

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, July 3, 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/ Anita Goebel
Councilmember	Marvin 'Tim' Campbell
Councilmember	John Willis
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill
Councilmember	B.J. Williams

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 Laura Perkins Cox led the invocation and the pledge along with her family.

CEREMONIAL: The Mayor introduced members of Nicholson Library staff and Library Board members to accept the 'Achievement in Excellence' award.

The Mayor presented a proclamation for Parks and Recreation Month.

The Mayor presented a Special recognition to Visual Aid Assistants.

Mayor Pro Tem Preston Edwards requested that item. #3 be pulled from the Consent agenda for separate consideration.

Motion by Councilmember Cox, seconded by Councilmember Campbell to approve Consent Agenda item 3.

3. Ordinance # 6553 canvassing the results of a runoff election held for the purpose of electing a candidate to the office of City Council District 2 of the City of Garland, for an election having been held on June 23, 2012; declaring the results of that election.

The formal canvassing of the returns and declaring the results of the June 23, 2012 Runoff Election held for the purpose of electing a candidate to the office of the City Council of the City of Garland for District 2 will be conducted.

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

Mayor recognized outgoing Councilmember Laura Perkins Cox, presenting her with a city flag and a plaque. She made brief remarks and thanked all her supporters.

Incoming Councilmember Anita Goebel was sworn in by Pat Olson. She made brief remarks and thanked all of her supporters. The Mayor presented her with a Certificate of Election.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by MPT Edwards and second by Councilmember B.J. Williams to approve items 1., 2.a., 2.b., 2.c., 2.d., 2.e., 2.f., 4., 5., and 6.

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

1. Approved \*\*

Approval of the minutes of the June 19, 2012 Regular Meeting.

2.a. Approved \*\*

Bid No. 2863-12, Duck Creek Wastewater Treatment Plant Sludge Transfer Station awarded to Red River Construction Co. for \$2,029,900.00 with contingency of \$250,000.00 for a total of \$2,279,900.00. This request is for the construction

of a new wastewater treatment sludge transfer pump station to replace aging infrastructure that is inefficient and deteriorated beyond reliable operation.

2.b. Approved \*\*

Bid No. 2920-12, Steel Structures – Greenville to Olinger Transmission Upgrade awarded to Techline, Inc., for \$3,738,394.00 with contingency of \$261,606.00 for a total cost of \$4,000,000.00. This request is to provide the necessary steel structures and related material required to erect steel poles to upgrade the Ray Olinger Plant to Greenville 138 kV electric transmission line.

2.c. Approved \*\*

Bid No. 2970-12, South Garland Avenue Water Line Improvements awarded to Instituform Technologies, LLC for \$246,279.00. This request is to provide pipe bursting with pre-chlorination for water main replacement along South Garland Avenue from Main Street to Avenue D.

2.d. Approved \*\*

Bid No. 2991-12, Enhancements to Code Compliance Software to Information Strategies, Inc. for \$158,419.76. This request is to provide enhancements to the Code Compliance system that will allow the nuisance and revenue recovery modules to be implemented.

2.e. Approved \*\*

Bid No. 2992-12, Aerial Fire Truck awarded to Siddons-Martin Emergency Group for \$789,615.00. This request is for the purchase of a new replacement Aerial Fire Truck for the City of Garland Fire Department for use in daily operations.

2.f. Approved \*\*

Bid No. 2994-14, Sewer Vacuum Truck awarded to GapVax, Inc. for \$223,846.00. This request is for the purchase of a new replacement Sewer Vac Truck to be used by the Water Department in daily operations.

3. Approved

Ordinance #6553 canvassing the results of a runoff election

held for the purpose of electing a candidate to the office of City Council District 2 of the City of Garland, for an election having been held on June 23, 2012; declaring the results of that election.

4. Approved \*\*

Resolution #10060 approving the sale of real property at 612 Freeman, to Habitat for Humanity; authorizing the Mayor of the City of Garland to execute a deed conveying the property to the buyer. At the June 18, 2012 Work Session, Council considered the sale of a City-owned vacant lot at 612 Freeman Drive to Habitat for Humanity for \$9,100. This vacant lot was struck off the tax roll due to delinquent taxes.

5. Approved \*\*

Resolution # 10061 approving the City of Garland Housing Agency Administrative Plan for the Housing Choice Voucher Program. The U. S. Department of Housing and Urban Development requires each Housing Agency to develop and adopt an Administrative Plan that identifies the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8). At the June 18, 2012 Work Session, Council considered approving the updated Administrative Plan.

6. Approved \*\*

Resolution #10062 adopting and approving the Garland Housing Agency's second year update on the 2010-2014 Five-Year Plan. As part of the Quality Housing and Work Responsibility Act of 1998, the City of Garland Housing Agency is required by the U. S. Department of Housing and Urban Development (HUD) to submit an annual performance progress report on their five-year plan. At the June 18, 2012 Work Session, Council considered approving the accomplishments presented in the second year annual performance plan update for submission to HUD.

7.a. Held and approved

Hold Public Hearing and consider the application of Heights Venture Architects requesting approval of an amendment to a Specific Use Permit for Restaurant with Drive-Through on property zoned Freeway (FW) District and within the IH 30 Overlay. The property is located at 501 West Interstate 30

Freeway. (File 12-26). The proposal is for approval of an amendment to a Specific Use Permit for a Wendy's Restaurant on property zoned S 00-30. This amendment is required because building elevations are a condition of the SUP. At the June 11, 2012 meeting, the Plan Commission (by an 8 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 case comes before Council only because Wendy's is proposing some exterior renovations and upgrades to the existing structure.

Mayor Jones opened the Public Hearing. William Longdale, 6718 Cortuna Lane, Frisco, TX; spoke for the applicant, stating that he was available for questions.

Councilmember B.J. Williams thanked the applicant for investing in this District 4 Garland location of the Wendy's chain.

Councilmember B.J. Williams made a motion, seconded by MPT Edwards, to close the public hearing at 7:34 p.m. and to approve this request for an amendment to the Specific Use Permit as recommended by staff and the Plan Commission.

Motion carried unanimously with 9 Ayes; 0 Nays and 0 Abstentions.

7.b. Held and denied

Hold a public hearing and consider the application of Brenda and Amy Reyes requesting approval of a change of zoning from Planned Development (PD) for Office 1 Uses to Planned Development (PD) for General Business Uses on property zoned Planned Development (PD) 06-23 for Office 1 (O-1) Uses. The property is located at 2829 Saturn Road. (File 12-27)

The proposal is for approval of an amendment to a Planned Development for Office 1 Uses to a Planned Development for General Business Uses on property zoned PD 06-23. At the June 11, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended denial of the amendment as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report, stating that Plan commission unanimously recommended a denial of this zoning change because the uses allowed in General Business were not in character with the surrounding area.

Mayor Jones opened the public hearing.

Robert King, 1204 Saturn Springs, Garland, TX, spoke in opposition to the change because of the nature of the allowed uses in General Business.

L.G. Shutt, 1203 Carney, Garland, TX explained he is a 40+ year resident in this neighborhood and spoke in opposition.

William Patrick Yocam, 2805 Saturn, Garland, TX; explained he lives next door and is in opposition.

Buddy Houston, 1251 Carney, Garland, TX; explained that he is a 38 year resident and spoke in opposition.

Councilmember B.J. Williams and Mr. Montgomery explained that all required notifications to surrounding property owners had been sent for this case.

Councilmember Willis made a motion, seconded by MPT Edwards, to close the public hearing at 7:49 p.m. and to deny the request for a zoning change as described in item 7.b. per recommendation of city staff and Plan commission.

Motion carried unanimously to deny by 9 Ayes; 0 Nays; 0 Abstentions.

7.c. Held and approved

Hold a public hearing and consider the application of RaceTrac, requesting approval of an amendment to Planned Development District condition B.2 regarding the landscape buffer and buffer plantings on property zoned Planned Development District (PD 11-04) for Shopping Center Uses with a Specific Use Permit for Retail Sales with Gasoline Pumps. The property is located at 3401 South Garland Avenue. (File 12-28)

The proposal is for approval of an amendment to Planned Development 11-04 regarding the landscape buffer and buffer plantings. At the June 11, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the amendment as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report explaining that in actuality, the city requested that these landscape plans be modified especially regarding number and type of trees, in order to avoid likely conflict with GP&L transmission lines.

Mayor Jones opened the public hearing.

Mark Housewright, 900 Jackson, #640, Dallas, TX: spoke for the applicant, RaceTrac, and explained that the company was happy to adjust plans for the trees at this site in order to accommodate the electric lines.

Councilmember Willis made a motion, seconded by Councilmember Dodson, to close the public hearing at 7:54 p.m. and to approve this amendment as recommended by staff and the Plan Commission.

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

7.d. Held and approved

Hold a public hearing and consider the application of Pink Consulting LP, requesting approval of an amendment to a Specific Use Permit for Restaurant, Drive-through on property zoned Freeway (FW) District and within the IH 30 Overlay. The property is located at 509 West Interstate 30 Freeway. (File 12-29)

The proposal is for approval of an amendment to a Specific Use Permit for a McDonald's Restaurant on property zoned S 00-53. This amendment is required to allow the renovation of the façade and extend the time of the SUP. At the June 11, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report. He explained that this McDonalds is located next to the Wendy's that was the subject of item 7.a. on tonight's agenda. McDonalds is also making this request so that they may update the exterior of the existing restaurant.

Mayor Jones opened the public hearing.

Julianne McGee, 5729 Ammos ST, Haltom City, TX; spoke for the applicant and noted that they are also requesting to extend the S.U.P.

Councilmember B.J. Williams thanked the applicant and asked if the McDonalds location on Centerville was also in line for a renovation of this type. Ms. McGee explained that all the restaurants in the chain should be getting this updated new look within the next few years.

Councilmember B.J. Williams made a motion, seconded by Councilmember Willis, to close the public hearing at 7:58 p.m. and to approve an amendment to a Specific Use Permit for a McDonald's Restaurant on property zoned S 00-53 and to extend the time of the SUP as recommended by staff and the Plan commission.

Motion carried unanimously by 9 Ayes; 0 Nays and 0 Abstentions.

7.e. Held and approved

Hold a public hearing and consider the application of TW Towing Co, Inc, requesting approval of a Specific Use Permit for Vehicle Pound on property zoned Industrial 1 (I-1) District. The property is located at 3806 Dividend Drive. (File 12-30)

The proposal is for approval of a Specific Use Permit for a Vehicle Pound on property zoned Industrial 1. At the June 11, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report, explaining that this request is for short term storage only, no repair or salvage uses are included.

Mayor Jones opened the public hearing.

Beverly L. Blair, 2308 Owens Blvd., Richardson, TX; spoke on behalf of the applicant. She explained that they consider this a rescue service for stranded motorists. The company is recognized by the Allstate insurance company. They do not engage in any aggressive towing activities.

Councilmember Dodson made a motion, seconded by

Councilmember Rick Williams, to close the public hearing at 8:02 p.m. and to approve a Specific Use Permit for Vehicle Pound on property zoned Industrial 1 (I-1) District as recommended by staff and the Plan Commission.

Motion carried unanimously by 9 Ayes; 0 Nays; 0 Abstentions.

7.f. Held and approved

Hold a public hearing and consider the application of Harrison French & Assoc, requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District. The property is located at 1426 Belt Line Road. (File 12-31)

The proposal is for approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC). At the June 11, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the Specific Use Permit for a period of 20 years tied to 7-Eleven as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services, presented the staff report explaining that this request was recommended unanimously for approval by the Plan Commission.

Mayor Jones opened the public hearing.

Ricardo Doi, 361 Spring Meadow DR, Fairview, TX; spoke on behalf of the applicant and explained that he was available for questions and that this request was for a new canopy, realignment of parking spaces and some new landscaping.

Councilmember Rick Williams thanked Mr. Doi for investing in these upgrades.

Councilmember Rick Williams made a motion, seconded by Councilmember Cahill, to close the public hearing at 8:06 p.m. and to approve the request for this Specific Use Permit for Retail Sales with Gas Pumps, as recommended by staff and the Plan Commission.

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

8. Appointed

Consider appointments to Boards and Commissions.

Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

Mayor Jones proposed that the nominations be considered all together. Councilmember Dodson nominated Douglas Alan Williams for the Housing Standards Board, Councilmember Cahill nominated Gabby Reed and Elizabeth Sinclair to serve as his appointees to the Garland Youth Council.

Motion to appoint as presented carried unanimously by 9 Ayes; 0 Nays; 0 Abstentions.

9.

Citizen comments.

No citizen spoke.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:08 p.m.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Elaine Simpson, Interim City Secretary