

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, February 21, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Preston Edwards
Councilmember	Douglas Athas
Councilmember	Laura Perkins Cox
Councilmember	Larry Jeffus
Councilmember	John Willis
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson
	Recording Secretary	Brenda Owens

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

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 Cox, and second by MPT Edwards to approve Consent Agenda Item #'s: 1, 2, 3a, 3b, 3c, 4, 5, 6, 7, 8 and 9 with supplemental item 9a pulled for additional discussion. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** Consider approval of the minutes of the February 7, 2012 Regular Meeting.

2. Approved** Fleet Fuels - Bid No. 2783-12
Douglass Distributing Company \$5,200,000
This is for a term contract to secure long-term pricing and supply for fleet fuels to be utilized by various City departments in daily operations. A fleet fuel contract was previously awarded to Martin Eagle Oil Company through an interlocal agreement with Tarrant County. Due to unfavorable market conditions, Martin Eagle Oil Company submitted a written request to terminate their contract with Tarrant County and the

remainder of the contract was awarded to the secondary supplier, Douglass Distributing Company.

3. Approved**

Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.

a. Zoning File No. 11-01, Rita Segovia

Ordinance 6516 amending the zoning laws of the City of Garland by approving a house conversion for Sunday School classes on property zoned Single Family-7 (SF-7/G/3) District on a 0.16-acre tract of land located at 409 Freeman Drive.

b. Zoning File No. 12-01, Jupiter Management Group

Ordinance 6517 amending the zoning laws of the City of Garland by approving a change in zoning from Industrial-1 (I-1) District to Commercial 1 (C-1) District on a 2.76-acre tract of land located at 2206 – 2218 South Jupiter Road.

c. Zoning File No. 12-02, Jupiter Shopping Center

Ordinance 6518 amending the zoning laws of the City of Garland by approving a change in zoning from Industrial-1 (I-1) District to Commercial 1 (C-1) District on a 1.03-acre tract of land located at 1417 – 1449 South Jupiter Road.

4. Approved**

Resolution 10028 accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Comprehensive Grant.

At the February 20, 2012 Work Session, Council was scheduled to consider authorizing the acceptance of a TxDOT STEP Impaired Driving Mobilization Grant consisting of driving while intoxicated enforcement in the amount of \$31,868.50. The required enforcement period will be March 2012 – September 2012.

5. Approved**

Resolution 10029 providing for the redemption of certain outstanding City of Garland, Texas, Tax Notes, Series 2011; and resolving other matters incident and related to the redemption of such obligations.

At the February 6, 2012 Work Session, Council considered authorizing the early redemption of \$5,400,000 of tax notes on March 1, 2012. At the time Council approved the issuance of tax notes on September 6, 2011, it was contemplated that the City would exercise the call provision to redeem the notes on March 1, 2012 prior to their scheduled maturity date of November 15, 2012.

6. Approved**

Resolution 10030 authorizing the Interim City Secretary to enter into an election services contract for the administration of a general election, and if needed, a runoff election.

The proposed contract with Dallas County is to conduct the City of Garland General Election on May 12, 2012 for the purpose of electing Council members for Districts 1, 2, 4, and 5. Due to litigation involving the state redistricting maps, Dallas County Elections Administration Office is unable to provide cost estimates at this time for the May election. Estimated costs should be available within the next few weeks. The City has budgeted \$54,000 for election expenses in the 2011-12 budget. The initial contract payment is due on February 28, 2012.

7. Approved**

Resolution 10031 authorizing the City Manager to execute an engineering services agreement with Surveying and Mapping, Inc., for \$180,000 to provide a boundary and LIDAR survey of the Olinger – Greenville Interchange 138kV Transmission Line Reconstruction Project. The engineering services are necessary as the transmission interchange has reached its serviceable life. The City needs to increase the lines capacity to a larger conductor and complete the extension of communication capabilities by installing fiber optical ground wire.

8. Approved**

Resolution 10032 authorizing the City Manager to execute a Professional Services Agreement with Burns & McDonnell

Engineering Company, to provide all engineering design services, construction support, bid assistance, geotechnical investigation services, construction staking, and other engineering services as required to complete the Olinger – Greenville 138kV Interchange Transmission Line Reconstruction Project.

9. Approved**

Resolution 10033 suspending the March 6, 2012 effective date of Atmos Energy Corp., Mid-Tex Division requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee and other cities in the Atmos Energy Corp., Mid-Tex Division Service Area to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; requiring notice of this resolution to the company and legal counsel. The resolution suspends the effective date of the rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Atmos Cities Steering Committee, to evaluate the filing, determine whether the filing complies with law, and if lawful to determine what further strategy to pursue.

9.a. Postponed

Supplemental Agenda item Consider approving by minute action authorizing the City Manager to execute a consulting agreement with Ray Schwertner. At the January 3, 2012 Executive Session, Council discussed the reassignment of Ray Schwertner, the Managing Director of Electric Utility, to a consulting basis. Council Member Douglas Athas and Mayor Pro Tem Preston Edwards requested that the proposed consulting agreement between the City and Ray Schwertner be placed on the consent agenda for Council approval.

City Manager Dollar discussed some proposed changes to proposed contract. Mr. Schwertner answered questions, including whether he would be agreeable to a two-week postponement in order that Council members be given more time to review the changes negotiated earlier today.

Motion by Council Member Cox, 2nd by Council Member Dodson to postpone consideration of this contract for two weeks to next meeting date. Motion passed 5-4.

Ayes: Jones, Cox, Willis, Dodson, and Cahill

Nays: Athas, Edwards, Jeffus and Williams

Motion passes 5-4

10. Held

Hold a public hearing regarding the 2012 Proposed Capital Improvement Program. Persons were given the opportunity to be heard for or against the proposed 2012 Proposed Capital Improvement Program (CIP).

Mayor Jones opened the Public Hearing at 7:35 p.m.

No speakers.

11. Approved

Ordinance #6519 approving the 2012 Proposed Capital Improvement Program. On January 17, 2012, Council was presented the 2012 Proposed Capital Improvement Program (CIP). The following day copies of the Proposed CIP were made available for public inspection at the City Libraries, City Secretary's Office, and on the City's website. A public hearing was also held on February 7, 2012. Council held a Special Budget Work Session on January 24, 2012 to review the proposed program and held discussions on the CIP at the February 6, 2012 Work Session.

Motion by Council Member Cox and seconded by Council Member Dodson to close the Public Hearing and to approve the CIP as presented.

Vote on the motion: motion carried by 8-1 vote.

Ayes: Athas, Cox, Edwards, Jeffus, Willis, Dodson, Cahill and Jones

Nay: Williams

12.a. Held and approved.

Consider the application of Garland Eastgate LP, (Zoning File # 11-32) requesting approval of 1) a change of zoning from Planned Development (PD) Districts 06-37 and 07-70 for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses and Freeway Uses, 2) a Concept Plan for

Multi-Family Uses and Freeway Uses, 3) a variance to Section 12-530 of Comprehensive Zoning Ordinance 4647 regarding off-street parking requirements for property located north of Marketplace Drive, west of Saturn Road. Proposal is for approval of a change of zoning from Industrial 1 to a Commercial 1 District. At the January 23, 2012 meeting, the Plan Commission (by a 7 to 2 vote) recommended approval of 1) a change of zoning, 2) a Concept Plan for Multi-Family Uses and Freeway Uses, 3) variances to roof pitch and vaulted ceilings, multi-family building placement, landscape buffers along thoroughfares, site landscaping and perimeter screening, and 4) a variance regarding off-street parking requirements as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mayor Jones opened the public hearing at 7:38 p.m. Speaking on this item were the applicants: Kim Wise with Provident Realty Advisors and Michael Clark and Jeff Good with Garland Eastgate, LP.. Nearby property owner Don E. Howard III registered to speak against, but after hearing all testimony, indicated to Council that he would like to see the proposal that the applicants will present if they are approved for this zoning change.

Motion by Councilman John Willis, 2nd by Council Member Lori Dodson, to close the public hearing at 8:25 p.m. and to approve request as presented, with changes under Sec. V, to strike out following permitted uses: Automotive Repair, minor, Tire Dealer/Tire repair, Transit Station and a modification that any Retail Sales with Gas Pumps would require an SUP.

Vote on the motion: Motion carries 7-2.

Ayes: Williams, Willis, Cox, Dodson, Athas, Cahill, Jones

Nays: Edwards, Jeffus

12.b. Held and approved

Consider the application of Garland Cinema Inc, (Zoning file # 12-03) requesting approval of 1) a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC)

District, and 2) a variance to Section 12 (12-530) of Comprehensive Zoning Ordinance 4647 regarding off-street parking requirements. The property is located at 3310 W. Walnut Street. The proposal is for approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center. At the January 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of five years tied to Sanjay Chandrahas. The hours of operation were modified to 6 p.m. to 2 a.m. on weekdays and noon to 2 a.m. on weekends and days when school is not in session.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mayor Jones opened the public hearing at 8:25 p.m. Speaking on this item was the applicant Sanjay Chandrahas. He requested that the approved hours of operation be 6 p.m. to 2 a.m. on weekdays (same as P&Z approved) but earlier - 6 a.m. to 2 a.m. on weekends and days when school is not in session. He explained that he enjoyed showing movies to church groups that would come in early on Sunday mornings and that he enjoyed showing movies to students during the day when school is not in session. There was a discussion about hours for alcohol to be served - Mr. Chandrahas agreed that the business would not serve alcohol before 6 p.m.

Motion by Council Member Dodson, 2nd by Council Member Jeffus, to close the public hearing and to approve request as presented, with changes to the approved hours of operation: weekdays = 6 p.m. – 2 a.m., weekends, Sundays, holidays, Christmas break or other GISD holidays when school is not in session = 6 a.m. to 2 a.m. and with agreement from the applicant, Sanjay Chandrahas, that there will be no alcohol served before 6 p.m..

Vote on the motion:
Motion carries unanimously 9-0.

12.c. Held and approved

Consider the application of Perren Gasc, (Zoning File #12-04) requesting approval of 1) a change of zoning from Planned Development (PD) District 80-42 for General Business Uses to

Commercial-1 District, and 2) a Specific Use Permit for Automotive Repair, Major. The property is located at 5615 Broadway Boulevard. The proposal is for approval of 1) a change of zoning from Planned Development 80-42 for General Business Uses to a Planned Development for Commercial-1 Uses and 2) a Specific Use Permit for Automotive Repair, Major to allow for an AAMCO Transmission shop. At the January 23, 2012 meeting, the Plan Commission (by an 8 to 1 vote) recommended approval of 1) a Planned Development for Commercial 1 (C-1) uses striking the uses listed by staff in addition to those proposed by the applicant, and allowing Transmission Repair as the only Major Automotive Repair use and 2) a Specific Use Permit for Automotive Repair, Major (Transmissions only) for a period of ten years tied to AAMCO Transmission.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mayor Jones opened the public hearing at 8:35 p.m. Speaking on this item was Austin Schenkel, representing the applicants (AAMCO). Mr. Schenkel addressed Council concerns by clarifying that there would be no wrecked and disabled vehicles in the parking lot to be unsightly. Since the work is done to the transmissions, customarily the vehicles are not wrecked.

Motion by Council Member Larry Jeffus, 2nd by Council Member Rick Williams, to close the public hearing and to approve request as presented.

Vote on the motion:
Motion carries unanimously 9-0.

12.d. Held and approved

Consider the application of Harrison French & Associates, for 7-Eleven, Inc, (Zoning File Z #12-05) 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 2510 Belt Line Road. The proposal is for approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center. At the January 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 20 years tied to 7 – Eleven, Inc.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mayor Jones opened the public hearing at 8:49 p.m. Speaking in favor was Larae Tucker for 7-Eleven, the applicants. She noted that the company plans to make no significant changes to the property.

Motion by Council Member Williams, 2nd by Mayor Pro Tem Edwards, to close the public hearing at 8:52 p.m. and to approve request as presented.

Vote on the motion: motion carried unanimously by 9-0 vote.

13. Citizen comments.

None

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:52 pm.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Elaine Simpson, Interim City Secretary