

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, January 6, 2009 in the Council Chambers at City Hall with the following members present:

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

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. Mayor Pro Tem Williams led the invocation and the pledge.

CEREMONIALS: None

OATH: City Attorney Brad Neighbor administered the Oath to those who were to present testimony at this meeting.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Mayor Pro Tem Williams, seconded by Councilmember Lathen to approve Consent Agenda Item #'s: 1, 2a, 2b, 2c, 2d, and 4. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** Approval of the minutes of the December 9, 2008 Regular Meeting.

2a. Approved** Award the bid for the Installation of Duct Line from Ben Davis Substation to Section 28 of the NTTA (Bid No. 32-09) to ADB Utility Construction in the amount of \$109,784.00 and for a Contingency Fund in the amount of \$10,000.00 for a total award of \$119,784.00.

2b. Approved** Award the bid for Hot and Cold Lay Asphalt (Bid No. 37-09) to APAC in the amount of \$250,760.00.

2c. Approved** Award the bid for Hyland Software Maintenance Renewal (Bid No. 110-09) to Databank IMX in the amount of \$103,212.00.

2d. Approved** Award the bid for Police Ammunition (Bid No. 557-08) to Bailey's House of Guns, Inc. in the amount of \$57,276.21; to GT Distributors, Inc. in the amount of \$26,085.89 and to Precision Delta Corp. in the amount of \$19,635.00 for a total bid award of \$102,997.10.

2e. Approved Construction of the Utility Services Building Bid No. 54-09
Hill & Wilkinson, Ltd. \$16,611,700.00

Speaking on this item was Dino Quintanilla.

Motion was made by Councilmember Cox and second by Councilmember Edwards to award the bid for the Construction of the Utility Services Building (Bid No. 54-09) to Hill & Wilkinson, Ltd. in the amount of \$16,611,700.00. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

3. Approved Consider by minute action authorizing the City Manager to execute an engineering services agreement to Weaver Boos Consultants, LLC-Southwest in the amount of \$135,910.

Speaking on this item were Dino Quintanilla and Aubrey Harris with Garland Power & Light.

Motion was made by Mayor Pro Tem Williams and second by Councilmember Edwards to authorize by minute action the City Manager to execute an engineering services agreement to Weaver Boos Consultants, LLC-Southwest in the amount of \$135,910 to provide Phase 1 engineering services necessary to provide construction phase management services throughout the duration of the Hinton and Castle Drive Landfills Gas Collection and Control System. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

4. Approved** Resolution 9853 authorizing the City Manager to make application for a grant from the Office of the Governor,

Criminal Justice Division, to operate a Victim Assistance Advocate Program.

5. Approved

Consider an ordinance amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland.

Speaking on this item were Robert Wunderlich, Senior Managing Director of Transportation, Engineering, Streets and Stormwater, Judy Litle, John Kirby and Carl L. Smith.

Motion was made by Mayor Pro Tem Williams and second by Councilmember Chick to approve Ordinance 6287 with the following changes:

That Sec. 33.49 of Article IV, "Stopping, Standing and Parking", of Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding the following:

“(K) *Between 7:00 AM and 4:00 PM on school days only.* When signs are erected giving notice thereof, no person shall park a vehicle at any time upon the designated sides of the following streets, from 7:00 AM to 4:00 PM.

<u>Street</u>	<u>Extent</u>	<u>Side</u>
Richoak Drive	Sam Houston Drive to the east leg of Richview Court	Both
Richoak Drive	Windy Drive North Court to 250 feet east of Windy Drive	South”

Section 2

That Sec. 33.52 of Article IV, "Stopping, Standing, and Parking", of Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding the following:

“(A) *No parking anytime.* It is a violation of this Code for any person to stop, stand or park a vehicle upon any of the streets or sides of streets or portions thereof as set out below when signs are erected thereof:

<u>Street</u>	<u>Extent</u>	<u>Side</u>
Richoak Drive	East leg of Richview Court to 460 360 feet west of Windy Drive	North

Motion was made by Councilmember Lathen and second by Councilmember Jeffus to amend the motion to add a sunset review of the ordinance in June of 2009. Motion failed: 3 Ayes; 6 Nays (Athas, Cox, Edwards, Willis, Chick and Williams); and 0 Abstentions.

The Mayor called for the vote on the original motion. Motion carried: 8 Ayes; 1 Nays (Jeffus); and 0 Abstentions.

6. Approved

Consider a resolution approving the acquisition by Dallas Area Rapid Transit (DART) by fee simple purchase, easement purchase or the exercise of the right of eminent domain, of specific properties within the City of Garland as herein described for the construction of certain traffic improvements.

Speaking on this item was Dino Quintanilla.

Motion was made by Mayor Pro Tem Williams and second by Councilmember Edwards to approve Resolution 9854 approving the acquisition by Dallas Area Rapid Transit (DART) by fee simple purchase, easement purchase or the exercise of the right of eminent domain, of specific properties within the City of Garland for the Blue Line Rail extension from Garland to Rowlett. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

7. Presented

Presentation of the Proposed 2009 Capital Improvement Program.

City Manager Bill Dollar presented the Proposed 2009 Capital Improvement Program. Mayor Jones called for a public on the Proposed 2009 Capital Improvement Program on January 20, 2009.

8. Held Public Hearing

Hold a public hearing regarding the amendment to the Comprehensive Zoning Ordinance 4647 to define and limit the location of alternative financial establishments.

Mayor Jones opened a public hearing on amending the Comprehensive Zoning Ordinance 4647 to define and limit the location of alternative financial establishments at 8:26 PM.

Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services, Steve Miller and Dino Quintanilla.

There being no further speakers the Mayor closed the public hearing at 8:46 PM.

9a. Approved

Consider the application of Chicken Express, requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District and 2) a variance to Section 24 of the Comprehensive Zoning Ordinance regarding building setbacks. The property is located at the northern corner of William A. Taylor Avenue and Broadway Boulevard. (File 08-53)

The Mayor opened a public hearing on this item at 8:49 pm. Speaking on this item was Neil Montgomery, Senior Managing Director of Development Services.

Motion was made by Councilmember Edwards and second by Councilmember Cox to close the public hearing at 8:51 pm and to approve the application of Chicken Express, requesting approval of 1) a Specific Use Permit for 20 years for Restaurant with Drive Through on property zoned Shopping Center (SC) District and 2) a variance to Section 24 of the Comprehensive Zoning Ordinance regarding building setbacks. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

9b. Approved

Consider the application of The Dimension Group, requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District. The property is located at 6418 North Jupiter Road. (File 08-54)

The Mayor opened a public hearing on this item at 8:52 pm. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and Alexandra Matis.

Motion was made by Councilmember Athas and second by Councilmember Lathen to close the public hearing at 8:56pm and to approve the application of The Dimension Group, requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District for 25 years. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

9c. Approved

Consider the application of Baldwin Associates, requesting approval of a change of zoning from Single Family-7

(SF7/G/3) District to General Business (GB) District. The property is located north of 5610 Broadway Boulevard. (File 08-55)

The mayor opened a public hearing on this item at 8:57 pm. Speaking on this item were Neil Montgomery, Senior Managing Director of Development Services and Vickie Rader.

Motion was made by Councilmember Jeffus and second by Councilmember Edwards to close the public hearing at 8:58 pm and to approve the application of Baldwin Associates, requesting approval of a change of zoning from Single Family-7 (SF7/G/3) District to General Business (GB) District. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

10.

Consider appointments to Boards and Commissions.

Mayor Jones turned the meeting over to Mayor Pro Tem Williams.

Motion was made by Mayor Jones to appoint the following individuals to the listed boards:

Martha Melaku – Community Multicultural Commission.
Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

The Mayor Pro Tem returned the meeting to the Mayor.

11. Citizen comments.

Dino Quintanilla
Jennifer Chambers
Kathy Stokes

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 9:08 PM.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Mary J. Kayser, City Secretary