

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, September 6, 2011, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Preston Edwards
Councilmember	Douglas Athas
Councilmember	Laura Perkins Cox
Councilmember	Larry Jeffus
Councilmember	John Willis
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	City Secretary	Mary J. Kayser
	Deputy City Secretary	Elaine Simpson

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

CEREMONIALS: Representative Angie Chen Button presented a resolution honoring the City's Community Multicultural Commission.

Lawrence Crow with the Building Officials Association of Texas presented the first Excellence in Code Enforcement Award to the City of Garland Code Compliance Department, recognizing the Single Family Rental Program.

Mayor Jones presented a Special Recognition to the Garland NAACP honoring the Garland ACT-SO representatives that participated in the National ACT-SO competition.

Mayor Jones presented a Proclamation for Hispanic Heritage Month.

Mayor Jones presented a Proclamation for National Recovery Month.

- 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 Cahill and second by Councilmember Dodson to approve Consent Agenda Item #'s: 1, 2a, 2b, 2c, 3, 4, 5, 6 and 8. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.
1. Approved\*\* Approve the minutes of the August 16, 2011 Regular Meeting and August 25, 2011 Special Meeting.
  - 2a. Approved\*\* Award the bid for Boiler Maintenance – Electric Production (Bid No. 2422-11A) to Plant Performance Services, LLC in the amount of \$1,000,000.00.
  - 2b. Approved\*\* Award the bid for Property Insurance (Bid No. 2446-11) to Lexington Insurance Company in the amount of \$500,421.00.
  - 2c. Approved\*\* Award the bid for 16” Water Main Extension – Roan Road to East Oates Road (Bid No. 2465-11) to Tri-Con Services in the amount of \$201,900.50.
  3. Approved\*\* Resolution 10004 authorizing the City Manager to execute an engineering services agreement with R-Delta Engineers, Inc. for surveying, electrical, structural, and geotechnical services necessary for improvements consisting of replacement of select structures on portions of the ROP 2 to Ben Davis Substation and ROP to Firewheel 138kV transmission lines situated between Olinger Plant and the Old Wylie Switchyard.
  4. Approved\*\* Ordinance 6480 amending the tax roll of the City of Garland.
  5. Approved\*\* Minute action authorizing the Mayor to execute a deed without warrant conveying 1133 Glynn Drive to Habitat for Humanity.
  6. Approved\*\* Ordinance 6481 authorizing the issuance of “City of Garland, Texas Tax Notes, Series 2011,” in the amount of \$5,440,000.00 specifying the terms and features of said notes; levying a continuing direct annual ad valorem tax for the payment of said notes; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Letter.

7. Approved

Consider an ordinance amending Chapter 30, "Building Inspection," of the Code of Ordinances of the City of Garland, providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.

At the July 18, 2011 Work Session, Council discussed possible modifications to the City's sign ordinance which would allow programmable signs. As directed by Council, a public hearing was conducted at the August 2, 2011 Regular Meeting. Additional discussion was held at the August 15, 2011 Work Session at which time staff was directed to bring forth a proposed ordinance for formal consideration at a future Council meeting.

Speaking on this item were Barbara Onstott and Annie Dickson.

Motion was made by Councilmember Jeffus and second by Mayor Pro Tem Edwards to amend the ordinance by modifying Section 30.104 (E) to read as follows (modified language underlined):

A sign, including a programmable sign, may not emanate a luminance more than 0.3 footcandles above the natural ambient light level of the location at the time of measurement, as measured from a point 100 feet from the sign face. A sign, including a programmable sign, that is located in a residential zoning district or on a site that is immediately adjacent to a site used as a residence may not emanate a luminance more than 0.2 footcandles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line. A programmable sign that is located in a residential zone shall display only a single, fixed, non-transitory image or a black-screen during the hours of 10:00 p.m. to 6:00 a.m. and shall be oriented so that the sign face is oriented as near as possible in a perpendicular position in relation to the street frontage on which the sign is located.

Motion was made by Councilmember Williams and second by Councilmember Willis that Section 30.104 (C) be deleted.

Motion was made by Councilmember Jeffus and second by Councilmember Willis to approve Ordinance 6486, as amended, amending Chapter 30, "Building Inspection," of the Code of Ordinances of the City of Garland, related to programmable signs, providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

8. Approved\*\* Resolution 10005 establishing Monday October 3, 2011 as the date of the first meeting of the City Council in October 2011.

9. Held Hearing Hold a public hearing regarding the 2011-12 Proposed Budget.

Mayor Jones opened the public hearing at 8:06 p.m. There were no speakers. There was Council discussion regarding the budget. The Mayor closed the public hearing at 8:26 p.m.

10. Approved Consider an ordinance adopting the operating budget for fiscal year 2011-12, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, authorizing the City Manager to make adjustments.

Motion was made by Councilmember Cox and second by Councilmember Williams to approve Ordinance 6483 adopting the operating budget for fiscal year 2011-12, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, authorizing the City Manager to make adjustments and with the following amendments:

To add \$14,400.00 from the available fund balance in the General Fund to Animal Services for the purchase of food for the animal shelter.

To add \$27,900.00 from the available fund balance in the General Fund to Parks for Senior Center improvements.

Motion was made by Councilmember Athas and second by Mayor Pro Tem Edwards to amend the motion to remove the 2 amendments. Motion carried: 6 Ayes; 3 Nays (Jones, Cox and Jeffus); and 0 Abstentions.

Motion was made by Councilmember Willis and second by Councilmember Jeffus to amend the budget and add

\$14,400.00 from the available fund balance in the General Fund to Animal Services for the purchase of food for the animal shelter.

Motion was made by Mayor Pro Tem Edwards and second by Councilmember Dodson to call for the question. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

Mayor Jones called for the vote on the amendment.

Motion carried: 5 Ayes; 4 Nays (Athas, Edwards, Dodson and Cahill); and 0 Abstentions.

Mayor Jones called for the vote on the main motion as amended.

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

The council was in recess from 8:53 p.m. until 9:08 p.m.

11. Approved

Consider an ordinance fixing the tax rate (70.46 cents per \$100 valuation) and tax levy for the City of Garland for the fiscal year 2011-12 upon all taxable property in the City of Garland in conformity with the laws of the State of Texas and the Charter provisions and ordinances of the City of Garland; repealing all ordinances, or parts of ordinances, in conflict therewith.

Motion was made by Councilmember Cox and second by Councilmember Willis to approve Ordinance 6484 fixing the tax rate (70.46 cents per \$100 valuation) and tax levy for the City of Garland for the fiscal year 2011-12 upon all taxable property in the City of Garland in conformity with the laws of the State of Texas and the Charter provisions and ordinances of the City of Garland; repealing all ordinances, or parts of ordinances, in conflict therewith. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

12. Approved

Consider an ordinance amending various sections of the Code of Ordinances of the City of Garland relating to fees for various services provided by the City.

Motion was made by Councilmember Cox and second by Councilmember Willis to approve Ordinance 6485 amending various sections of the Code of Ordinances of the City of Garland relating to fees for various services provided by the City.

13. Approved

Consider an ordinance establishing civil service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications; reinstating step pay for those classifications.

Motion was made by Councilmember Cox and second by Councilmember Jeffus to approve Ordinance 6486 establishing civil service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

14. Approved

Hold a public hearing on the following zoning case:

Consider the application of Pecan Ranch Early Learning Center, LLC, requesting approval of a Specific Use Permit for a Kindergarten, Preschool or Child Care Center on property zoned Single Family (SF/7/E/3) District. The property is located at 815 East Oates Road. (File 11-21)

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mayor Jones opened the public hearing at 9:13 p.m.

Speaking on this item were David Serbanich (against), Carl Stapp (for) and Lisa Rozell (for).

The Council went into recess from 9:26 p.m. until 9:37.

Motion was made by Councilmember Jeffus and second by Mayor Pro Tem Edwards to close the public hearing at 9:37 p.m. and to approve the application of Pecan Ranch Early Learning Center, LLC, requesting approval of a Specific Use Permit for a period of 20 years for a Kindergarten, Preschool or Child Care Center on property zoned Single Family (SF/7/E/3) District with the addition of the following conditions:

- 1) The existing fence will be extended, in the same manner as it is currently constructed, to the front of the building even with the porte-cochere to a maximum height of 8 feet.
- 2) Noise mitigation measures will be implemented to reduce off-site noise.

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

15.

Consider appointments to Boards and Commissions.

Mayor Jones turned the meeting over to Mayor Pro Tem Edwards.

Motion was made by Mayor Jones to appoint the following individual(s) to the listed board(s):

Martha Melaku – Community Multicultural Commission

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

At this time Mayor Pro Tem Edwards returned the meeting to Mayor Jones.

Motion was made by Mayor Pro Tem Edwards to appoint the following individual(s) to the listed board(s):

Robert Eldredge Suits – Building and Fire Code  
David Vines – CENAC

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

Motion was made by Councilmember Dodson to appoint the following individual(s) to the listed board(s):

Bruce Astin – Board of Adjustment  
Fran Grove Brown – CENAC  
Ricardo Rocha – Community Multicultural Commission  
Myron Craig Wright – Cultural Arts Commission  
Barbara Chick – Library Board  
David Greer, Sr. – Parks/Tree Board  
Robert Vera – Plan Commission

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

Motion was made by Councilmember Williams to appoint the following individual(s) to the listed board(s):

Laura McLarry – Parks/Tree Board

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

Motion was made by Councilmember Cahill to appoint the following individual(s) to the listed board(s):

John McDonald – Board of Adjustment  
Sandra Ann Purdom – CENAC  
Sheri Stevens – Cultural Arts Commission  
Molly Bishop Gruver – Parks/Tree Board

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

16.

Citizen comments.

William Albright  
Varieta McLean

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 9:55 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary