GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, November 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 Deborah Morris
	Deputy Mayor Pro Tem Robert John Smith
	Council Member Jeff Bass
	Council Member Ed Moore
	Deputy Mayor Pro Tem B.J. Williams
	Council Member Margaret Lucht
	Council Member Robert Vera
	Council Member Dylan Hedrick
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.

The motion was made by Council Member Vera to approve the Consent Agenda as presented, seconded by Council Member Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

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

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

a. **APPROVED** **Central Library Construction Services** **Bid No. 0379-21**

Core Construction **$1,746,129.00**

This request is for the purchase of building materials for the upcoming renovations at Central Library.

b. **APPROVED** **Water & Wastewater Mains Replacement** **Bid No. 1210-22**

La Banda, LLC **$876,397.00**
Optional Contingency **95,000.00**

TOTAL:	**$971,397.00**

This request is to provide construction services to replace water and wastewater lines including all incidentals at Seventh Street (Edgefield Alley - Avenue G), Sixth Street (Edgefield Alley - Avenue G), and Edgefield Alley (Edgefield Circle - Fifth Street). An Optional Contingency is included for any additional work that may be required.

c. **APPROVED** **Sedans** **Bid No. 0159-23**

Donaldson-Hiner Automotive Group	**$137,110.00**

This request is for the purchase of five replacement sedans to be utilized by the Garland Police Department.

d. **APPROVED** **Asphalt Patching Truck** **Bid No. 0162-23**

Freightliner of Austin	**$272,875.00**

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

e. **APPROVED** **Replacement Bus for Senior Activity Center** **Bid No. 0147-23**

Creative Bus Sales	**$138,923.00**

This request is for the replacement purchase of a bus to be utilized by the Senior Activity Center.

f. **APPROVED** **Rosehill Road Streetscape** **Bid No. 0834-21**

The Fain Group, Inc.	**$174,140.91**

This request is to approve a Change Order for the Rosehill Road Streetscape construction project.

g. **APPROVED** **GP&L College to Jupiter 138kV Transmission Line Materials** **Bid No. 1301-22**

KBS Electric Distributors, Inc.	**$124,902.10**
Optional Contingency	**12,490.21**
TOTAL:	**$137,392.31**

This request is for the purchase of conductor, insulation, and associated materials for the upgrade of the College to Jupiter Transmission Line to 138kV. An Optional Contingency is included for any additional materials that may be required.

h. **APPROVED** **TMPA Gibbons Creek Substation Materials** **Bid No. 1240-22**

KBS Electrical Distributors, Inc.	**$107,897.35**
Optional Contingency	**10,789.74**
TOTAL:	**$118,687.09**

This request is for the purchase of structural steel, bus, insulators, and miscellaneous station materials needed to refit the TMPA Gibbons Creek Substation as part of the decommissioning of the Gibbons Creek Plant. An Optional Contingency is included for any additional materials that may be required.

i. **APPROVED** **GP&L Ben Davis Substation Control Enclosure** **Bid No. 1127-22**

Electrical Power Products, Inc.	**$2,935,795.00**
Optional Contingency	**293,579.50**
TOTAL:	**$3,229,374.50**

This request is for the purchase of a control enclosure for the Ben Davis Substation as part of the approved Ben Davis Flood Mitigation CIP project. An Optional Contingency is included for any additional materials that may be required.

j. **APPROVED** **GP&L and TMPA Herbicide Spraying Services** **Bid No. 1027-17**

ChemPro Services, Inc. **$35,984.00**

This request is to approve a Change Order to the final renewal of the annual right-of-way herbicide spraying services for GP&L and TMPA transmission systems.

k. **APPROVED** **GP&L Lookout Substation NTT Terminal and Bus Hardening** **Bid No. 0155-23**

POWER Engineers **$924,893.00**

This request is to obtain engineering services associated with the addition of NTT Raging Wire Terminals 3 and 4 at the GP&L Lookout Substation.

l. **APPROVED** **Switchgears for Warehouse Inventory** **Bid No. 0011-23**

Techline, Inc. **$192,836.00**

This request is for the purchase of Switchgears for Warehouse inventory to support GP&L.

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 22-60, Don Gordon (District 8)**

Ordinance No. 7381 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 22-02 to allow a Warehouse, Office/Showroom (Indoors) Use and 2) a Detail Plan for a Warehouse, Office/Warehouse, (Indoors) 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** **Ordinance No. 7382** Chapter 31, "Engineering" of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a Severability Clause; and setting an effective date.

At the November 14, 2022, Work Session, Council considered the amendments to Chapter 31, Article VII Flood Damage Prevention, Section 31.100 and addition of Section 31.108 of the Code of Ordinances.

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.

5. **APPROVED** **Resolution No. 10567** of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of property rights located on or near Ferris Road, in the City of Garland, Texas, said property interest 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 not been able to successfully negotiate a final purchase price with one property owner to acquire the necessary property interests. 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 the project in Executive Session on November 14, 2022.

The motion was made by Council Member Bass that the City Council of the City of Garland, Texas, authorize the use of the power of eminent domain to acquire property interests on the property on or near Ferris Road in Garland, Texas, and as more fully described in Exhibit "A" to the proposed ordinance located within the City of Garland, Dallas County, Texas for the completion of a water loop along the north side of President George Bush Turnpike to provide adequate water pressure and volume along the 190 Corridor. 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 Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays

6. **Hold public hearings on:**

a. APPROVED **Consider a Zoning request by Maxwell Fisher, ZoneDev on behalf of HCA Health Care (Kyle Marden), to allow a medical clinic with ambulance service. The site is located at 3318 West Buckingham Road in District 6.**

Consideration of the application of Maxwell Fisher, ZoneDev on behalf of HCA Health Care (Kyle Marden), requesting approval of an Amendment to Planned Development (PD) District 17-18 for Community Retail Uses. This property is located at 3318 West Buckingham Road. (File Z 22-53, District 6)

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

There was discussion by the Council.

The motion was made by Council Member Vera to approve the Zoning request (Item 6a) and the Detail Plan (Item 6b) as presented, seconded by Deputy Mayor Pro Tem Smith. Motion carried:

Vote: 9 ayes 0 nays

b. APPROVED **Consider a Detail Plan request by Maxwell Fisher, ZoneDev on behalf of HCA Health Care (Kyle Marden), to allow a medical clinic with ambulance service. The site is located at 3318 West Buckingham Road in District 6.**

Consideration of the application of Maxwell Fisher, ZoneDev on behalf of HCA Health Care (Kyle Marden), requesting approval of a Detail Plan for a Medical and Dental Office/Clinic Use. This property is located at 3318 West Buckingham Road. (File Z 22-53, District 6)

c. APPROVED **Consider a request by Luis Fernando Gutierrez, to allow a zoning change from Single-Family-7 (SF-7) District to a Planned Development (PD) District for Neighborhood Services Uses. The property is located at 820 West Miller Road in District 5.**

Consideration of the application of Luis Fernando Gutierrez, requesting approval of a Change of Zoning from Single-Family-7 (SF-7) District to a

Planned Development (PD) District for Neighborhood Services Uses. This property is located at 820 West Miller Road. (File Z 22-54, District 5)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Luis Fernando Gutierrez, applicant.

There was discussion by the Council

The motion was made by Council Member Lucht to deny the Zoning request, seconded by Deputy Mayor Pro Tem Smith. Motion to deny carried:

Vote: 6 ayes, 3 nays (Mayor LeMay, Council Members Bass and Hedrick)

d. **APPROVED** **Consider a Specific Use provision renewal request by William Bebb Francis III, to allow the continuation of an existing cellular tower. This property is located at 5200 Bobtown Road in District 3.**

Consideration of the application of William Bebb Francis III, requesting approval of a Specific Use Provision renewal for an Antenna, Commercial Use on a property zoned Agricultural (AG) District. This property is located at 5200 Bobtown Road. (File Z 22-55, District 3)

The staff report was presented by Willliam Guerin, Director of Planning. The speaker on this item was William Bebb Francis III, applicant.

The motion was made by Council Member Moore to approve the Specific Use Provision renewal (Item 6d) and the Site Plan (Item 6d), seconded by Mayor Pro Tem Morris. Motion carried;

Vote: 9 ayes, 0 nays

e. **APPROVED** **Consider a Site Plan request by William Bebb Francis III, for an existing cellular tower. This property is located at 5200 Bobtown Road in District 3.**

Consideration of the application of William Bebb Francis III, requesting approval of a Plan for an Antenna, Commercial Use on a property zoned Agricultural (AG) District. This property is located at 5200 Bobtown Road. (File Z 22-55, District 3)

7. **Citizen comments:** Randall Carnes

8. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:49 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl

Eloyce René Dowl, City Secretary