

**Minutes of the City Council  
Regular Meeting  
January 6, 2015**

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, January 6, 2015, in the Goldie Locke Room at The Duckworth Building, 217 North Fifth Street, Garland, Texas, with the following members present:

COUNCIL PRESENT:	Mayor	Douglas Athas
	Deputy Mayor Pro Tem	Marvin 'Tim' Campbell
	Council Member	Anita Goebel
	Council Member	Stephen Stanley
	Council Member	B. J. Williams
	Council Member	Billy Mack Williams
	Council Member	Lori Barnett Dodson
	Council Member	Scott LeMay

ABSENT:	Mayor Pro Tem	Jim Cahill
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STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim Assistant City Secretary	Courtney Vanover

CALL TO ORDER:	The meeting was called to order by Mayor Douglas Athas. Deputy Mayor Pro Tem Tim Campbell led the Invocation and the Pledge of Allegiance.
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CONSENT AGENDA:	All items marked with asterisks (**) on the consent agenda were voted on at the beginning of the meeting. Motion was made by Deputy Mayor Pro Tem Campbell and seconded by Council Member Stanley to approve items 1, 2a, 2b, 2c, 2d, 3a, 3b, 4, 5, 6, and 7 as presented. Motion to approve carried with 8 Ayes and 0 Nays.
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1. APPROVED**	Minutes of the December 16, 2014 Regular Meeting.
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2a. APPROVED **	Bid No. 4948-15 to ABB, Inc. in the amount of \$279,970 to provide thirty potential transformers and one station service voltage transformer as part of Garland Power & Light's Wylie Switchyard project.
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2b. APPROVED **	Bid No. 4950-15 to Mart, Inc. in the amount of \$120,000 to provide all labor, supervision, materials, services, and equipment required to construct interior finish out of approximately 6,000 square feet within an existing building located at 510 W. Avenue B. The building will be used for
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Garland Power & Light's Transmission Engineering operations.

- 2c. APPROVED \*\* Bid No. 5001-15 to Freightliner of Austin in the amount of \$160,734 for the purchase of a flameless pothole patching truck to be used by the Street Department in their daily operations.
- 3a. APPROVED \*\* Ordinance No. 6749 amending the zoning laws of the City of Garland by approving a Specific Use Permit for an Antenna, Commercial Type 2 on a 0.0248-acre tract of land located at 825 E. I-30 Freeway. Zoning File No. 14-44, Verizon Wireless.
- 3b. APPROVED\*\* Ordinance No. 6750 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 21,501 square foot tract of land zoned Planned Development District for General Business and located at 1102 Lavon Drive. Zoning File No. 14-45, INZI, Inc.
4. APPROVED \*\* Resolution No. 10172 authorizing the City Manager to enter into a Credit Sales Agreement with Trinity River Mitigation Bank, L. P. in the amount of \$178,500.
5. APPROVED \*\* Resolution No. 10173 authorizing the purchase of electric transmission assets, including the associated easements, from Brazos Electric Power Cooperative in the amount of \$173,181.
6. APPROVED \*\* Consider approval by minute action extending Officer Billy Ivy's injury leave at full pay through June 27, 2015.
7. APPROVED\*\* Resolution No. 10174 approving and funding a 2014-15 Cycle 1 Neighborhood Vitality Matching Grant Project for Travis College Hill Addition.

#### ITEMS FOR INDIVIDUAL CONSIDERATION

8. DENIED Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District

on a 21.2676-acre tract of land located at 2801 Wood Drive with the applicant Masterplan, Zoning File No. 14-43. Mayor Athas noted that this item would normally be on the Consent Agenda, but because there is more than 20 percent opposition by adjoining land owners, it does not vote with a super majority rule. Mayor Athas also noted that it takes seven Council Members to approve the ordinance. Mayor Athas read the following names into the record that were against the ordinance approval: Linda Orr, Neil Lampel, Jeff Hardage, Jon Simikic, Donna Nelson, Diana Holland, Stacey Simikic, Jerry Tarter, John Willis, Fredda Merritt and Kim Lowrie. Mayor Athas read the following name into the record that was for the approval of the ordinance: Michael Landers. There were several speaker cards submitted late in the meeting that were also for the approval of the ordinance. Council Member Dodson made a motion, seconded by Council Member LeMay, to postpone the item until the January 20, 2015 meeting. A vote was cast and the motion to postpone failed with 3 Ayes and 5 Nays. (Mayor, Campbell, Goebel, Stanley and Billy Mack Williams). Council Member Billy Mack Williams made a motion, seconded by Deputy Mayor Pro Tem Campbell, to deny approval of the ordinance. A vote was cast and the motion to deny passed 5 Ayes and 3 Nays. (Mayor, Dodson and LeMay).

9. APPROVED

Director of Planning Anita Russelmann provided background information to Council and answered their questions regarding the Garland Development Code and Zoning Map. The following persons spoke: John Willis and Barbara Onstot. Council Member B.J. Williams made a motion, seconded by Deputy Mayor Pro Tem Campbell, to approve the Garland Development Code and Zoning Map. A vote was cast and the motion to approve carried with 8 Ayes and 0 Nays.

10. APPROVED

Director of Planning Anita Russelmann presented the staff report related to the application of Fourth Avenue Investment requesting approval of a waiver of the required payment to the Reforestation and Tree Management Fund of Tree Preservation Ordinance 5731. Shane Jordon, the applicant addressed the Council. Council Member Dodson made a motion, seconded by Council Member Stanley, to approve

the request. A vote was cast and the motion to approve carried with 8 Ayes and 0 Nays.

11a. APPROVED

Mayor Athas recused himself and Deputy Mayor Pro Tem Campbell took the chair. Director of Planning Anita Russelmann presented the staff report related to the application for AT&T Mobility DBA Crown Castle requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District. This property is located at 4105 Broadway Boulevard, southeast of the intersection of Broadway Boulevard and Bruce Drive, Zoning File No. 14-46, District 4. The following person spoke during the public hearing: Haley Peck, with Crown Castle. Council Member B.J. Williams made a motion, seconded by Council Member Stanley, to approve the request. A vote was cast and the motion to approve carried with 7 Ayes and 0 Nays. (Mayor recused).

Mayor Athas returned back to the meeting.

11b. APPROVED

Director of Planning Anita Russelmann presented the staff report related to the application for MUY Hamburger Partners, LLC requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District and 2) a variance to Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material. This property is located north of the northwest intersection of South Garland Avenue and Miller Road, Zoning File No. 14-48, District 8. The following person spoke during the public hearing: Jim Moll, the Director Developer for MUY Hamburger Partners, LLC. Council Member Bill Mack Williams made a motion, seconded by Council Member Goebel, to approve the request. A vote was cast and the motion to approve carried with 8 Ayes and 0 Nays.

11c. APPROVED

Director of Planning Anita Russelmann presented the staff report related to the application for Smithers Merchant Builders, LP requesting approval of 1) a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses and 2) a Specific Use Permit and Detail Plan for Nursing Home/Convalescent Center. This property is located on the north side of Belt Line Road, approximately 400 feet west of

the intersection of Belt Line Road and Shiloh Road, Zoning File No. 14-49, District 7. The following person spoke during the public hearing: Rick McNealy, with Smithers Merchant Builders, LP. Council Member LeMay made a motion, seconded by Council Member Dodson, to approve the request. A vote was cast and the motion to approve carried with 8 Ayes and 0 Nays.

12. Citizen Comments    Kerry Yarbrough  
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There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 8:13 p. m.

**CITY OF GARLAND**

Signed:

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Mayor Douglas Athas

Attest:

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Interim Assistant City Secretary