

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 3, 2011, in the Council Chambers at City Hall with the following members present:

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

STAFF PRESENT:	City Manager	Bill 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 Athas led the invocation and the pledge.

CEREMONIALS: The Mayor presented a proclamation for "Optimist Month".

The Mayor recognized the Library Board and Library Director Claire Bausch for receiving the Texas Municipal Library Directors Association 2010 Achievement of Excellence in Libraries Award.

The Mayor recognized Boy Scouts from Troop 57.

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 Athas, and second by Councilmember Cox to approve Consent Agenda Item #'s: 1, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 3a, 3b, 3c, 4, 5 6 and 7. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved\*\* Approve the minutes of the April 19, 2011 Regular Meeting.

- 2a. Approved\*\* Award the bid for the Installation of Radio Water Meter Reading System 2011 (Bid No. 2162-11) to Badger Meter, Inc. in the amount of \$1,397,935.90.
- 2b. Approved\*\* Award the bid for Electric Line Clearance for GP&L Transmission Department (Bid No. 2166-11) to Asplundh Tree Expert Company in the amount of \$205,000.00.
- 2c. Approved\*\* Award the bid for Electric Line Clearance for GP&L Distribution Department (Bid No. 2167-11) to Asplundh Tree Expert Company in the amount of \$800,000.00.
- 2d. Approved\*\* Award the bid for Liquid Chlorine for Wastewater Department (Bid No. 2221-11) to DPC Industries, Inc. in the amount of \$243,605.00.
- 2e. Approved\*\* Award the bid for Bulk Polymer for Water Recycling (Bid No. 2247-11) to Polydyne, Inc. in the amount of \$355,628.32.
- 2f. Approved\*\* Award the bid for Erosion Annual Maintenance (Bid No. 2268-11) to Knight Erosion Control, Inc. in the amount of \$200,000.00. (This request is to add funds to the original contract that provides erosion maintenance on an annual basis which includes R-Rap Bag walls to repair erosion problems as requested by property owners.)
- 2g. Approved\*\* Award the bid for Early Literacy Stations (PCs) at the Central Library (Bid No. 2282-11) to AWE, Inc. in the amount of \$127,582.00.
- 3a. Approved\*\* Ordinance 6456 amending the zoning laws of the City of Garland by approving a Detail Plan with Conditions for a Restaurant on a 1.237-acre tract of land zoned Planned Development (PD) District 06-37 for Freeway Uses and located at 1540 Eastgate Drive, north of Eastgate Drive and west of Saturn Road. (Zoning File No. 11-08, Applebee's of Texas)
- 3b. Approved\*\* Ordinance 6457 amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) District 84-10 for Single Family Uses regarding maximum allowable building coverage and side and rear yard

- building setbacks on a 0.13-acre lot located at 6805 Clear Springs Circle. (Zoning File No. 11-10, Joseph L. Hanna)
- 3c. Approved\*\* Ordinance 6458 amending the zoning laws of the City of Garland by approving a Specific Use Permit for High Risk Use on a 13.387-tract of land zoned Industrial-1 (I-1) District located at 3101 Wood Drive, north of Wood Drive and west of Loonecker Drive. (Zoning File No. 11-11, Nexeo Solutions)
4. Approved\*\* Minute action reappointing Don Gordon as Garland's representative to the North Texas Municipal Water District Board of Directors for a two year term expiring May 31, 2013
5. Approved\*\* Resolution 9989 adopting and approving the Consolidated Plan – One Year Plan of Action including a revised State of Uses of Funds for the 2011/2012 Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs.
6. Approved\*\* Resolution 9990 authorizing the City Manager to execute a Project Specific Agreement with Dallas Area Rapid Transit (DART) to extend Sixth Street, across DART's right-of-way, to West Walnut. The agreement includes provisions for transferring land between DART and the City to make this possible.
7. Approved\*\* Resolution 9991 authorizing the City Manager to execute a Project Development Agreement with the Garland Foundation for Development, Inc. which defines the project, allowable expenses, obligations and terms including the transfer of \$2,900,000 for the CIP to the Foundation.
8. Cheney appointed Consider a resolution appointing a representative to the Dallas Area Rapid Transit (DART) Board of Directors.
- Speaking on this item was Dave Brady from DART.
- Motion was made by Councilmember Williams to nominate Michael Cheney.
- Motion was made by Councilmember Cox to nominate B.J. Williams.

Motion was made by Councilmember Lathen to nominate Katrina Pierson.

Motion was made by Douglas Athas to nominate Chris Luna.

The vote was as follows –

Michael Cheney received 3 votes (Edwards, Willis and Williams)

B.J. Williams received 4 votes (Cox, Jeffus, Jones and Chick)

Katrina Pierson received 1 vote (Lathen)

Chris Luna received 1 vote (Athas)

Mr. Cheney and Mr. Williams received the most votes but neither received a majority. The council voted again and the vote was as follows:

Michael Cheney received 5 votes (Athas, Edwards, Willis, Williams and Lathen)

B.J. Williams received 4 votes (Cox, Jeffus, Jones and Chick)

Michael Cheney was appointed. (Resolution 9992)

9a. Approved

Consider the application of Dana Ly requesting approval of a Specific Use Permit for a Medical Office/Clinic on property zoned Industrial-1 (I-1) District. The property is located at 3421 W. Kingsley Road, Suite 103. (File 11-12)

The proposal is for approval of a Specific Use Permit for a Medical Office/Clinic on the subject property. At the April 11, 2011 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the Specific Use Permit tied to the property owner for a period of 20 years as recommended by staff.

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

The Mayor opened the public hearing at 7:24 PM. There were no speakers.

Motion was made by Councilmember Willis and second by Councilmember Edwards to close the public hearing at 7:24 p.m. and to approve the application of Dana Ly requesting approval of a Specific Use Permit for 20 years for a Medical Office/Clinic on property zoned Industrial-1 (I-1) District. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

9b. Approved

Consider the application of Masterplan requesting approval of 1) a Concept Plan for Shopping Center Uses; 2) a Detail Plan for Retail Sales with Gasoline Pumps; 3) a Specific Use Permit for said Retail Sales with Gasoline Pumps (RaceTrac) on property zoned Planned Development (PD) District 08-52 for Shopping Center Uses; and 4) variances to the IH635 Development Standards regarding the following: 4.1) Section 34.20(B)(1) regarding landscape buffers, 4.2) Section 34.20(B)(1)(a), regarding landscape buffer tree plantings. The property is located west of Garland Avenue and east of Shiloh Road. (File 11-04)

The proposal is for approval of 1) a Concept Plan for Shopping Center Uses; 2) a Detail Plan for Retail Sales with Gas Pumps (RaceTrac); 3) a Specific Use Permit for said Retail Sales with Gasoline Pumps; and 4) variances to the IH635 Development Standards. At the March 28, 2011 meeting, the Plan Commission (by a 6 to 3 vote) recommended denial of the request as recommended by staff.

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

Mayor Jones opened the public hearing at 7:38 p.m.

Speaking on this item representing the applicant were Dallas Cothrum, Eddie Liebman, and William E. Cothrum. Santos Martinez filled out a card but did not speak.

Additional speakers were as follows:

Dawn Coleman – against  
Pat Phillips – against  
Randall Dunning – for  
Don E Howard, III – for

Erick Howell – for  
Phillip Lathrop – for  
Donna Harris – for  
Barb Stauffer – for  
Jackie D. Feagin – for

The following individuals registered their position but did not speak:

Diana Holland – against  
Linda Orr – against  
Joline Tate – for  
Janie Brittain – for  
Katrina Pierson – for  
Ted Mumaw – for  
Jackie Mumaw – for

The Council recessed at 8:50 p.m. and returned to the meeting at 9:00 p.m.

After the recess the City Secretary announced that the following individuals had requested to change their position on this matter:

Dawn Coleman – from against to for  
Linda Orr – from against to for  
Diana Holland – from against to for

During the recess the following individuals filled out cards registering their position:

Hammad Haider – for  
Edna Nomichith – for  
Amanda Howell – for  
Travis Compton – for  
Whitney Cantu – for  
Greg Skinner – for

Motion was made by Councilmember Willis and second by Councilmember Cox to close the public hearing at 9:26 PM and to postpone this item until the Regular Council meeting May 17, 2011. Motion failed 4 Ayes; 5 Nays (Athas, Jeffus, Chick, Williams and Lathen); and 0 Abstentions.

Motion was made by Councilmember Athas and second by Councilmember Lathen to approve the application of Masterplan requesting approval of 1) a Concept Plan for Shopping Center Uses; 2) a Detail Plan for Retail Sales with Gasoline Pumps; 3) a Specific Use Permit for said Retail Sales with Gasoline Pumps (RaceTrac) on property zoned Planned Development (PD) District 08-52 for Shopping Center Uses; and 4) variances to the IH635 Development Standards regarding the following: 4.1) Section 34.20(B)(1) regarding landscape buffers, 4.2) Section 34.20(B)(1)(a), regarding landscape buffer tree plantings

Motion was made by Mayor Pro Tem Jeffus and second by Councilmember Cox to amend the motion to add that the visuals from the presentation by Masterplan during the May 3, 2011 public hearing and verbal commitments from RaceTrac be included in the final ordinance for this development. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

The Mayor called for the vote on the main motion as amended. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

10. Citizen comments.

Don E. Howard III  
Patricia Wiler

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 10:36 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary