

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, October 20, 2009, in the Council Chambers at City Hall with the following members present:

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

STAFF PRESENT:	City Manager	Bill Dollar
	City Attorney	Brad Neighbor
	City Secretary	Mary J. Kayser
	Deputy City Secretary	Debra Booth

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Councilmember Lathen led the invocation and the pledge.

CEREMONIALS: None

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Mayor Pro Tem Cox, seconded by Councilmember Edwards to approve Consent Agenda Item #'s: 1, 2a, 2b, 2c, 2d, 2e, 2f, 3, 4, 6, 7, 8, 9 and 10. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

The record reflects that Councilmember Athas and Councilmember Lathen abstained from item 10 due to a conflict of interest. A statement setting out the extent of the conflict is on file with the City Secretary.

1. Approved\*\* Approve the minutes of the October 5, 2009 Regular Meeting.

2a. Approved\*\* Award the bid for Furniture and Installation for Utility Services Buildings (Bid No. 14-10) to OM Workspace in the amount of \$726,692.74.

- 2b. Approved\*\* Award the bid for the Lyons to Oates 138 kV Transmission removal and replacement (Bid No. 477-09) to U. S. Utility Contractor Co. in the amount of \$214,458.40 with a Contingency of \$40,000.00 for a total of \$254,458.40.
- 2c. Approved\*\* Award the bid for the 2009 Water Utility Contract to provide all parts and labor for miscellaneous placement or repair of water and sanitary sewer mains and appurtenances at various locations throughout the City. (Bid No. 485-09) to Tri-Con Services, Inc. in the amount of \$1,500,000.00.
- 2d. Approved\*\* Award the bid for the Construction of Cell #5 for waste disposal at the Charles M. Hinton, Jr. Landfill. In addition, a stormwater channel, access road, truck pad, and installation of a gas probe GP-12 will be included in this project. (Bid No. 495-09) to L. D. Kemp Excavation, Inc. in the amount of \$2,226,110.02 with a Contingency of (15%) in the amount of \$333,916.51 for a total of \$2,560,026.53.
- 2e. Approved\*\* Award the bid for the Miller Road 138 kV Substation Construction Labor (Bid No. 499-09) to MasTec North American, Inc. in the amount of \$1,380,000.00.
- 2f. Approved\*\* Award the bid for the Apollo Pump Station Backup Generator Repair (Bid No. 546-09) to Holt Cat in the amount of \$109,347.39.
3. Approved\*\* Ordinance 6361 approving an amendment to Planned Development (PD) District 07-59 for General Business Uses regarding signage on a 1.00-acre tract located south of West Avenue D and east of South Glenbrook Drive. (Zoning File No. 09-35, Charlie Shearer)
4. Approved\*\* Resolution 9900 authorizing the Director of Environmental Waste Services to file a project application with the North Central Texas Council of Governments for grant funding for a Regional Solid Waste Program Local Implementation Project.
5. Approved Consider an ordinance amending Chapter 30, "Building Inspection," of the Code of Ordinances of the City of Garland.

Speaking on this item was City Attorney Brad Neighbor.

Motion was made by Councilmember Willis and second by Mayor Pro Tem Cox to approve Ordinance 6362 amending Chapter 30, "Building Inspection," of the Code of Ordinances of the City of Garland by amending Article VIII, "Temporary Public Amusements and Temporary Activities," of Chapter 30, "Building Inspections," of the Code of Ordinances relating to temporary public amusements, such as carnivals, circuses, and other traveling or itinerant commercial public amusements and relating to temporary commercial activities including Christmas tree lots and other seasonal activities. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

6. Approved\*\*  
Minute action authorizing the City Manager to execute Change Order No. 2 to Hill & Wilkinson, Ltd. in the amount of \$214,435.00 for labor and materials necessary to house Marketing and QSE staff at the Utility Services Building.
7. Approved\*\*  
Ordinance 6363 amending Section 50.35, "Sewer Service Rates," of the Code of Ordinances of the City of Garland by establishing a wastewater treatment rate for the major industrial customers and customer cities rate classes.
8. Approved\*\*  
Resolution 9901 authorizing the City Manager to enter into a contract with the Texas State Library and Archives Commission to operate the Northeast Texas Library System (NETLS); to submit annually a grant application and program of service to operate NETLS.
9. Approved\*\*  
Resolution 9902 authorizing the City Manager to execute and administer a grant with the Texas State Library and Archives Commission; providing that the Nicholson Memorial Library will provide certain services.
10. Approved\*\*  
Resolution 9903 authorizing the City Manager to execute a lease agreement with Clear Wireless LLC for a 10' x 10' ground lease at the rear of the South Garland Branch Library site at 4845 Broadway Boulevard for wireless communication equipment to serve an antenna to be placed on an existing TXU electrical power pole located on the property. The City will receive a lease payment of \$7,000 annually.
- 11a. Approved  
Consider the application of Hope, Hardwork, and Happiness Inc., requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Industrial-1 (I-1)

District. The property is located at 506 North First Street. (File 09-36)

The Mayor opened the public hearing on this item at 7:08 pm. Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services.

Motion was made by Councilmember Lathen and second by Councilmember Williams to close the public hearing at 7:10 pm and to approve the application of Hope, Hardwork, and Happiness Inc., requesting approval of a Specific Use Permit for 20 years for Retail Sales with Gas Pumps on property zoned Industrial-1 (I-1) District. The property is located at 506 North First Street. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

11b. Approved

Consider the application of Golden Max, Inc., requesting approval of a Specific Use Permit for a Convenience Store on property zoned Industrial-1 (I-1) District. The property is located at 3520 West Kingsley Road. (File 09-37)

Mayor Jones opened the public hearing at 7:10 pm. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and Crissy Ashley.

Motion was made by Councilmember Willis and second by Councilmember Chick to close the public hearing at 7:15 pm and to approve the application of Golden Max, Inc., requesting approval of a Specific Use Permit for 20 years for a Convenience Store on property zoned Industrial-1 (I-1) District. The property is located at 3520 West Kingsley Road. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

12.

Appointments to Boards and Commissions.

Motion was made by Councilmember Edwards to appoint the following individuals to the listed boards:

Jason Curtis – TIF – Downtown

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

Motion was made by Councilmember Lathen to appoint the following individuals to the listed boards:

John McDonald – Board of Adjustment  
Joanne Stephens – Senior Citizens Advisory Committee

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

Motion was made by Mayor Pro Tem Cox and second by Councilmember Jeffus to appoint Pat Fowler to the Animal Services Advisory Board as the Public Health Official.

For the impartial citizen position

3 votes were cast for Adrienne Erwin – Athas, Edwards and Jeffus

1 vote was cast for Caren Williams – Mayor

1 vote was cast for Connie Richey – Lathen

3 votes were cast for Debbie Stout – Cox, Willis and Chick

1 vote was cast for Daniel Kirkland – Williams

In the second round of voting

4 votes were cast for Adrienne Erwin – Jones, Jeffus, Edwards, and Athas.

5 votes were cast for Debbie Stout – Williams, Cox, Willis, Chick and Lathen.

Debbie Stout is appointed to the Animal Services Advisory Board.

13. Citizen comments.

Rick Schmidt

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:28 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary