

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, December 1, 2009, in the Council Chambers at City Hall with the following members present:

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

STAFF PRESENT:	City Manager	Bill Dollar
	City Attorney	Brad Neighbor
	City Secretary	Mary J. Kayser
	Deputy City Secretary	Debra Booth

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

CEREMONIALS: Mayor Jones presented a Proclamation declaring December 1, 2009 as Delores Elder-Jones Day in the City of Garland.

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, seconded by Councilmember Williams to approve Consent Agenda Item #'s: 1, 2a, 2b, 2c, 2d, 3a, 3b, 4, 5, 6, 7, 8, and 9. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** Approve the minutes of the November 17, 2009 Regular Meeting.

2a. Approved** Award the bid for a 28 MVA Substation Power Transformer (Bid No. 549-09) to WEG Service Co. in the amount of \$439,450.00.

2b. Approved** Award the bid for the IH 635 Utility Relocations (Bid No. 542-09) to Davis Excavation in the amount of \$2,848,584.40

- 2c. Approved** Award the bid for the implementation of New Code Compliance and Revenue Recovery System (Bid No. 61-10) to Information Strategies, Inc. in the amount of \$181,608.00.
- 2d. Approved** Award the bid for the Shiloh Road 138 kV Transmission Line – Material (Bid No. 11-10) to Techline, Inc. in the amount \$195,577.53.
- 3a. Approved** Approve Ordinance 6367 amending the Planned Development District 03-47 for Transit Oriented Development and a Detail Plan for expansion of a Used Auto Sales and Tire Dealer on a 1.07-acre tract located at 3430 Forest Lane. (Zoning File No. 09-34, First Response Restoration)
- 3b. Approved** Approve of Ordinance 6368 approving a Specific Use Permit for a Charter School on a .042-acre tract of land zoned Central Area 1 District located at 701 West State Street, north of West State Street and west of North Seventh Street. (Zoning File No. 09-39, Alpha Academy)
4. Approved** Resolution 9907 authorizing the City Manager to submit a project nomination to the Texas Department of Transportation for the 2009 Statewide Transportation Enhancement Program for reimbursement funding for further pedestrian and streetscape enhancement within Downtown Garland.
5. Approved** Resolution 9908 authorizing the City Manager to submit a project nomination for the Duck Creek Greenbelt Trail South Extension to the Texas Department of Transportation for the 2009 Statewide Transportation Enhancement Program.
6. Approved** Resolution 9909 approving and funding the 2009 Neighborhood Vitality Matching Grant application for the first application cycle.
7. Approved** Ordinance 6369 amending Section 25.04 of Chapter 25, “Parks and Recreation,” of the Code of Ordinances of the City of Garland to name a park in honor of Jack M. Hayes for his 30-year service to the City and the development of Garland’s park and recreation program.
8. Approved** Resolution 9910 authorizing the City Manager to execute Change Order No. 1 to Contract BL4187 with Quanta Utility Services, Inc. on the ERT Meter Project for the upgrade of the propriety software.

9. Approved**

Minute action authorizing the City Manager to execute a Change Order in the amount of \$363,487 for the Commerce Elevated Water Storage Tank allowing for the addition of equipment that will significantly improve coverage of the City's 800 Mhz radio system.

10a. Approved

Consider the application of QuikTrip, requesting approval of 1) an amendment to Planned Development (PD) District 85-28 for Shopping Center Uses, 2) a Concept Plan, and 3) a Specific Use Permit for Retail Sales with Gas Pumps. The property is located at 4906 Jupiter Road. (File 09-33)

The Mayor opened the public hearing at 7:11pm. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services Neil Montgomery, Senior Managing Director of Development Services, Bill Swisher, Brett Sheldon, Joe Domeier and Lee Lutz. Bob Minyard, JD Dudley and Matt Minyard did not speak but registered their support for the project.

Motion was made by Councilmember Williams and second by Councilmember Lathen to close the public hearing at 8:19pm and to approve the application of QuikTrip, requesting approval of 1) an amendment to Planned Development (PD) District 85-28 for Shopping Center Uses, 2) a Concept Plan, and 3) a Specific Use Permit for 30 years for Retail Sales with Gas Pumps with the following conditions: a) the southern wall be painted a color consistent with the shopping center; b) a detail plan be required for the eastern 2.93 acres of the property and c) that the building elevations of the QuikTrip include a brick parapet and entry features.

Motion was made by Councilmember Jeffus and second by Councilmember Athas to strike the requirement for the brick parapet. Motion failed: 3 Ayes; 6 Nays (Cox, Edwards, Jones, Chick, Williams and Lathen); and 0 Abstentions.

The Mayor called for the vote on the main motion.

Motion carried: 7 Ayes; 2 Nays (Edwards and Jeffus); and 0 Abstentions.

The Mayor called for a recess at 8:44pm and the council reconvened at 8:58pm.

10b. Approved

Consider the application of Salma Mushir, requesting approval of a Specific Use Permit for Retail Sales/Personal Service on property zoned Industrial-1 (I-1) District. The property is located at 1313 South Shiloh Road. (File 09-40)

Mayor Jones opened the public hearing at 8:58pm. Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services. Pedro Aguilar was representing the applicant and was available for questions.

Motion was made by Councilmember Chick and second by Councilmember Williams to close the public hearing at 9:01pm and to approve the application of Salma Mushir, requesting approval of a Specific Use Permit for 20 years for Retail Sales/Personal Service on property zoned Industrial-1 (I-1) District. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

10c. Approved

Consider the application of Vincent Gerard & Associates, requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2 (freestanding cell tower) on property zoned Commercial-1 (C-1) District. The property is located at 4276 O' Banion Road. (File 09-41)

Mayor Jones opened the public hearing at 9:03pm. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and John Roberson.

Motion was made by Councilmember Jeffus and second by Councilmember Willis to approve the application of Vincent Gerard & Associates, requesting approval of a Specific Use Permit for 20 years for an Antenna, Commercial Type 2 (freestanding cell tower) on property zoned Commercial-1 (C-1) District. Motion carried: 7 Ayes; 0 Nays; and 2 Abstentions.

The record reflects that Councilmember Athas and Councilmember Lathen abstained from item 10c due to a conflict of interest. A statement setting out the extent of the conflict is on file with the City Secretary.

Motion was made by Councilmember Willis to appoint the following individuals to the listed boards:

Noelia (Noe) Garcia – Housing Standards Board.

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

12. Citizen comments.

Michelle Ferrer
Deborah Trevino
Lee Lutz

The following individuals did not speak but registered their position against the use of CO gas at the animal shelter:

Dian Wright
Tanja Pattist
Merna Bishop
Rick Schmidt
Rachael Sioink
Stefanie W. Boles
Erin Feest
Clayton Boone
Philip Smith
Rekka Melby

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 9:19 pm.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Mary J. Kayser, City Secretary