MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, October 10, 2023, 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 Jeff Bass Deputy Mayor Pro Tem Ed Moore Council Member Deborah Morris Council Member B.J. Williams Council Member Carissa Dutton Council Member Margaret Lucht Council Member Dylan Hedrick Council Member Chris Ott
Staff Present:	Deputy City Manager Mitch Bates Assistant City Manager Andy Hesser Assistant City Manager Phillip Urrutia 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.

Crystal Lazo, Animal Services, Adoption Specialist, presented the Pet of the Month.

Mayor LeMay presented a proclamation to Christina Coultas, CEO of Hope's Door New Beginning, proclaiming October 2023 to be Domestic Violence Awareness Month.

Mayor LeMay, Michael Polocek, Director of Engineering and Jake Fisher, Sr. Civil Engineer, accepted a plaque from Gilbert Gironjr, FEMA Region VI Representative, recognizing Garland as a Class 6 participant in the National Flood Insurance Program (NFIP).

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 Deputy Mayor Pro Tem Moore to approve the Consent Agenda, as presented, excluding Item 4, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

1. MINUTES

a. APPROVED Consider approval of the minutes of the September 19, 2023, Regular Meeting.

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

a. APPROVED **2023 Term Contract For Concrete Ready Mix** **Bid No. 1095-23**

Cooper Concrete Company (Primary)	**$ 1,875,000.00**
Bodin Concrete (Secondary)	**$ 625,000.00**
TOTAL:	**$ 2,500,000.00**

This request is for the 2023 Term Contract for Concrete Ready Mix. The recommended contract award to two (2) bidders will ensure the availability and supply of concrete ready mix for Street Department projects constructed by in-house resources. Staff recommends awarding each vendor a one-year contract with four (4) one-year renewal options. A 30-day written termination clause shall remain in effect.

b. APPROVED **TMPA Rayburn Country 138kV POI- Steel Structures** **Bid No. 1017-23**

Techline, Inc **$ 416,347.80**

This request is for the purchase of steel structures and associated materials needed for the construction of the TMPA 138kV point of interconnection with Rayburn Country Electric Cooperative. This project is part of the approved TMPA Rayburn Country 138kV Point of Interconnection CIP project and will be reimbursed at 100%.

c. APPROVED **GP&L Fairdale Substation Terminal Upgrade Engineering Services** **Bid No. 1291-23**

Burns & McDonnell **$ 256,500.00**

This request is to obtain professional engineering services to support the College Terminal upgrade at the GP&L Fairdale Substation. This is part of the approved Substation Terminal Upgrades CIP project.

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 **Z 23-06 Jamecisa Sims / Ron Hobbs Architecture & Interior Design LLP (District 4)**

Ordinance No. 7468 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Restaurant, Drive-Through Use on a 0.289-acre tract of land zoned Community Retail (CR) District and located at 5514 & 5516 Broadway Boulevard; 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 **Z 23-26, Larry Hishmeh (District 2)**

Ordinance No. 7469 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Mobile Food Truck Use on a 0.078-acre tract of land located at 101 South Sixth Street zoned Downtown (DT) District, Downtown Historic Sub-District; 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. **PULLED** **Purchase of Real Property and Approval of the Disposition and Development Agreement Related to 519 State Street, Garland, Texas.**

Approve the purchase of real property located at 519 State Street, Garland, Texas and the ancillary Disposition and Development Agreement, and authorize the City Manager to execute any necessary documents related to the same. Council discussed this item and the substantive terms and conditions in executive session at the October 9th Work Session.

Mayor LeMay gave Council Member Hedrick the floor to speak on this item. Council Member Hedrick presented his views and concerns regarding the purchase of the property. Additionally, Council Members, Lucht, Dutton, Morris, Ott, Williams and Deputy Mayor Pro tem Moore presented comments.

The speakers in support of this item were Jamie Miller, Donna Baird and Matt Archer. The speaker in opposition to the item was Jocelyn Mintzlaff. Kara McElroy registered a position for the item. The following persons registered a position against the item: Karin Wiseman, Trayc Claybrook, Chris Fagan, and Larry Hishmeh.

Matt Watson, Director of Finance, explained the structure of the Downtown/Forest Tax Increment Finance Zone #2. He explained how funding has been used for current and future redevelopment and for this acquisition.

There was additional discussion by Council Member Morris and rebuttal by Council Member Hedrick.

Mayor LeMay presented opined on historical economic development events in Garland, ending his comments and calling for the question from Council Member Morris.

The motion was made by Council Member Morris to approve the item as presented, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

Vote: 6 ayes, 3 nays (Council Members: Dutton, Hedrick and Williams). Mayor LeMay proceeded to sign the contract at the dais.

Mayor LeMay recessed the meeting at 8:18 p.m.

Mayor LeMay reconvened the meeting at 8:35 p.m.

5. APPROVED **Ordinance No. 7470 for the removal of the right turn restriction at Garland Avenue and Miller Road**

Council approved an ordinance to remove the right on red prohibition at Garland Avenue and Miller Road based on geometric improvements at the intersection.

6. APPROVED **Ordinance No. 7471 to reconfigure speed limit revisions on Bobtown Road**

Council approved an ordinance for the reconfiguration of the speed limit on Bobtown Road due to recent roadway construction.

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 **Consider a Specific Use Provision request by Pacheco Koch, a Westwood Company for an Electric Substation to support Garland Power & Light (GP&L) and a future data center. The site is located at 741 Holford Road in District 1.**

Consideration of the application of Pacheco Koch, a Westwood Company, requesting approval of a Specific Use Provision for an Electric Substation use on a property zoned Planned Development (PD) District 20-17. This property is located at 741 Holford Road. (File Z 23-25, District 1)

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

The motion was made by Council Member Bass to approve the Specific Use Provision (Item 7a) and the Detail Plan (Item 7b), seconded by Council Member Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED **Consider a Detail Plan request by Pacheco Koch, a Westwood Company for an Electric Substation to support Garland Power & Light (GP&L) and a future data center. The site is located at 741 Holford Road in District 1.**

Consideration of the application of Pacheco Koch, a Westwood Company, requesting approval of a Detail Plan for an Electric Substation. This property is located at 741 Holford Road. (File 23-25, District 1)

c. APPROVED **Consider a Zoning request by Spiars Engineering for a senior independent living development with 152 dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5.**

Consideration of the application of Spiars Engineering, requesting approval of a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care -- Independent Living Use. This property is located at 413 & 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-29, District 5)

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

The speaker on this item was Scott Theeringer, Developer. The speakers in favor of the item were Mark Ewing, Kathleen Johnson, Maxine Priebe and Sam Pierre-Auguste. The speaker in opposition to the item was Dr. Tricia Harris. Terri Bradshaw registered a position in favor of the item.

There was discussion by the Council.

The motion was made by Council Member Lucht to approve the Zoning request (Item 7c) and the Detail Plan (Item 7d), seconded by Council Member Williams. The motion carried:

Vote: 9 ayes, 0 nays

d. APPROVED **Consider a Detail Plan request Spiars Engineering for a senior independent living development with 152 dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5.**

Consideration of the application of Spiars Engineering, requesting approval of a Detail Plan for Elder Care-Independent Living Use. This property is located at 413 & 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-29, District 5)

e. POSTPONED **Consider a Downtown Development Plan request by Momentum Tattoo LLC for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B in District 2.**

Consideration of the application of Momentum Tattoo LLC., requesting approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use. This property is located at 532 Main Street, Suite B. (File Z 23-30, District 2) **(The applicant requests postponement to the October 17, 2023, Regular City Council meeting.)**

The motion was made by Council Member Morris to this application to October 17, 2023, seconded by Mayor Pro Tem Bass. Motion carried:

Vote: 9 ayes, 0 nays

f. **Consider a Downtown Development Plan request by Momentum Tattoo LLC for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B in District 2.**

Consideration of the application of Momentum Tattoo LLC., requesting approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use. This property is located at 532 Main Street, Suite B. (File Z 23-30, District 2) (The applicant requests postponement to the October 17, 2023, Regular City Council meeting.)

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.

a. **Council Member Carissa Dutton**

- Susan Vaden - Library Board
- Patrick Abell - Plan Commission

Council Member Dutton read her nominations into the record and a vote was cast with the following result:

Vote: 9 ayes, 0 nays

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

10. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:18 p.m.

Submitted By:

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Scott LeMay, Mayor

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Eloyce Rene Dowl, City Secretary