GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, January 4, 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
	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.

Amy Dunphy, Community Outreach Coordinator, Animal Services, presented the Pet of the Month.

Mayor LeMay presented comments addressing the tragedy that occurred on December 26.

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.

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

Vote: 9 ayes, 0 nays

1. **APPROVED** **Consider approval of the minutes of the December 14, 2021, Regular Meeting.**

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

   a. **APPROVED** **Turbine & Generator Maintenance** **Bid No. 1372-21**

   HPI, LLC **$1,000,000.00**

   This request is to provide as-needed turbine and generator maintenance and repair services at the Garland Power & Light Olinger and Spencer power plants. This approval is for a term agreement with four optional renewals.

b. **APPROVED** **GP&L College to Brand 138kV Transmission Line Tubular Steel Structures** — **Bid No. 0072-22**

Grid Structures	**$2,99,280.00**
Optional Contingency	**300,000.00**
TOTAL:	**$3,29,280.00**

This request is for the purchase of forty-seven tubular steel structures and associated materials needed for the 138kV College to Brand Transmission Line, as well as portions of the College to Jupiter and Fairdale to Plastipak Transmission Lines. An optional contingency is included for any additional materials that may be required.

c. **APPROVED** **Wynn Joyce Road Water Main Upgrade and Replacement** — **Bid No. 0064-22**

Flow-Line Construction, Inc.	**$1,036,035.00**
Optional Contingency	**104,000.00**
TOTAL:	**$1,140,035.00**

The request is to provide construction services to replace and upgrade approximately 1,500 linear feet of existing 16" water line with a new 24" line between the intersections of S. Country Club Road and Wynn Joyce Road. An Optional Contingency is included for any additional work that may be required.

d. **APPROVED** **GP&L Production Plant Project Management & Engineering Services** — **Bid No. 0266-22**

Sargent & Lundy, LLC — **$250,000.00**

This request is to obtain construction management and support services for capital improvement projects associated with GP&L power plants.

e. **APPROVED** **GP&L Naaman Substation Circuit Switchers** — **Bid No. 0088-22**

Stuart C Irby, Co. — **$136,100.00**

This request is for the purchase of two 1,200-amp circuit switchers for use in the GP&L Naaman Substation.

f. **APPROVED** **Demolition of Cinemark Theater** — **Bid No. 0256-22**

Intercon Environmental, Inc. — **$245,558.73**

This request is for the demolition of the Cinemark Theater building located at 4040 S. Shiloh Road to allow for future redevelopment of the site.

g. **APPROVED** **Data Center Firewall Replacement and Enhancements** — **Bid No. 0281-22**

FutureCom LTD — **$519,237.14**

This request is to purchase replacement high availability data center firewalls with expanded capacity and advanced security to protect data and employees of the City of Garland from ongoing cybersecurity threats.

h. **APPROVED** **Rosehill Linear Park Design Services** **Bid No. 0288-22**

JBI Partners, Inc. **$340,000.00**

This request is to obtain professional services for the design of the improvements to the Rosehill linear park and trail system.

i. **APPROVED** **Highway 66 Turn Lane Construction** **Bid No. 0492-20**

Hill & Wilkinson General Contractors **$99,612.00**

This request is to approve a Change Order for the relocation (lowering) of utility lines associated with the Highway 66 turn lane and entrance drive construction.

3. **A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.**

a. **APPROVED** **Zoning File No. Z 21-43, AJ Real Estate Investments, LLC (District 5)**

Ordinance No. 7279 amending the Garland Development Code of the City of Garland, Texas, by approving a Change of Zoning from Planned Development (PD) District 69-31 for Community Retail Uses and Planned Development (PD) District 86-26 for Community Office Uses to Community Retail (CR) District on a 3.52-acre tract of land located at 1640 and 1680 Eastgate Drive; 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** **Neighborhood Vitality Matching Grant Fall 2021 Applications**

Council approved the Fall 2021 Neighborhood Vitality Matching Grant applications as presented.

5. **APPROVED** **Ordinance No. 7280** amending Chapter 50, "Utility Rates and Fees;" Chapter 52, "Environmental Waste Services" of the Code of Ordinances of the City of Garland, Texas; and section 1.11, "Structure of the Development Review Committee," of division 1, "General Provisions," Article 1, "Authority, Purpose," of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas; providing a Savings Clause; providing a Severability Clause; and setting an effective date.

Council approved amendments to Chapter 50 "Utility Rates and Fees" and Chapter 52 "Environmental Waste Services" in order to reflect approved utility rates for Sanitation and Landfill services and replace "Environmental Waste Services" with "Sanitation."

6. APPROVED Request for Development Assistance from Zobele USA Inc.

Council approved a partial rebate of the applicable Business Personal Property (BPP) taxes.

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. APPROVED Resolution No. 10522 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 approved 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, as well, to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with two strips and clips property owners. 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 properties located within the Jacob Reagor Survey, Abstract No. 1259, and the Orofee Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being more particularly described as: 232 E Kingsbridge Dr., being part of the Orofee Alvarado Survey, Abstract No. 2, Dallas County, Texas, and being a portion of Lot 8, Block 7, Meadowood No. 3, Phase A Addition, an addition to the City of Garland, Dallas County, Texas as recorded in Volume 84065, Page 1147, Plat Records, Dallas County, Texas, and being described in the General Warranty Deed to Luke Smith and Katelyn Smith recorded in Instrument Number 201700182629, Official Public Records of Dallas County, Texas; and 3313 Naaman School Rd, being part of the Jacob Reagor Survey, Abstract No. 1259 and being a portion of Lot 1, Block 1, Christian Brothers Addition, an addition to the City of Garland, Dallas County, Texas and being described in the Special Warranty Deed to Aderemi Adewuyi and Florence Adewuyi recorded in Instrument Number 20070365185, 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

8. APPROVED **Resolution No. 10523** of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of various property rights located at the intersection of Buckingham and Plano, in the cities of Richardson and Garland, Texas situated in the Buckingham Square East 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 approved 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. The City Attorney will provide in written form the appropriate wording of the motion. Council was briefed on requirements for land acquisition on the Bottleneck Improvements Program on February 1, 2021, in Executive Session.

Motion was made by Council Member Morris 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: 1455 E Buckingham Road, being a portion of Lot 1A, in Block 1, of the 1st Installment of Buckingham Square East Addition, an Addition to the City of Richardson, Dallas County, Texas as recorded in Volume 2000146, page 5005 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 Bass. Motion carried:

Vote: 9 ayes, 0 nays

9. Hold public hearings on:

a. **POSTPONED** **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)

Motion was made by Council Member Bass to postpone File Z 21-42 to January 18, 2021, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

b. **POSTPONED** **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)

c. **APPROVED** **Consider a Specific Use Provision renewal request by Zone Systems, Inc. to continue the operation of an existing gas station. The property is located at 1810 West Kingsley Road in District 5.**

Consideration of the application of Zone Systems, Inc., requesting approval of a Specific Use Provision (SUP) renewal for Fuel Pumps, Retail. This property is located at 1810 West Kingsley Road. (File Z 21-47, District 5)

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

Motion was made by Council Member Aubin to combine the approval of Items 9c and 9d as presented, seconded by Council Member Smith. Motion carried:

Vote: 9 ayes, 0 nays

d. **APPROVED** **Consider a Site Plan request by Zone Systems, Inc. for the continued operation of an existing gas station. The property is located at 1810 West Kingsley Road in District 5.**

Consideration of the application of Zone Systems, Inc., requesting approval of a Plan for Fuel Pumps, Retail. This property is located at 1810 West Kingsley Road. (File Z 21-47, District 5)

e. **APPROVED** **Consider a Zoning request by Wood Partners % Masterplan to construct 250 Multi-Family dwelling units. This site is located at 3422 Firewheel Parkway in District 1.**

Consideration of the application of Wood Partners % Masterplan, requesting approval of an amendment to Planned Development (PD) 18-33 and Planned Development (PD) District 03-53. This property is located at 3422 Firewheel Parkway. (File Z 21-48, District 1)

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

Motion was made by Council Member Bass to approve Items 9e and 9f as presented, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

f. **APPROVED** **Consider a Detail Plan request by Wood Partners % Masterplan to construct 250 Multi-Family dwelling units. This site is located at 3422 Firewheel Parkway in District 1.**

Consideration of the application of Wood Partners % Masterplan, requesting approval of a Detail Plan for Multi-Family development. This property is located at 3422 Firewheel Parkway. (File Z 21-48, District 1)

g. **APPROVED** **Consider a Zoning request by Stantec Consulting Services, Inc. to expand the car staging parking lot for Carmax. This site is located at 2101, 2110 and 2201 Millay Boulevard and 12715 Lyndon B Johnson Freeway in District 5.**

Consideration of the application of Stantec Consulting Services, Inc., requesting approval of an amendment to Planned Development (PD) District 00-21 and Planned Development (PD) District 97-12 to allow Automobile Sales, New or Used. This property is located at 2101, 2110 and 2201 Millay Boulevard and 12715 Lyndon B Johnson Freeway. (File Z 21-49, District 5)

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were: Paul Hames and David Szafarz, applicant(s).

There was discussion by the Council.

Motion was made by Council Member Aubin to combine Items 9g and 9h with conditions restricting auto sales and repair, vehicles must be operable and accessory to the automobile sales land use located on the Carmax dealership across the street, also addressing lighting concerns, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

h. **APPROVED** **Consider a Detail Plan request by Stantec Consulting Services, Inc. to expand the car staging parking lot for Carmax. This site is located at 2101, 2110 and 2201 Millay Boulevard and 12715 Lyndon B Johnson Freeway in District 5.**

Consideration of the application of Stantec Consulting Services, Inc., requesting approval of a Detail Plan for Automobile Sales, New or Used on a property zoned Planned Development (PD) District 00-21 and Planned Development (PD) District 97-12. This property is located at 2101, 2110 and 2201 Millay Boulevard and 12715 Lyndon B Johnson Freeway. (File Z 21-49, District 5)

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

11. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:57 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce Rene Dowl, City Secretary