

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, September 21, 2010, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Larry Jeffus
Councilmember	Douglas Athas
Councilmember	Laura Perkins Cox
Councilmember	Preston Edwards
Councilmember	John Willis
Councilmember	Barbara Chick
Councilmember	Rick Williams
Councilmember	Darren Lathen

STAFF PRESENT:	City Manager	Bill Dollar
	City Attorney	Brad Neighbor
	City Secretary	Mary J. Kayser
	Recording Secretary	Yvonne Naser

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Revered Jerry Putnam, St. Philips UMC led the invocation and Mayor Pro Tem Jeffus led the pledge.

CEREMONIALS: Proclamation for Hispanic Awareness Month.

Recognition of the Garland Youth Council.

Recognition of Boy Scout Troop 145.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Councilmember Chick, seconded by Councilmember Williams to approve Consent Agenda Item #'s: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 and 12. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved\*\* Approve the minutes of the September 7, 2010 Regular Meeting.

(The record reflects that the agenda listed the approval of the August 17, 2010 regular meeting minutes however, the September 7, 2010 regular meeting minutes were presented and approved)

2. Approved\*\* Award the bid for 2000A Airbreak V Type Disconnect Switches (Bid No. 318-10) to USCO Power Equipment in the amount of \$145,800.00.

3. Approved\*\*  
Ordinance 6425 approving a Specific Use Permit for a Convenience Store on a 0.053-acre tract of land zoned Planned Development (PD) District 76-15 for General Business Uses, located at 961 West Centerville Road, northeast of the intersection of Marketplace Drive and West Centerville Road. (Zoning File No. 10-23, Manju Kakadia)
4. Approved\*\*  
Resolution 9954 authorizing the Mayor to execute a deed without warranty for the sale of the vacant lot located at 826 June in the City of Garland to Habitat for Humanity for \$13,000.
5. Approved\*\*  
Resolution 9955 establishing Monday, October 4, 2010 as the date of the first meeting of the City Council in October 2010.
6. Approved\*\*  
Ordinance 6426 approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's third rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; extending the RRM process for two cycles and adopting a new tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and the Steering Committee's legal counsel.
7. Approved\*\*  
Resolution 9956 abandoning, releasing, and quitclaiming an 18-foot by 33.5-foot utility easement. St. Thomas – The Apostle Catholic Church will replat the property and dedicate a new utility easement.

8. Approved\*\* Resolution 9957 abandoning, releasing, and quitclaiming a certain easement related to Miller Road Baptist Church, and correcting scrivener errors, omissions and mistakes in a certain resolution and separate instrument.
10. Approved\*\* Ordinance 6427 making findings under the provisions of Section 542.007, Tex. Trans. Code; amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland to extend the general traffic regulations that are applicable to public streets to roads that are privately owned and maintained within the Retreat at Firewheel subdivision; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland.
11. Approved\*\* Resolution 9959 establishing an emergency medical services fee pursuant to the provisions of Section 143.0052 of the Texas Local Government Code.
12. Approved\*\* Ordinance 6428 amending Chapter 51, "General Utility Provision," of the Code of Ordinances of the City of Garland regarding the Tester Registration Fee.
13. Approved Ordinance 6429 amending Section 25.04 of Chapter 25, "Parks and Recreation," of the Code of Ordinances of the City of Garland.

Mayor Jones recognized Linda Brownlee.

Motion was made by Councilmember Cox and second by Mayor Pro Tem Jeffus to approve Ordinance 6429 amending Section 25.04 of Chapter 25, "Parks and Recreation," of the Code of Ordinances of the City of Garland to name the main auditorium at the Granville Arts Center the "Linda Brownlee Auditorium". Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

9. Approved

Consider a resolution authorizing the City Manager to execute an agreement with David C. Baldwin Inc.

Speaking on this item from the staff were Neil Montgomery, Senior Managing Director of Development Services and Deputy City Manager Martin Glenn.

The following individuals addressed the Council on this item:

Janet Black, Jerry Flook, Cleo Holden, Robert A. Smith, and Wayne Everett spoke in opposition. Margie Sloan and Michael Hayslip spoke in support.

The following individuals registered their position in support but did not testify: Carlos Porras. The following individuals registered their position in opposition: Edd Holden, Jean Holmes, Ronald G, Leslie, Jessica Acosta, Suzanne Cook, Patricia Wetzel, Kim Everett, Carole Hawkins, RD Eads, Dale M. Martin and Les Cook.

Motion was made by Councilmember Cox and second by Councilmember Williams to authorize the City Manager to execute an agreement with David C. Baldwin Inc. for professional design services for the Downtown Square project.

Motion was made by Councilmember Lathen to postpone the consideration of the agreement with David C. Baldwin Inc. for professional design services for the Downtown Square project until November 16, 2010. This motion died for lack of a second.

The Mayor called for the vote on the main motion.

Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

The meeting was in recess from 8:50 pm until 9:03 pm.

14. Approved

Consider the application of Jerry Bell, requesting approval of a Specific Use Permit for Automotive Repair, Major on property zoned Planned Development (PD) District 05-51 for limited Commercial-1 Uses. The property is located at the southeast corner of Walnut Street and North First Street, west of Lavon Drive. (File 10-25)

Mayor Jones opened the public hearing at 9:04 PM. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and Jerry Bell. Written comments were provided by Mike Cloud.

Motion was made by Councilmember Cox and second by Councilmember Willis to close the public hearing and to deny the application of Jerry Bell, requesting approval of a Specific Use Permit for Automotive Repair, Major on property zoned Planned Development (PD) District 05-51 for limited Commercial-1 Uses. The property is located at the southeast corner of Walnut Street and North First Street, west of Lavon Drive. Motion failed: 4 Ayes; 5 Nays (Athas, Chick, Williams, Lathen and Jones); and 0 Abstentions.

Motion was made by Councilmember Athas and second by Councilmember Lathen to approve the application of Jerry Bell, requesting approval of a Specific Use Permit for Automotive Repair, Major on property zoned Planned Development (PD) District 05-51 for limited Commercial-1 Uses. The SUP would be for the 0.8 acre portion of the property. The property is located at the southeast corner of Walnut Street and North First Street, west of Lavon Drive. Motion carried: 8 Ayes; 1 Nays (Cox); and 0 Abstentions.

15.

Consider appointments to Boards and Commissions.

The following names were placed in nomination:

Deonaraine Sookdeo – Community Multicultural Commission  
(Athas)

Kurt C. Banowsky – Lake Ray Hubbard Appeals Board  
(Edwards)

Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

16. Citizen comments.

None

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 9:47 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary