

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, February 17, 2009 in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Rick Williams
Councilmember	Douglas Athas
Councilmember	Laura Perkins Cox
Councilmember	Preston Edwards
Councilmember	Larry Jeffus
Councilmember	John Willis
Councilmember	Barbara Chick
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. Councilmember Cox led the invocation and the pledge.

CEREMONIALS: Mayor Jones recognized the Scouts that were in attendance.

OATH: City Attorney Brad Neighbor administered the Oath to those who were to present testimony at this meeting.

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 Cox and second by Councilmember Willis to approve Consent Agenda Item #'s: 1, 2a, 2c, 3a, 3b, 3c, 4, 5, 6 and 9. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved\*\* Approval of the minutes of the February 3, 2009 Regular Meeting.

2a. Approved\*\* Award the bid for Base Sealing Membrane for the Street Department (Bid No. 121-09) to Professional Coating Technologies, Inc. in the amount of \$110,500.00.

2b. Approved

NTTA Transmission Line Relocation Bid No. 157-09

Chapman Construction Co. L.P.	\$ 969,698.94
Contingency	<u>150,000.00</u>
TOTAL	<u>\$1,119,698.94</u>

This request is to provide labor, equipment, and material necessary for the relocation of three 138 kV transmission lines (Olinger to Firewheel, Ben Davis to Elm Grove, and Ben Davis to Wynn Joyce) in Section 28 and the relocation of two 138 kV transmission lines (Olinger to Firewheel and Ben Davis to Elm Grove) in Section 29, which are in conflict with the President George Bush Tollway Extension Project.

Speaking on this item were Steve Miller and Johnny Carlock Transmission and Distribution Director for GP&L.

Motion was made by Councilmember Cox and second by Councilmember Jeffus to award the bid for NTTA Transmission Line Relocation (Bid No. 157-09) to Chapman Construction Co. L.P. in the amount of \$969,698.94 with a Contingency of \$150,000.00 for a total bid award of \$1,119,698.94. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

2c. Approved\*\*

Award the bid for Erosion Annual Maintenance (Bid No. 190-09) to Knight Erosion Control, Inc. in the amount of \$3,000,000.00.

3a. Approved\*\*

Ordinance 6296 approving a Specific Use Permit for a Medical Clinic on a 1.81-acre tract of land zoned Industrial-1 (I-1) District, located at 2301 Forest Lane, Suite 200. (Zoning File No. 09-03, Golden Clinic Services)

3b. Approved\*\*

Ordinance 6297 approving a Specific Use Permit for Retail Sales with Gas Pumps on a 0.68-acre tract of land zoned Industrial-1 (I-1) District, located on the northeast corner of South Jupiter Road and West Kingsley Road. (Zoning File No. 09-04, Tahasalih Kawa Yousef)

- 3c. Approved\*\* Ordinance 6298 approving a Specific Use Permit for Reception Facility on a 2.8-acre tract of land zoned Industrial-1 (I-1) District, located at 2800 Kingsley Road, Suite 100. (Zoning File No. 09-05, Francisco Rojas)
4. Approved\*\* Ordinance 6299 ordering and providing notice of a General Election for the City of Garland to be held on the 9<sup>th</sup> day of May, 2009; calling a run-off election, if needed.
5. Approved\*\* Minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$112,308 to Scarborough Engineering Services, Inc. due to engineering and design changes for the Newman Plant 69kV Switchyard Improvements.
6. Approved\*\* Resolution 9858 rescheduling the second meetings in March from March 16 & 17, 2009 to March 23 & 24, 2009.
7. Approved Consider a resolution authorizing the City of Garland's participation on the Dallas County Criminal Justice Advisory Board.

The Dallas County Criminal Justice Advisory Board was formed to address areas of mutual concern and to coordinate efforts of the various components of the criminal justice system within Dallas County. At the February 16, 2009 Work Session, Council was scheduled to consider authorizing the City Manager and Chief of Police to continue participation in the Dallas County Criminal Justice Advisory Board.

Speaking on this item were Dino Quintanilla and Assistant Chief Greg Conley.

Motion was made by Councilmember Cox and second by Councilmember Edwards to approve Resolution 9859 authorizing the City of Garland's participation on the Dallas County Criminal Justice Advisory Board. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

8. Approved

Consider a resolution extending the City's obligation to provide matching funds in connection with a grant from the Office of the Governor, Criminal Justice Division, to operate a Victim Assistance Advocate Program.

At the January 6, 2009 Regular Meeting, Council approved the Police Department to make application for a grant renewal from the Office of the Governor, Criminal Justice Division, to continue to operate a Victim Assistance Advocate Program. Subsequent to Council's approval, the Criminal Justice Division of the Governor's Office contacted the Police Department that the 2009 Victims of Crime Act (VOCA) grant expiration date will be extended for two months in order to allow for Federal delays each year, moving the grant expiration from July 31, 2009 to September 30, 2009. The Governor's Office has requested that a revised resolution be approved by Council for this modification.

Speaking on this item were Dino Quintanilla and Assistant Chief Dye.

Motion was made by Councilmember Cox and second by Councilmember Jeffus to approve Resolution 9860 extending the City's obligation to provide matching funds in connection with a grant from the Office of the Governor, Criminal Justice Division, to operate a Victim Assistance Advocate Program. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

9. Approved\*\*

Minute action authorizing the City Manager to execute an Engineering Services Agreement to Weaver Boos Consultants, LLC-Southwest to provide Phase II engineering, design, permitting, construction management, startup services and as-built drawings necessary to install a Landfill Gas-to-Energy unit at the Hinton and Castle Drive Landfills for a total not-to-exceed cost of \$800,700 (includes \$40,000 contingency)

10. Approved

Consider a resolution endorsing the Regional Transportation Council's legislative position on Rail North Texas.

At the February 16, 2009 Work Session, Council was scheduled to consider formally endorsing the Regional

Transportation Council's legislative position on Rail North Texas.

Speaking on this item was Dino Quintanilla.

Motion was made by Councilmember Cox and second by Councilmember Willis to approve Resolution 9861 formally endorsing the Regional Transportation Council's legislative position on Rail North Texas. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

11. Approved

Consider a resolution adopting the Annual Review of the City's Investment Policy and Financial Policy, approving the Statement of Investment Strategy.

Chapter 2256 of the Local Government Code requires Council's annual review of the City's written Investment Policy (City Council Policy FIN-06) and Investment Strategy (City Council Policy FIN-05) and approved broker list. Subsequently, the independent audit firm confirms the existence of a resolution indicating such review in their annual audit. At the February 2, 2009 Work Session, Council reviewed the Investment Policy, the Investment Strategy, including the proposed revision, and the approved broker list.

Speaking on this item were Dino Quintanilla and George Kauffman, Managing Director of Financial Services.

Motion was made by Councilmember Cox and second by Councilmember Edwards to approve Resolution 9862 adopting the Annual Review of the City's Investment Policy and Financial Policy, approving the Statement of Investment Strategy. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

12a. Postponed

Consider the application of Dallas MTA, L.P. dba Verizon Wireless requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District and 2) a variance to Section 10.306.4 of the Comprehensive Zoning Ordinance regarding distance requirements to residential districts. The property is located at 1560 S. First Street. (File 08-51)

The proposal is for approval of a Specific Use Permit for an Antenna, Commercial Type 2. At the January 12, 2009 meeting, the Plan Commission (by a 9 to 0 vote) recommended denial of the request. Note: The applicant has requested that this item be postponed until April 7, 2009.

Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services.

Motion was made by Councilmember Cox and second by Councilmember Edwards to postpone the application of Dallas MTA, L.P. dba Verizon Wireless requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District and 2) a variance to Section 10.306.4 of the Comprehensive Zoning Ordinance regarding distance requirements to residential districts. The property is located at 1560 S. First Street. (File 08-51) until April 7, 2009. Motion carried: 7 Ayes; 0 Nays; and 2 Abstentions (Athas and Lathen)

12b. Approved

Consider the application of Springfield JV, requesting approval of 1) a change of zoning from Planned Development (PD) District 05-01 for Townhouse Uses and Planned Development (PD) District 85-55 for Shopping Center Uses to a Planned Development (PD) District for Shopping Center Uses, and 2) a Concept Plan for Shopping Center Uses. The property is located south of Firewheel Parkway and west of Castle Drive. (File 09-06)

The proposal is for approval of a change of zoning and concept plan to accommodate development of a shopping center along Firewheel Parkway. At the January 26, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.

Mayor Jones opened the public hearing at 7:23 p.m. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and Mardy Brown.

Motion was made by Councilmember Athas and second by Councilmember Cox to close the public hearing at 7:26 p.m. and to approve the application of Springfield JV, requesting approval of 1) a change of zoning from Planned

Development (PD) District 05-01 for Townhouse Uses and Planned Development (PD) District 85-55 for Shopping Center Uses to a Planned Development (PD) District for Shopping Center Uses, and 2) a Concept Plan for Shopping Center Uses. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

12c. Approved

Consider the application of Bush Gardens of Springfield LLP, requesting approval of an amended Concept Plan on property zoned Planned Development (PD) District 05-01 for Townhouse Uses. The property is located southwest of Firewheel Parkway and Castle Drive. (File 09-07)

The proposal is for approval of an amended Concept Plan to decrease the overall common area, reduce the number of total townhouse units by two (274 to 272), and alter the location of an access drive. At the January 26, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.

Mayor Jones opened the public hearing at 7:27 p.m. Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services.

Motion was made by councilmember Athas and second by Councilmember Cox to close the public hearing at 7:28 p.m. and approve the application of Bush Gardens of Springfield LLP, requesting approval of an amended Concept Plan on property zoned Planned Development (PD) District 05-01 for Townhouse Uses. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

12d. Approved

Consider the application of La Bonita, requesting approval of a Specific Use Permit for an Arcade on property zoned Planned Development (PD) District 86-1 for General Business (Retail) Uses. The property is located at 4460 Walnut Street, Suite 210B. (File 09-08)

The proposal is for approval of a Specific Use Permit that would allow four or more coin operated skill/pleasure machines (arcade) within the existing laundromat. At the January 26, 2009 meeting, the Plan Commission (by a 7 to 1 vote) recommended approval of the request for a period of 2 years tied to La Bonita.

Mayor Jones opened the public hearing at 7:29 p.m. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services, Trieu Van Nguyen and Robert McClary.

Motion was made by Councilmember Chick and second by Mayor Pro Tem Williams to approve the application of La Bonita, requesting approval of a Specific Use Permit for an Arcade on property zoned Planned Development (PD) District 86-1 for General Business (Retail) Uses for a period of two (2) years and with the number of coin operated skill/pleasure machines (arcade) limited to the number of machines in existence at this time (13). Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

13. Citizen comments.

Dino Quintanilla

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:50 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary