



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, April 19, 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 Council Member Smith to approve the Consent Agenda with the exception of Item 2a, which was postponed to a later date, Item 2b, removed by Council Member Bass for individual consideration, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the April 5, 2022 Regular Meeting.

2. Consider approval of the following bids:

a. **POSTPONED** Lyons Road (I.H. 30 to Guthrie) -
Engineering Services

Bid No. 0572-22

Criado & Associates, Inc.

\$1,375,954.00

This request is for engineering services associated with the Lyons Road project between I.H. 30 and Guthrie Road.

- c. **APPROVED** **Rowlett Creek Wastewater Treatment Plant
Primary Effluent Pump Replacement** **Bid No. 0596-22**
Xylem Water Solutions **\$169,000.00**

This request is to purchase a primary effluent pump to be used for pumping wastewater through the Rowlett Creek Wastewater Treatment Plant.

- d. **APPROVED** **Microsoft Enterprise Agreement** **Bid No. 0626-22**
SHI Government Solutions **\$1,000,626.95**

This request is for Microsoft Enterprise Agreement licensing and support necessary for the City's continued and future use of Microsoft products.

- e. **APPROVED** **GP&L Millwood Switch Station Structures
and Materials** **Bid No. 0448-22**
KBS Electrical Distributors, Inc. **\$232,077.92**
Optional Contingency **15,000.00**
TOTAL: **\$247,077.92**

This request is for the purchase of two steel monopoles and associated materials for construction at the Millwood Switch Station. An Optional Contingency is included for any additional materials that may be required.

- f. **APPROVED** **Ambulance Cots, Loaders and Stair Chairs** **Bid No. 0597-22**
Stryker Sales Corp. **\$225,257.00**

This request is to provide ambulance equipment including four powered cots with compatible auto-loaders and four stair chairs used for patient handling and transporting.

- g. **APPROVED** **Urban Design Plan - Valoris HealthPark
Garland Medical District TIF #3** **Bid No. 0651-22**
Studio Outside **\$389,080.00**

This request is for professional design services for the creation of an urban design in Valoris HealthPark including the Wellness Park.

- h. **APPROVED** **TMPA Keith Switch to Steep Hollow
Transmission Line Overhead Hardware** **Bid No. 0611-21**
KBS Electrical Distributors, Inc. **\$68,436.94**

This request is to approve a Change Order for the purchase of tension grips and other additional overhead hardware needed for the Keith Switch to Steep Hollow Transmission Line.

- i. **APPROVED Bottleneck Improvements Package 1** **Bid No. 0413-22**

Urban Infraconstruction	\$3,773,848.00
Optional Contingency	<u>373,000.00</u>
TOTAL:	\$4,146,848.00

This request is to improve bottlenecks (traffic flow) at four major intersections by adding additional turning movements. An Optional Contingency is included for any additional work that may be required.

- j. **APPROVED Rick Oden Park - Phase 2 Construction Services** **Bid No. 0976-20**

Dean Construction (Dean Electric, Inc.)	\$4,850,024.00
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This request is for construction services at Rick Oden Park.

- k. **APPROVED 2022 Garland New Sidewalk Improvements** **Bid No. 0633-22**

Hayden Consultants, Inc.	\$312,962.48
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This request is for professional engineering services for the design of two construction packages for approximately 4.1 miles of new sidewalks and pedestrian curb ramps at eight locations in the city of Garland.

- 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 21-24 Hanif Nensey (District 4)**

Ordinance No. 7312 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Agricultural (AG) District to Single-Family-7 (SF-7) District and 2) a Specific Use Provision for a Guest House on a 1.45-acre tract of land located at 705 East Oates 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 21-39, Alan Hameed (District 6)

Ordinance No. 7313 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 03-47; 2) a Specific Use Provision for Automobile Sales, New or Used; and 3) a Detail Plan on a 0.4183-acre tract of land located at 3218 Forest Lane; 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 21-52, OM Estates Development (District 3)

Ordinance No. 7314 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Community Office (CO) District and Agricultural (AG) District to a Planned Development (PD) District for Mixed Uses and 2) a Detail Plan for Mixed Uses on a 20.223-acre tract of land located at 240 and 250 East Interstate 30 Freeway and 328 Oaks Trail; 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.

d. APPROVED Zoning File No. 21-55, Sean Kim (District 5)

Ordinance No. 7315 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Reception Facility on a 6.91-acre tract of land zoned Industrial (IN) District and located at 2800 West Kingsley Road, Suite 100; 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.

e. APPROVED Zoning File No. Z 22-02, Don Gordon (District 8)

Ordinance No. 7316 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 82-42 to allow an Automobile Repair, Major Use and 2) a Detail Plan for an Automobile Repair, Major Use on a 0.373-acre tract of land located at 2025 Old Mill Run; 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** **Resolution No. 10540** of the City of Garland, Texas, authorizing the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation for TxDOT Project CSJ 018-47-308, a Congestion Mitigation and Air Quality (CMAQ) Improvement Project and Surface Transportation Block Grant (STBG) Program Project Off-System to widen South Shiloh Road from West Kingsley Road to West Miller Road; and providing an effective date.

The City of Garland applied for federal funding through the Regional Transportation Committee (RTC) for the reconstruction and widening of S. Shiloh Road from W. Kingsley Road to W. Miller Road. The RTC has granted the City of Garland funding for construction of this project. In order to accept the funding, the City of Garland must enter into two advanced funding agreements with the Texas Department of Transportation (TxDOT), who is administering the advanced funding agreement on behalf of the Federal Government. Council was briefed at the April 4, 2022 Work Session on the need to consider two separate resolutions in order to accept the funding for this project. (Each resolution is being considered as an individual agenda item.)

5. **APPROVED** **Resolution No. 10541** acknowledging the Dallas, Garland & Northeastern Railroad Incorporated's Continued Rights, Title and Interest to and upon the railroad crossing along with the public right-of-way on Forest Lane between South Kirby Street and South International Road and granting permission to reinstall crossing facilities in the future; and providing an effective date.

Council approved a resolution acknowledging DGNO's rights, title and interest to and upon that certain railroad crossing on Forest Lane between S. Kirby Street and S. International Road and granting permission to reinstall an additional track at this location in the future at the request and sole cost and expense of DGNO.

6. **APPROVED** **Resolution No. 10542** of the City of Garland, Texas, authorizing the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation for TxDOT Project CSJ 0918-47-271, a Surface Transportation Block Grant (STBG) Program Project Utilizing Transportation Development Credits (TDC) Off-System to widen Shiloh Road from Kingsley Road to Miller Road; and providing an effective date.

The City of Garland applied for federal funding through the Regional Transportation Committee (RTC) for the reconstruction and widening of S. Shiloh Road from W. Kingsley Road to W. Miller Road. The RTC has granted the City of Garland funding for construction of this project. In order to accept the funding, the City of Garland must enter into two advanced funding agreements with the Texas Department of Transportation (TxDOT), who is administering the advanced funding agreement on behalf of the Federal Government. Council was briefed at the April 4, 2022 Work Session on the need to consider two separate resolutions in order to accept the funding for this project. (Each resolution is being considered as an individual agenda item.)

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.

2b. APPROVED	Embree Park Splash Pad Equipment	Bid No. 0573-22
	Kraftsman	\$415,407.98

This request is for the purchase and installation of splash pad equipment at Embree Park in support of the Aquatics Program.

Council Member Bass requested a staff report on safety measures in place for splash pads. Andy Hesser, Director of Parks & Recreation, presented the report. Council Member Morris had questions regarding the costs associated with the Embree splash pad; Mr. Hesser confirmed the project has not changed in size or scope and the plan remains as budgeted.

Motion was made by Council Member Bass to approve Item 2b, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

7.	PUBLIC HEARING HELD:	Hold a Public Hearing on the Youth Programs Standards Care of Ordinance
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Mayor LeMay opened the public hearing at 7:13 p.m. There were no speakers on this item and Mayor LeMay closed the public hearing at 7:14 p.m.

Motion was made by Council Member Smith to approve the ordinance as presented, seconded by Mayor Pro Tem Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

Adopting **Ordinance No. 7317** with public comments for Youth Programs Standards of Care to meet the requirements of Texas Human Resource Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing.

8.	APPROVED	Resolution No. 10543 of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of various property rights located along South Shiloh Road, North of West Kingsley Road and South of West Miller Road, 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
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pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.

Council approved an omnibus resolution authorizing the acquisition of the property rights described in Exhibit "A."

Motion was made by Council Member Aubin that the City Council of the City of Garland, Texas, authorize the use of the power of eminent domain to acquire property interests around Shiloh Road, North of West Kingsley Road and South of West Miller Road, as more fully described in Exhibit "A" to the proposed ordinance located within the City of Garland, Dallas County, Texas for the widening of Shiloh Road between Kingsley Road and Miller 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 Vera. Motion carried:

Vote: 9 ayes, 0 nays

9. **POSTPONED** 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 Lyons Road, North of Guthrie Road and South of Interstate Highway 30, 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 an omnibus resolution authorizing the acquisition of the property rights described in Exhibit "A."

Motion was made by Council Member Moore to postpone this item to a future date, seconded by Deputy Mayor Pro Tem Williams. Motion carried:

Vote: 9 ayes, 0 nays

10. **PUBLIC HEARING HELD:** **2022-2023 CDBG, HOME and ESG Federal Grant Allocation Public Hearing**

At the April 18, 2022, Work Session, Council was provided background information regarding the anticipated 2022-2023 Community Development Block Grant (CDBG), HOME Infill Partnership Grant (HOME), and Emergency Solutions Grant (ESG) entitlement funding, along with summaries of submitted applications. As part of the allocation process, a public hearing is required to solicit comments from any interested parties relating to the 2022-2023 CDBG, HOME, and ESG grants.

Mayor LeMay opened the public hearing at 7:17 p.m. Mona Woodard, Neighborhood Services Administrator, presented opening comments.

The speakers on this item were: Cheryl Jones Jobe, Visiting Nurse Association, Verna Jones, Under One Roof, Rhonda McTyre, Garland

Parks & Recreation, Stars Summer Camp, Angena Young, Helen's Project, Susanna Sulfstede, The Senior Source, Christina Coltas, Chief Executive Officer, Hopes Door-New Beginnings Center, Captain Shelley Hood and Jasmin Ibarra, Salvation Army, Charlie Levitt, Metro Relief, Executive Director, Susan Hennum, Executive Director, Counseling Institute of Texas, David Swavey, Garland Boxing Gym, along with Officer Williams, Officer Christian Gibson, Officer Quinlan Caltebellano, Officer Natausha Swavey, Officer Jason Bethel and Officer Drake Whited (Hutchins), Mark King and Tanya Downing, Executive Director, Hope Clinic.

Mayor LeMay closed the public hearing at 8:02 p.m.

11. Hold public hearings on:

- a. APPROVED Consider a Detail Plan request by Kimley-Horn for a Minor Automobile Repair Use. This property is located at 2999 North President George Bush Turnpike in District 1.**

Consideration of the application of Kimley-Horn, requesting approval of a Detail Plan for an Automobile Repair, Minor Use on a property zoned Planned Development (PD) District 06-28 District for Community Retail Uses. This item may include amendments to Planned Development (PD) District 06-28. This property is located at 2999 North President George Bush Turnpike. (File Z 21-50, District 1)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Michael Doggett, Kimley Horn.

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

Vote: 9 ayes, 0 nays

- b. APPROVED Consider a Specific Use Provision renewal request by Randall Reed's Planet Ford 635 for an existing Automobile Sales Use. This property is located at 3601 South Shiloh Road in District 5.**

Consideration of the application of Randall Reed's Planet Ford 635, requesting approval of a Specific Use Provision Renewal to allow Automobile Sales, New or Used on a property zoned Industrial (IN) District. This property is located at 3601 South Shiloh Road. (File Z 21-54, District 5)

The staff report was presented by William Guerin, Director of Planning. The applicant was present, but did not speak.

Motion was made by Council Member Aubin to approve the Specific Use Provision for 25 years (Item 11b) and Site Plan (Item 11c), seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

- c. **APPROVED** Consider a Site Plan request by Randall Reed's Planet Ford 635 for an existing Automobile Sales Use. This property is located at 3601 South Shiloh Road in District 5.

Consideration of the application of Randall Reed's Planet Ford 635, requesting approval of a Plan for Automobile Sales, New or Used on a property zoned Industrial (IN) District. This property is located at 3601 South Shiloh Road. (File Z 21-54, District 5)

- d. **APPROVED** Consider a Zoning request by Provident Realty Advisors from Agricultural (AG) District to a Planned Development (PD) District for Mixed Uses, including 242 multi-family units in a single-family style format, and a commercial tract. The property 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 staff report was presented by William Guerin, Director of Planning. Paul Luedtke, Director of Transportation, answered questions from the Council related to traffic impact(s). The speakers on this item were Maxwell Fisher and Glen Lanier, applicant.

There was discussion by the Council.

Motion was made by Council Member Bass to approve the Zoning request (Item 11d) and the Detail Plan (Item 11e), seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

- e. **APPROVED** Consider a Detail Plan request by Provident Realty Advisors for 242 multi-family units in a single-family style format. The property 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)

- f. **APPROVED** Consider a Specific Use Provision renewal request by Jude Nwachukwu for an existing Reception Facility Use. This site is located at 1906 East Miller Road in District 2.

Consideration of the application of Jude Nwachukwu, requesting approval of a Specific Use Provision Renewal to allow a Reception Facility on a property zoned Planned Development (PD) District 06-46 for Community Retail Uses. This property is located at 1906 East Miller Road. (File Z 22-10, District 2)

The staff report was presented by William Guerin, Director of Planning. Council Member Morris provided five-year reports from the Code and Health Departments. Chief Bryan presented a report on noise complaints and police activity.

Motion was made by Council Member Morris to approve the Specific Use Provision renewal (Item 11f) and the Site Plan (Item 11g), seconded by Council Member Moore. Motion carried:

Vote: 9 ayes, 0 nays

- g. APPROVED Consider a Site Plan request by Jude Nwachukwu for a Reception Facility Use. This site is located at 1906 East Miller Road in District 2.**

Consideration of the application of Jude Nwachukwu, requesting approval of a Plan for a Reception Facility Use. This property is located at 1906 East Miller Road. (File Z 22-10, District 2)

- 12. Citizen comments:** There were no speakers on this item.

- 13. Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:34 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary