

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

February 21, 2012

7:00 p.m.

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRaille IS NOT AVAILABLE.**

CITY COUNCIL GOALS 2020

(Adopted by Resolution No. 9402 on December 20, 2005)

- **Sustainable quality development and redevelopment**
- **Financially stable government with tax base that supports community needs**
- **Defends rightful powers of municipalities**
- **Fully informed and engaged citizenry**
- **Consistent delivery of reliable City services**
- **Safe, family-friendly neighborhoods**
- **Embrace diversity**

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has been briefed on 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.

1. Consider approval of the minutes of the February 7, 2012 Regular Meeting.
2. Consider approval of the following bids:

Fleet Fuels

Bid No. 2783-12

Douglass Distributing Company \$5,200,000

This request is for a term contract to secure long-term pricing and supply for fleet fuels to be utilized by various City departments in daily operations. A fleet fuel contract was previously awarded to Martin Eagle Oil Company through an interlocal agreement with Tarrant County. Due to unfavorable market conditions, Martin Eagle Oil Company submitted a written request to terminate their contract with Tarrant County and the remainder of the contract was awarded to the secondary supplier, Douglass Distributing Company.

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. Zoning File No. 11-01, Rita Segovia

Consider an ordinance amending the zoning laws of the City of Garland by approving a house conversion for Sunday School classes on property zoned Single Family-7 (SF-7/G/3) District on a 0.16-acre tract of land located at 409 Freeman Drive.

b. Zoning File No. 12-01, Jupiter Management Group

Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Industrial-1 (I-1) District to Commercial 1 (C-1) District on a 2.76-acre tract of land located at 2206 – 2218 South Jupiter Road.

c. Zoning File No. 12-02, Jupiter Shopping Center

Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Industrial-1 (I-1) District to Commercial 1 (C-1) District on a 1.03-acre tract of land located at 1417 – 1449 South Jupiter Road.

4. Consider a resolution accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Comprehensive Grant.

At the February 20, 2012 Work Session, Council was scheduled to consider authorizing the acceptance of a TxDOT STEP Impaired Driving Mobilization Grant consisting of driving while intoxicated enforcement in the amount of \$31,868.50. The required enforcement period will be March 2012 – September 2012.

5. Consider a resolution providing for the redemption of certain outstanding City of Garland, Texas, Tax Notes, Series 2011; and resolving other matters incident and related to the redemption of such obligations.

At the February 6, 2012 Work Session, Council considered authorizing the early redemption of \$5,400,000 of tax notes on March 1, 2012. At the time Council approved the issuance of tax notes on September 6, 2011, it was contemplated that the City would exercise the call provision to redeem the notes on March 1, 2012 prior to their scheduled maturity date of November 15, 2012.

6. **Consider a resolution authorizing the Interim City Secretary to enter into an election services contract for the administration of a general election, and if needed, a runoff election.**

The proposed contract with Dallas County is to conduct the City of Garland General Election on May 12, 2012 for the purpose of electing Council members for Districts 1, 2, 4, and 5. Due to litigation involving the state redistricting maps, Dallas County Elections Administration Office is unable to provide cost estimates at this time for the May election. Estimated costs should be available within the next few weeks. The City has budgeted \$54,000 for election expenses in the 2011-12 budget. The initial contract payment is due on February 28, 2012.

7. **Consider a resolution authorizing the City Manager to execute an engineering services agreement with Surveying and Mapping, Inc.**

An engineering services agreement with Surveying and Mapping, Inc. in the amount of \$180,000 will provide a boundary and LIDAR survey of the Olinger – Greenville Interchange 138kV Transmission Line Reconstruction Project. The engineering services are necessary as the transmission interchange has reached its serviceable life. The City needs to increase the lines capacity to a larger conductor and complete the extension of communication capabilities by installing fiber optical ground wire.

8. **Consider a resolution authorizing the City Manager to execute a Professional Services Agreement with Burns & McDonnell Engineering Company.**

An engineering services agreement with Burns & McDonnell Engineering Company will provide all engineering design services, construction support, bid assistance, geotechnical investigation services, construction staking, and other engineering services as required to complete the Olinger – Greenville 138kV Interchange Transmission Line Reconstruction Project.

9. **Consider a resolution suspending the March 6, 2012 effective date of Atmos Energy Corp., Mid-Tex Division requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee and other cities in the Atmos Energy Corp., Mid-Tex Division Service Area to hire legal and consulting services and to negotiate with the company and**

direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; requiring notice of this resolution to the company and legal counsel.

At the February 20, 2012 Work Session, Council was scheduled to consider approving a resolution to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate filing proposal. The resolution suspends the March 6, 2012 effective date of the rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Atmos Cities Steering Committee, to evaluate the filing, determine whether the filing complies with law, and if lawful to determine what further strategy to pursue.

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 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.

- 10. Hold a public hearing regarding the 2012 Proposed Capital Improvement Program.**

All interested persons will be given the opportunity to be heard for or against the proposed 2012 Proposed Capital Improvement Program (CIP). The proposed CIP has been available for public inspection in the City's libraries, City Secretary's Office, and on the City's website since January 18, 2012.

- 11. Consider an ordinance approving the 2012 Proposed Capital Improvement Program.**

On January 17, 2012, Council was presented the 2012 Proposed Capital Improvement Program (CIP). The following day copies of the Proposed CIP were made available for public inspection at the City Libraries, City Secretary's Office, and on the City's website. A public hearing was also held

on February 7, 2012. Council held a Special Budget Work Session on January 24, 2012 to review the proposed program and held discussions on the CIP at the February 6, 2012 Work Session.

12. Hold public hearings on the following zoning cases:

- a. Consider the application of Garland Eastgate LP, requesting approval of 1) a change of zoning from Planned Development (PD) Districts 06-37 and 07-70 for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses and Freeway Uses, 2) a Concept Plan for Multi-Family Uses and Freeway Uses, 3) a variance to Section 12-530 of Comprehensive Zoning Ordinance 4647 regarding off-street parking requirements. This property is located north of Marketplace Drive, west of Saturn Road (File 11-32)**

The proposal is for approval of a change of zoning from Industrial 1 to a Commercial 1 District. At the January 23, 2012 meeting, the Plan Commission (by a 7 to 2 vote) recommended approval of 1) a change of zoning, 2) a Concept Plan for Multi-Family Uses and Freeway Uses, 3) variances to roof pitch and vaulted ceilings, multi-family building placement, landscape buffers along thoroughfares, site landscaping and perimeter screening, and 4) a variance regarding off-street parking requirements as recommended by staff.

- b. Consider the application of Garland Cinema Inc, requesting approval of 1) a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District, and 2) a variance to Section 12 (12-530) of Comprehensive Zoning Ordinance 4647 regarding off-street parking requirements. The property is located at 3310 W. Walnut Street. (File 12-03)**

The proposal is for approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center. At the January 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of five years tied to Sanjay Chandahas. The hours of operation were modified to 6 p.m. to 2 a.m. on weekdays and noon to 2 a.m. on weekends and days when school is not in session.

- c. Consider the application of Perren Gasc, requesting approval of 1) a change of zoning from Planned Development (PD) District 80-42 for General Business Uses to Commercial-1 District, and 2) a Specific**

Use Permit for Automotive Repair, Major. The property is located at 5615 Broadway Boulevard. (File 12-04)

The proposal is for approval of 1) a change of zoning from Planned Development 80-42 for General Business Uses to a Planned Development for Commercial-1 Uses and 2) a Specific Use Permit for Automotive Repair, Major to allow for an AAMCO Transmission shop. At the January 23, 2012 meeting, the Plan Commission (by an 8 to 1 vote) recommended approval of 1) a Planned Development for Commercial 1 (C-1) uses striking the uses listed by staff in addition to those proposed by the applicant, and allowing Transmission Repair as the only Major Automotive Repair use and 2) a Specific Use Permit for Automotive Repair, Major (Transmissions only) for a period of ten years tied to AAMCO Transmission.

- d. Consider the application of Harrison French & Associates, requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District. The property is located at 2510 Belt Line Road. (File 12-05)**

The proposal is for approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center. At the January 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 20 years tied to 7 – Eleven, Inc.

13. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

14. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Verizon FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.

**SUPPLEMENTAL NOTICE OF ADDITIONAL AGENDA ITEM
REGULAR MEETING OF THE CITY COUNCIL
CITY OF GARLAND**

NOTICE is hereby given that the City Council of the City of Garland, Texas, will consider the following additional item at their Regular Meeting to be held on Tuesday, February 21, 2012, at 7:00 p.m. in the Council Chambers located in City Hall, 200 North Fifth Street, Garland, Texas.

- 9a. Consider approving by minute action authorizing the City Manager to execute a consulting agreement with Ray Schwertner.**

At the January 3, 2012 Executive Session, Council discussed the reassignment of Ray Schwertner, the Managing Director of Electric Utility, to a consulting basis. Council Member Douglas Athas and Mayor Pro Tem Preston Edwards requested that the proposed consulting agreement between the City and Ray Schwertner be placed on the consent agenda for Council approval.