

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, April 19, 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
	Recording Secretary	Yvonne Naser

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

CEREMONIALS: The Mayor presented a proclamation for "Fair Housing Month".

Mayor Jones recognized Sharon Whitrock – Ms. Senior Garland.

Scout Troop 595 was recognized.

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

1. Approved\*\* Approved of the minutes of the April 5, 2011 Regular Meeting.

2a. Approved Award the bid for Garland Solid Waste Transfer Station Structural Repairs (Bid No. 2015-11) to Cates, Courtney & Roebuck, Inc. in the amount of \$105,310.00 to remove and replace steel solid waste hopper and Cates, Courtney & Roebuck, Inc. in the amount of 9,225.00 for replacement of safety railings adjacent to dump pit clam shell equipment and

Contingency Funding – 15% in the amount of \$17,180.25 for a total of \$131,715.25

- 2b. Approved\*\* Award the bid for Switchgear for New Shiloh Substation Project Nos. 1 and 2 (Bid No. 2073-11) to Powell Electrical Systems, Inc. in the amount of \$645,396.00 for switchgear replacement #1 and to Powell Electrical Systems, Inc. in the amount of \$349,623.00 for switchgear replacement #2 for a total of \$995,019.00.
- 2c. Approved\*\* Award the bid for 2011 Replacement of Water Mains (Phase I) (Bid No. 2198-11) to Tri-Con Services, Inc. in the amount of \$312,512.50.
- 2d. Approved\*\* Award the bid for Dell Desktop Computers with Microsoft Office License (Bid No. 2257-11) to Dell Marketing LP in the amount of \$265,423.20
3. Approved\*\* Ordinance 6454 amending the zoning laws of the City of Garland by approving amendments to Planned Development Districts 84-31 and 08-10 for General Business Uses, a Concept Plan and a Detail Plan for Office on a 3.81-acre tract of land located at 4555 West Walnut Street and 513 North Plano Road, north of West Walnut Street and west of Plano Road. (Zoning File No. 11-09, Paradigm Consulting)
4. Approved\*\* Minute action approving the 2011 update of the Library's Assessment and Strategic Plan for Information Technology, Services and Facilities.
5. Approved Consider an ordinance amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.

At the April 5, 2011 Work Session, Council considered an ordinance amending Chapter 33, "Transportation," of the Code of Ordinances to provide a new article relating to parking regulations for City-owned facilities in the downtown area. At this time, the only parking regulations at issue are those pertaining to City-owned facilities, in particular, City Hall, the Duckworth Building, the Granville Performing Arts Center, the Garland Utility Services Drive-through Facility, and the parking garage at 5<sup>th</sup> Street Crossing. No other parking regulations for the downtown area are yet being proposed.

Motion was made by Councilmember Cox and second by Councilmember Edwards to approve Ordinance 6455 amending Chapter 33, "Transportation," of the Code of Ordinances to provide a new article relating to parking regulations for City-owned facilities in the downtown area with Section 33.77 (B)(2) to read as follows: "A vehicle is unlawfully parked if the vehicle is parked on the premises of City Hall for more than three consecutive hours within a 24-hour day if public voting is being conducted at City Hall during any portion of that period." Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

6. Approved

Consider by minute action authorizing the Mayor to enter into an incentive agreement for the development of a Holiday Inn Express on I-30 within the Harbor Point Development.

At the February 28, 2011 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee to provide an economic incentive agreement for the development of a Holiday Inn Express on I-30 within the Harbor Point Development. The agreement would provide an abatement of hotel occupancy tax generated by the development not to exceed \$120,000 per year for a period of five years.

Speaking on this item was Paul Mayer.

Motion was made by Councilmember Edwards and second by Mayor Pro Tem Jeffus to approve an incentive agreement for the development of a Holiday Inn Express on I-30 within the Harbor Point Development to provide an abatement of hotel occupancy tax generated by the development not to exceed \$120,000 per year for a period of five years. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

7a. Approved

Consider the application of Applebee's of Texas requesting approval of a Detail Plan for a restaurant on property zoned Planned Development (PD) District 06-37 for Freeway Uses. The property is located at 1540 Eastgate Drive, north of Eastgate Drive and west of Saturn Road. (11-08)

Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services. Mayor Jones opened the public hearing at 7:17 pm. There were no speakers. Motion was made by Councilmember Willis and second by Mayor Pro Tem Jeffus to close the public hearing at 7:18 pm and to

approve the application of Applebee's of Texas requesting approval of a Detail Plan for a restaurant on property zoned Planned Development (PD) District 06-37 for Freeway Uses. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

7b. Approved

Consider the application of Joseph L. Hanna requesting approval of an amendment to Planned Development (PD) District 84-10 for Single Family Uses regarding the following conditions pertaining to a residential building expansion: 1) increase the maximum allowable lot coverage (buildable area), and 2) decrease the side and rear yard building setback requirements. The property is located at 6805 Clear Springs Circle. (File 11-10)

Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services. The Mayor opened the public hearing at 7:20 pm. There were no speakers. Motion was made by Councilmember Athas and second by Councilmember Cox to close the public hearing at 7:21 pm and to approve the application of Joseph L. Hanna requesting approval of an amendment to Planned Development (PD) District 84-10 for Single Family Uses regarding the following conditions pertaining to a residential building expansion: 1) increase the maximum allowable lot coverage (buildable area), and 2) decrease the side and rear yard building setback requirements. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

7c. Approved

Consider the application of Nexeo Solutions requesting approval of a Specific Use Permit for a High Risk Use (Chemical Distributor) on property zoned Industrial-1 (I-1) District. The property is located at 3101 Wood Drive. (File 11-11)

Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services. Mayor Jones opened the public hearing at 7:23 pm. There were no speakers. Motion was made by Councilmember Willis and second by Councilmember Edwards to close the public hearing at 7:23 pm and to approve the application of Nexeo Solutions requesting approval of a Specific Use Permit for 30 years for a High Risk Use (Chemical Distributor) on property zoned Industrial-1 (I-1) District. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

7d. Postponed

Consider the application of Winkelmann & Associates requesting approval of 1) a change of zoning from Single Family-16 (SF/16/E/1) District to a Planned Development (PD) District for Single Family-10 Uses, 2) a Concept Plan with conditions, and 3) a waiver of Section 31.27 of the City of Garland Code of Ordinances regarding the requirement for alleys. The property is located at 1080 East Campbell Road. (File 10-31)

Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services. Mayor Jones opened the public hearing at 7:27 pm. Speaking on this item was Michael Clark. Mr. Clark requested that this item be postponed to May 17, 2011, so that changes to the development could be reviewed by Planning. Motion was made by Councilmember Athas and second by Councilmember Edwards to close the public hearing at 7:30 and to postpone consideration of the application of Winkelmann & Associates requesting approval of 1) a change of zoning from Single Family-16 (SF/16/E/1) District to a Planned Development (PD) District for Single Family-10 Uses, 2) a Concept Plan with conditions, and 3) a waiver of Section 31.27 of the City of Garland Code of Ordinances regarding the requirement for alleys to May 17, 2011.

There were several homeowners from surrounding properties in attendance that had signed up to speak. The Mayor with the consent of the council allowed them to speak if they wished. The following individuals spoke:

Greg McMurdie – against

Bob Blesi – Against

John Burkhard – against

Bob McDonald – against

The following had signed up to speak but didn't at this time. All were against.

Sean Parker

Mary C. McClellan

Duaine Clevenger

The following had registered a position against this item:

Karen Jordan  
Linda Burkard  
Bonnie McMurdie  
Suzanne Lianing-Parker  
Ken M. Kirkland  
John Plata

At this time the Mayor called for the vote on the motion to postpone this item until May 17, 2011. Motion carried: 8 Ayes; 1 Nays (Jones); and 0 Abstentions.

8. Consider appointments to Boards and Commissions.

None

9. Citizen comments.

None

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:35 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Mary J. Kayser, City Secretary