31, 2022 Work Session, Council considered updating the agreement with the City of Dallas for an additional 20 years.

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.

7. Hold public hearings on:

a. APPROVED Reconsideration Request of a Previously Denied Zoning Application (File No. Z 21-39, District 6)

The applicant, Alan Hameed, has submitted a written request for the City Council to reconsider the previously denied Zoning Case Z 21-39. This property is located at 3218 Forest Lane. The City Council previously considered and in effect denied this application on March 1, 2022 by a vote of 6 -- 3, with the Mayor, Council Members Aubin and Smith in opposition.

William Guerin, Director of Planning, presented staff comments.

Motion was made by Deputy Mayor Pro Tem Williams to approve the request for reconsideration, seconded by Council Member Aubin . Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED Consider a Zoning request by Alan Hameed to allow automobile sales. This property is located at 3218 Forest Lane in District 6.

Consideration of the application of Alan Hameed, requesting approval of 1) an amendment to Planned Development (PD) District 03-47 to allow Automobile Sales, New or Used by Specific Use Provision, and 2) a Specific Use Provision to allow Automobile Sales, New or Used. This property is located at 3218 Forest Lane. (File Z 21-39, District 6)

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

Motion was made by Council Member Vera to approve the Zoning request (Item 7b) and Detail Plan (Item 7c), with a five year Specific Use Provision, seconded by Council Member Smith.

City Attorney Brian England advised the Council to allow the applicant to make comments before any action was taken.

Mr. Talim Song, attorney for the applicant, was the speaker, requesting a ten-year Specific Use Provision. Mr. Alan Hameed registered, but did not speak.

There was discussion by the Council.

Mayor LeMay restated the main motion as originally presented, and requested a vote. Motion carried:

Vote: 9 ayes, 0 nays

c. APPROVED Consider a Detail Plan request by Alan Hameed to allow automobile sales. This property is located at 3218 Forest Lane in District 6.

Consideration of the application of Alan Hameed, requesting approval of Detail Plan for Automobile Sales, New or Used. This property is located at 3218 Forest Lane. (File Z 21-39, District 6)

d. APPROVED **Consider a Zoning request by OM Estate Development to allow construction of three hundred (300) multi-family units, fifty-eight (58) townhomes and retail use. This site is located at 240 and 250 East Interstate 30 Freeway in District 3.**

Consideration of the application of OM Estate Development, requesting approval a Change in Zoning from Community Office (CO) District and Agricultural (AG) District to a Planned Development (PD) District for Mixed Uses. This property is located at 240 and 250 East Interstate 30 Freeway and 328 Oaks Trail. (File Z 21-52, District 3)

The staff report was presented by William Gurein, Director of Planning. Speakers on this item were: Anjum Varshney and Stephen Boudreau, applicant(s). The following persons registered a position in favor of the request, but did not speak: Vyum Gupta, Sanjay Gupta Brian Macek, Mary E. Dellos, Ross Ikemire, Robert & Dorothy Finch, Luis Currea, Marshal Coleman, Ruy Amador, Ben Dunn, Kevin, Francis Nolan, Clay Sanborn, Tricia Green, Julie Gao, Roy Jackson, Mark Langfeldt, Jaquetta Biagas, William Munai, Stephanie Chukwukelu, Maria Flores, Katherine Lopez, Sulesco Mbuan, Michael Briones, Blanca Gomez, Daniel Barker and Rejesh Chouhan.

There was discussion by the Council.

Motion was made by Council Member Moore to approve the Zoning Request (Item 7d) and Detail Plan (Item 7e), seconded by Council Member Bass. Motion carried:

Vote: 9 ayes, 0 nays

e. APPROVED **Consider a Detail Plan request by OM Estate Development to allow construction of three hundred (300) multi-family units, fifty-eight (58) townhomes and retail use. This site is located at 240 and 250 East Interstate 30 Freeway in District 3.**

Consideration of the application of OM Estate Development, requesting approval of Detail Plan for Mixed Uses. This property is located at 240 and 250 East Interstate 30 Freeway and 328 Oaks Trail. (File Z 21-52, District 3)

f. APPROVED **Consider a Zoning request by Hanif Nensey from Agricultural (AG) District to Single-Family-7 (SF-7) District. This property is located at 705 East Oates Road in District 4.**

Consideration of the application of Hanif Nensey, requesting approval of a Change in Zoning from Agricultural (AG) District to Single-Family-7 (SF-7) District. This property is located at 705 East Oates Road. (File Z 21-24, District 4)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Hanif Nensy; Jenna Nensy registered, but did not speak.

There were comments by Deputy Mayor Pro Tem Williams.

Motion was made by Deputy Mayor Pro Tem Williams to approve the Zoning request (Item 7f), Plan (Item 7g) and Specific Use Provision (item 7h), seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

g. APPROVED **Consider a Specific Use Provision request by Hanif Nensey to allow a Guest House. This property is located at 705 East Oates Road in District 4.**

Consideration of the application of Hanif Nensey, requesting approval of a Specific Use Provision for a Guest House. This property is located at 705 East Oates Road. (File Z 21-24, District 4)

h. APPROVED **Consider a Plan request by Hanif Nensey to allow a Guest House. This property is located at 705 East Oates Road in District 4.**

Consideration of the application of Hanif Nensey, requesting approval of a Plan for a Guest House. This property is located at 705 East Oates Road. (File Z 21-24, District 4)

i. APPROVED **Consider a Specific Use Provision renewal request by Sean Kim for an existing Reception Facility on the subject property. The property is located at 2800 West Kingsley Road in District 5.**

Consideration of the application of Sean Kim, requesting approval of a Specific Use Provision Renewal for a Reception Facility on a property zoned Industrial (IN) District. This property is located at 2800 West Kingsley Road. (File Z 21-55, District 5)

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

There was discussion by the Council.

Motion was made by Council Member Aubin to approve the Specific Use Provision (Item 7i) for 15 years and Plan (Item 7j), seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

j. APPROVED **Consider a Plan request by Sean Kim for an existing Reception Facility on the subject property. The property is located at 2800 West Kingsley Road in District 5.**

Consideration of the application of Sean Kim, requesting approval of a Plan for a Reception Facility on a property zoned Industrial (IN) District. This property is located at 2800 West Kingsley Road. (File Z 21-55, District 5)

k. POSTPONED **Consider a Zoning request by Provident Realty Advisors to construct 242 multi-family units in a single-family style format. This site is located at 3309 Castle Drive in District 1.**

Consideration of the application of Provident Realty Advisors, requesting approval of a Change in Zoning from Agricultural (AG) District to a Planned Development (PD) District for Mixed Uses. This property is located at 3309 Castle Drive. (File Z 21-62, District 1) **(The applicant requests postponement to the April 19, 2022 Regular City Council Meeting.)**

Motion was made by Council Member Bass to postpone this item to the April 19, 2022 meeting, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

l. POSTPONED **Consider a Detail Plan request by Provident Realty Advisors to construct 242 multi-family units in a single-family style format. This site is located at 3309 Castle Drive in District 1.**

Consideration of the application of Provident Realty Advisors, requesting approval of a Detail Plan for Multi-Family development. This property is located at 3309 Castle Drive. (File Z 21-62, District 1) **(The applicant requests postponement to the April 19, 2022 Regular City Council Meeting.)**

Motion was made by Council Member Bass to postpone this item to the April 19, 2022 meeting, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

m. APPROVED **Consider a Zoning request by Don Gordon, to allow a Major Automobile Repair Shop on the subject property. The site is located at 2025 Old Mill Run in District 8.**

Consideration of the application of Don Gordon, requesting approval of an Amendment to Planned Development (PD) District 82-42 to allow an Automobile Repair, Major Use. This property is located at 2025 Old Mill Run. (File Z 22-02, District 8)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Don Gordon, applicant.

Motion was made by Council Member Smith to approve the Zoning request (Item 7m) and Detail Plan (Item 7n), seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

n. APPROVED **Consider a Detail Plan request by Don Gordon, to allow a Major Automobile Repair Shop on the subject property. The site is located at 2025 Old Mill Run in District 8.**

Consideration of the application of Don Gordon, requesting approval of a Detail Plan for Automobile Repair, Major Use. This property is located at 2025 Old Mill Run. (File Z 22-02, District 8)

o. APPROVED **Consideration for final approval of the determination not to update Land Use Assumptions, Capital Improvements Plan, or Impact Fees.**

Section 395.052 of the Texas Local Government Code mandates an update of a City's land use assumptions, capital improvements plan, and impact fees by the City's governing body every five years, or in the alternative, a determination by the City that a change to the existing fees is unnecessary. In 2016 (with a March 1, 2017 effective date), the City Council adopted the land use assumptions, capital improvement plan, and impact fees, as drafted by consultant Kimley-Horn. Staff has determined that the impact fee study is still valid for another five (5) years and recommends a final approval of determination by the City Council that no change to the land use assumptions, capital improvement plan, and impact fees is required. The Capital Improvements Advisory Committee [Plan Commission] recommended re-adoption of the current land use assumptions, capital improvements plan, and impact fees during their November 11, 2021 meeting. The Council was briefed on this item during the December 6, 2021 Work Session, and then the required notices were made according to the statute.

The staff report was presented by William Guerin.

Motion was made by Deputy Mayor Pro Tem Williams to approve the request as presented, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays, adopting **Ordinance No. 7311**

8. **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.

<u>Council Member Rich Aubin</u>

- Margaret Bice - Board of Adjustment

A vote was cast to appoint Margaret Bice the the Board of Adjustment with the following result:

Vote: 9 ayes, 0 nays

9. **Citizen comments:** Chassidy Lewallen

10. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:39 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce Rene Dowl, City Secretary