

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 15, 2012, in the Council Chambers at City Hall with the following members present:

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

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson
	Recording Secretary	Yvonne Naser

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

CEREMONIALS: Texas State Representative Angie Chen Button of District 112 and Texas State Representative Cindy Burkett of District 101 presented Resolutions from the State of Texas House of Representatives in honor of outgoing members of council. Councilmember Doug Athas, Councilmember Laura Perkins Cox and Councilmember Larry Jeffus were honored.

Mayor Ron Jones also presented the outgoing members of council with Special Recognitions in honor of their service.

Mayor Ron Jones presented a Special Recognition in honor of the late Claudia Jenkins.

Mayor Ron Jones presented a Proclamation for Asian-American Heritage Month and for Safe Boating 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 Williams and second by Councilmember Dodson to approve Consent Agenda Item #'s: 1, 2, 3.a., 3.b., 4., 5., and 6 Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved\*\* Consider approval of the minutes of the May 1, 2012 Regular Meeting.
  
2. Approved\*\* Consider Bid No. 2846-12 - City Center Project to VAI Architects, Inc. for \$ 1,025,200.00 for professional architectural services for the design and coordination of the City Center Project including the new parking structure and City Hall façade.
  
- 3.a. Approved\*\* Consider Ordinance. 6540 for Martin Eagle Oil Co. - Zoning File No. 12-11- amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses on a .48-acre tract located at 2902 Lavon Drive.
  
- 3.b. Approved\*\* Consider Ordinance #6541 - Responsive Education Solutions, Zoning File No. 12-14, amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Charter School on property zoned PD (Planned Development) District 05-08 for Church and Industrial Uses on a 37.72-acre tract located at 1600 West Campbell Road.
  
- 3.c. Postponed Consider Ordinance for Chicken Express - Zoning File No. 12-15, Chicken Express amending the zoning laws of the City of Garland by approving a change in zoning from Office 1 (O-1) District to Office 2 (O-2) District, and a

Specific Use Permit for Restaurant, Drive-Through on a 1.09-acre tract of land located at 3300 Broadway Boulevard.

Mayor recognized Dr. Lisa Garner to speak. She expressed concerns that the proposed Ordinance as written tonight did not reflect the motion as was passed at the May 1, 2012 City Council meeting. At the previous meeting the SUP was supposed to be 'tied' specifically to applicant Wes Parnell, and in this Ordinance, as presented, it is tied to Chicken Express. Also, she noted concerns with the ingress and egress onto Stonewall.

The following citizens registered their positions as 'against' the Ordinance upon speaker cards, but did not speak: David H. Merchant, Cecilia Fisher and Dr. Phillipp Dunn.

Neil Montgomery, Senior Managing Director of Development Services explained that it is usually the business name, and not the name of the individual applicant, that is tied to the SUP.

Councilmember Jeffus made a motion and Councilmember Willis seconded, to postpone consideration of this until June. Substitute motion by Councilmember Cox, second by Councilmember Cahill, to direct staff to process needed paperwork and to publish notice for a new public hearing to be held at the first meeting in June. Motion carries 8 Ayes; 1 Nay and 0 Abstentions.

Ayes: Athas, Cox, Edwards, Jeffus, Willis, Cahill, Williams and Jones.

Nay: Dodson.

4. Approved\*\*

Consider Resolution #10051 authorizing the City Manager to execute a Drainage Improvement District agreement with the SpringPark Homeowners Association, Inc., for construction of erosion protection improvements adjacent to the 6700 block of Lakeshore Drive. Both the Homeowners Association and City staff have been working to develop an agreement to design and construct erosion protection

improvements along Spring Creek within SpringPark. The City routinely participates with homeowners, property owners and associations to share in the cost of mitigating impacts from erosion in accordance with the provisions contained in the Drainage Improvement District Ordinance. The drainage category of the Capital Improvement Program includes funding for these types of projects. This item was discussed at the May 14, 2012 Work Session.

5. Approved\*\*

Consider Resolution #10052 accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Click It or Ticket grant in the amount of \$9,000. At the May 14, 2012 Work Session, Council discussed authorizing the City Manager to accept a fully funded TxDOT STEP – “Click It or Ticket” grant in the amount of \$9,000 for conducting intense vehicle occupant protection enforcement. The required enforcement period will be May 21 – June 3, 2012.

6. Approved\*\*

Consider Ordinance #6543 denying Atmos Energy Corp., Mid-Tex Division’s requested rate change; requiring the company to reimburse the City’s reasonable ratemaking expenses and requiring notice of this resolution to the Company and ACSC’s legal counsel. Atmos Energy Corp. Mid-Tex Division filed an application with the City to increase natural gas rates pursuant to the Rate Review Mechanism. This was discussed by Council at their May 14, 2012, Work Session.

7. Approved

Consider by minute action authorizing the City Manager to execute a consulting agreement with Ray Schwertner. At the January 3, 2012 City Council Executive Session meeting, Council discussed the reassignment of Ray Schwertner, the Managing Director of Electric Utility, to a consulting basis. At the March 20, 2012 Regular Meeting, Council reviewed a

draft agreement and authorized the City Manager to execute the draft agreement with Mr. Schwertner in substantially the form and substance of that presented to Council. At the request of Ray Schwertner, substantial revisions have been made to the draft agreement that require Council's approval.

Motion by Councilmember Dodson to postpone consideration of this item until TMPA issues could be considered by Council.

Motion died for lack of a second.

Motion was made by Councilmember Jeffus, second by Councilmember Williams, to approve the agenda item as presented. Motion carried with 7 Ayes; 2 Nays and 0 Abstentions.

Ayes: Athas, Williams, Jeffus, Jones, Willis, Cahill, Edwards  
Nays: Cox and Dodson

#### ITEMS FOR INDIVIDUAL CONSIDERATION

##### 8. Held and Approved

Hold a public hearing and consider Resolution # 10053 finding and determining the necessity and feasibility of using a parcel of property within Woodland Basin Nature Area for the improvement of Miller Road. The Dallas County project for the construction of a new Miller Road roadway and bridge at Rowlett Creek requires the use of a very small portion of the Woodland Basin Nature Area adjacent to the existing right-of-way for roadway and bridge improvements. This requires a public hearing and a finding by Council to meet the requirements of Chapter 26 of the Texas Parks and Wildlife Code. At their May 2, 2012 meeting, the Park and Recreation Board concurred with the finding that there is no feasible and prudent alternative to the use of a small portion of the parkland for the proposed roadway and bridge replacement project and that all reasonable planning has been done to minimize harm to the park. This item was also discussed by Council at the May 1, 2012 Work Session.

Motion was made by Councilmember Williams, second by Councilmember Dodson, to close the public hearing and to approve the Resolution as presented.

Motion carried by unanimous vote of 9 Ayes; 0 Nays and 0 Abstentions.

9. a. Held and Approved

Consider the application of Winkelmann & Associates requesting approval of 1) a change of zoning from PD (Planned Development) District 81-61 to a Planned Development District for General Business Uses, 2) a Detail Plan for Athletic Club/Instruction, 3) a Specific Use Permit for Restaurant, Drive-Through, 4) a Detail Plan for Restaurant, Drive-Through and Medical Office/Clinic, 5) a variance to Section 10-200 of Comprehensive Zoning Ordinance No. 4647 regarding number of required parking spaces and 6) a variance to Section 25-600 of Comprehensive Zoning Ordinance No. 4647 regarding maximum building height. This property is located south of Marketplace Dr., east of Saturn Rd. and northwest of Centerville Rd. (Z File 12-16, City Council District #5, Councilmember John Willis) The proposal is for approval of a change of zoning, Detail Plans, Specific Use Permit and variances to develop a fitness center, drive-through restaurant and medical office. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report and explained plans are for the old Mervyns building to be taken out and replaced with a building that will house an L.A. Fitness. There will be a Starbucks coffee shop that will require the drive-through. All other proposed uses in this project are allowed by right, such as the dental office.

Mr. Michael Clark spoke on behalf of the applicant. He asked that Garland Eastgate II, L.P. be listed as holder of the

SUP.

Councilmember Willis made a motion, second by Councilmember Jeffus, to close the public hearing and to approve 1) a change of zoning from PD (Planned Development) District 81-61 to a Planned Development District for General Business Uses, 2) a Detail Plan for Athletic Club/Instruction, 3) a Specific Use Permit for Restaurant, Drive-Through, 4) a Detail Plan for Restaurant, Drive-Through and Medical Office/Clinic, 5) a variance to Section 10-200 of Comprehensive Zoning Ordinance No. 4647 regarding number of required parking spaces, and 6) a variance to Section 25-600 of Comprehensive Zoning Ordinance No. 4647 regarding maximum building height as recommended by staff and by the Plan Commission, but to strike the following from the list of allowed uses: Tire Dealer, Transit Station and Wrecker Service. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

9b. Held and Approved

Consider the application of Columbus Realty Partners Ltd, requesting approval of 1) a Detail Plan for Multi-Family Uses; 2) amendments to the Planned Development (PD) District conditions; and 3) a variance to the Zoning Ordinance Section 10-200 regarding minimum parking requirements for multifamily uses. The property is located at the northeastern corner of River Fern Avenue and Horseshoe Drive. (File Z # 12-19, City Council District #1, Councilmember Douglas Athas) The proposal is for approval of a Detail Plan, amendments to the Planned Development conditions and variances to develop a second phase of multifamily units at Firewheel Town Center. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report and explained

that this is the second phase of residential as started five years ago for this project and that it complements the existing residential. This will add 281 residential units.

Mr. J. Mark Wolf and Mr. David Meyers spoke for the applicant, Columbus Realty Partners.

Councilmember Athas made a motion and Councilmember Cox seconded, to close the public hearing and to approve request for 1) a Detail Plan for Multi-Family Uses; 2) amendments to the Planned Development (PD) District conditions; and 3) a variance to the Zoning Ordinance Section 10-200 regarding minimum parking requirements for multifamily uses, as recommended by the Plan Commission and by staff. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

9c. Held and Approved

Consider the application of Barclay Construction requesting approval of 1) a Detail Plan for Medical Office/Clinic and 2) amendments to the conditions in PD (Planned Development) District 03-22. The property is located at 3475 Collins Boulevard. (File Z # 12-20, City Council District #7, Councilmember Rick Williams) The proposal is for approval of a Detail Plan for Medical Office/Clinic and amendments to the conditions in PD 03-22. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

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

Motion was made by Councilmember Williams, second by Councilmember Dodson, to close the public hearing and to approve 1) a Detail Plan for Medical Office/Clinic and 2) amendments to the conditions in PD (Planned Development) District 03-22 as recommended by Plan Commission and staff. Motion carried unanimously by vote of 9 Ayes; 0 Nays; 0 Abstentions.

9.d. Held and denied

Consider the application of Joe Pokawa requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 3420 Broadway Boulevard, Suite 125. (Z File 12-21 –Council District #3, MPT Edwards) The proposal is for approval of a Specific Use Permit for a Reception Facility in a Shopping Center. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended denial of the request as recommended by staff. The applicant is appealing the Plan Commission’s recommendation.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report explaining that this item received a negative recommendation from Plan Commission due to noise concerns because of proximity of site to a residential area. There is also an assisted living center which is being built now in close proximity of this shopping center.

Mr. Patrick Saucedo spoke in favor of the request, and noted that there is a high wall behind the shopping center which will act as a noise buffer between the reception facility and the neighborhood behind it.

Mr. Joe Pokawa, applicant, spoke in favor of the request stating that the previous use in this space was a dance school and he did not think that the reception hall would make more noise than the dance school did. This facility will be used for meetings, receptions, etc. The receptions will be held toward the front of the building, not toward the back.

Motion was made by MPT Edwards, second by Councilmember Cox, to close the public hearing and to deny the application of Joe Pokawa requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District as recommended by Plan Commission. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

10. Citizen comments.

There were no citizen comments.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:59 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Elaine Simpson, Interim City Secretary