

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 1, 2012, in the Council Chambers at City Hall with the following members present:

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

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

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

CEREMONIALS: Mayor Jones and City Manager Bill Dollar presented Special Recognitions to the following city employees:
Felisa Conner, Neighborhood Vitality, Manager
Cheryl Reno, Major Thoroughfare Specialist/Inspector,
Code Compliance

Then to Garland Police Officer John Capers the “2011 Excellence in Neighborhood Service Award”

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 Dodson and second by Councilmember Williams to approve Consent Agenda Items #1 - #6, as presented. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** Consider approval of the minutes of the April 17, 2012 Regular Meeting.
- 2.a. Approved** Bid No. 2789-12 - Mini Digger Derrick, to Nesco Sales for \$159,442.00 for purchase of a replacement Mini Digger Derrick for Garland Power & Light for use in daily operations.
- 2.b. Approved** Bid No. 2877-12 -Energy Management Software and Licensing Upgrade to Open Systems International, Inc. (OSI) for \$164,736.07 for all labor and material necessary to install the latest upgrades to the City's Operation Energy Management System platform, which is the Electric Reliability Council of Texas (ERCOT) designated interface between the GP&L Energy Management System, ERCOT, and the MV-90 multivendor-90 data collection system.
- 2.c. Approved** Bid No. 2853-12 - Underground Cable Replacement to Infratech Corporation for \$756,460.57 to provide labor and equipment necessary to remove and to replace aging underground distribution facilities.
- 3.a. Approved** Ordinance # 6538 approving application of Deleshia Taylor (Zoning File No. 12-12) approving a Specific Use Permit for a Child Care Center on property zoned Single Family 7 (SF/7/G/3) District on a .90-acre lot located at 716 Chandler Drive.
- 3.b. Approved** Ordinance # 6539 approving the application of Realty Capital Management LLC, (Zoning File 12-13) amending the zoning laws of the City of Garland by approving a change in zoning from Agriculture (AG) District to a Planned Development (PD) District for Multifamily Uses on a 50-acre tract of land located south and west of Bunker Hill Road and west of Miles Road.
4. Approved** Resolution #10049 adopting and approving the Consolidated Plan – One Year Plan of Action including a Revised Statement

of Uses of Funds for the 2012 – 2013 Community Development Block Grant, Home Investment Partnership, and Emergency Solutions Grant Programs. At the April 3, 2010 Regular Meeting, a public hearing was held to provide an opportunity for comments by any interested individuals regarding the proposed budget allocation for the 2012 – 2013 CDBG, HOME, and ESG Programs. This item was also considered by Council at the April 16, 2012 Work Session.

5. Approved**

Approve by minute action the appointment of Jack L. May to the North Texas Municipal Water District Board of Directors. The North Texas Municipal Water District (NTMWD) notified the City that Jack L. May's term of office as a NTMWD Board Member expires on May 31, 2012. NTMWD has requested that Council consider reappointing Mr. May or appoint another Director to serve a two-year term from June 1, 2012 to May 31, 2014. In accordance with Council policy, information was posted on the City's website for 14 days regarding the qualifications of the NTMWD Board Member to provide an opportunity for citizens to apply for the position. Mr. May was the only citizen to respond.

6. Approved**

Resolution # 10050 authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for a grant under the 2012 Edward Byrne Memorial Justice Assistance Grant Program. The Police Department is requesting Council's approval to apply for the 2012 Edward Byrne Memorial Justice Assistance Grant which will result in a net award of \$31,050.75 to the City of Garland. The Director of the Bureau of Justice Assistance has made funds available to units of local government under the 2012 Edward Byrne Memorial Justice Assistance Grant program for the purpose of reducing crime and improving public safety.

Individual Consideration

7.a. Held and Approved

Public Hearing and application of Martin Eagle Oil Company requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses in the SH 190 Overlay. The property is

located at 2902 Lavon Drive. (File Z 12-11, Council Member Doug Athas, District #1) Proposal is for approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Commercial 1 (C-1). At the April 9, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 25 years tied to Martin Eagle Oil Company as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report and explained that this is an existing gas station which was formerly part of the Albertsons store on Lavon Drive. This request is due to a change in ownership only. No changes in canopies or the pay kiosk are planned. The Planning Commission unanimously recommended approval of this request.

Mayor Jones opened the public hearing at 7:15 pm.

No one spoke on this item.

Councilmember Athas made a motion, second by Councilmember Cox to close the public hearing at 7:16 p.m. and approve the application of Martin Eagle Oil Company for a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses in the SH 190 Overlay for property located at 2902 Lavon Drive and as recommended by the Planning Commission. Motion carried unanimously 9 Ayes, 0 Nays and 0 Abstentions.

7.b. Held and Approved

Public Hearing and application of Responsive Education Solutions, requesting approval of a Specific Use Permit for a Charter School on property zoned PD (Planned Development) District 05-08 for Church Use in the SH 190 Overlay. The property is located at 1600 West Campbell Road. (Councilmember Doug Athas, District #1, File Z 12-14). At the April 9, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report, explaining that an SUP is required for a charter school in any zone where the school is an approved use.

Mayor Jones opened the public hearing at 7:18 pm.

William Chandler was present representing the applicant and was available for questions.

Motion by Councilmember Athas, second by Councilmember Cox, to close the Public Hearing at 7:19 p.m. and to approve application of Responsive Education Solutions, requesting approval of a Specific Use Permit for a Charter School on property zoned PD (Planned Development) District 05-08 for Church Use in the SH 190 Overlay as recommended by the Planning Commission. Motion carried unanimously: 9 Ayes, 0 Nays and 0 Abstentions.

7.c. Held and Approved

Public Hearing and application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant with Drive-Through for property located at 3300 Broadway Boulevard. (Council District #3, File Z 12-15) At the April 9, 2012 meeting, the Plan Commission (by a 5 to 4 vote) recommended denial of the request.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report explaining that this is a request to put a Chicken Express restaurant with a drive through at corner of Broadway and Stonewall at the site of the old Chase Bank. The Planning Commission recommended denial of the request.

Mayor Jones opened the public hearing at 7:21 pm.

The following citizens spoke during the public hearing:

- Wes Parnell – applicant – in favor.
- Lonnie Holliday – property appraiser working with applicant – in favor.
- Philipp Dunn, DDS – against
- Eddie Liebman – in favor
- Dr. Lisa Garner – against
- Jeffrey English – against
- Jason Curtis – in favor

Council members questioned Mr. Parnell, the applicant, regarding the Stonewall turn-around area and the concerns regarding the traffic congestion on Stonewall. Mr. Parnell also explained that he has high standards for cleanliness of his restaurants and the parking lots around it.

Council clarified with Mr. Montgomery that if the motion was made to change the underlying zoning to Office 2, instead of General Business, this would eliminate some concerns regarding allowable uses. The SUP would still be tied to the applicant, Mr. Parnell, so other restaurants with drive-through lanes could not come in without also securing an SUP.

The Council clarified with Mr. Parnell that the empty restaurant building across the street (formerly Schlotzsky's Deli) was not a workable location for the Chicken Express, because it did not have room around the building for the drive through lanes.

Mayor Pro Tem Edwards made a motion to close the public hearing at 8:14 p.m., second by Councilmember Dodson, and to approve 1) a change of zoning from Office 1 (O-1) District to Office 2 (O-2) District and 2) a Specific Use Permit for a Restaurant with Drive-Through tied to applicant Wes Parnell for 25 years, for property at 3300 Broadway Boulevard. Motion carried by a vote of 5 Ayes, 4 Nays and 0 Abstentions.

Ayes: Athas, Cox, Edwards, Dodson and Jones

Nays: Jeffus, Willis, Cahill and Williams

8. Appointed

Consider appointments to Boards and Commissions.

Motion by John Willis to nominate Monica Reyes to the Community Multicultural Commission. Motion carries unanimously; 9 Ayes, 0 Nays, and 0 Abstentions.

9. Held

Citizen comments.

Don Howard III, 1109 Bardville, Garland: Thanked and commended outgoing City Council members Laura Cox, Douglas Athas and Larry Jeffus. Also commended Councilmember John Willis, who ran for re-election

unopposed. Mr. Howard then congratulated Bill Dollar regarding the appointment of the new Fire Chief Raymond Knight.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:40 pm.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Elaine Simpson, Interim City Secretary