

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

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Councilmember	Anita Goebel
Councilmember	Marvin 'Tim' Campbell
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	B.J. Williams
Councilmember	Jim Cahill

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. MPT Willis led the invocation and the pledge of allegiance.

CEREMONIAL: Proclamation: To Mr. Kai Chung, President of Greater Dallas Taiwanese Chamber of Commerce as Ambassador-At-Large – International Trade and Relations.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by MPT Willis and second by Councilman Rick Williams to approve 2.a., 2.b., 2c., 2.d., 2.e., 3.,4., 5 and 6. Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

Mayor Pro Tem pulled item 1.; Meeting minutes from August 7, 2012.

1. Approved as revised	Consider approval of the minutes of the August 7, 2012 Regular Meeting.
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Motion by MPT Willis to approve the meeting minutes revised to 'action minutes' from the August 7, 2012 meeting modified with the addition of the word 'Garland' inserted before the words 'NAACP' on page one related to the ceremonials, second by Deputy MPT Edwards. Motion carried unanimously by a vote of 9 Ayes; 0 Nays; and 0 Abstentions.

2.a. Approved**

Bid No. 2948-12 - Cab and Chassis with Roll-Off Body from Bruckner Truck Sales for \$319,061.64 for replacement of two Mack cab and chassis with roll-off bodies to be used by the Environmental Waste Services Department in daily operations.

2.b. Approved**

Bid No. 2984-12 - Underground Maintenance and Construction from T & D Solutions for \$1,500,000.00 to provide all labor, tools and equipment necessary for maintenance and construction on GP&L underground electric distribution projects.

2.c. Approved**

Bid No. 3003-12 - Materials for 138kV Transmission Line Rebuild

Techline, Inc.	\$785,476.43
Contingency	164,523.57
TOTAL	\$950,000.00

This request is for the purchase of materials necessary to rebuild the Olinger to Greenville 138kV transmission line for part of the ERCOT transmission planning requirement for system reliability and security.

2.d. Approved**

Bid No. 3075-12 for Cab and Chassis for Sewer Truck Body from Rush Truck Center of Houston, for \$109,072.00 for purchase of a cab and chassis for the previously approved sewer truck body to be used by the City of Garland Water/Wastewater Department in daily operations.

2.e. Approved**

Bid No. 3508-12 for Conductor for 138kV Transmission Line Rebuild

Techline, Inc.	\$1,046,406.00
Contingency	53,594.00
TOTAL	\$1,100,000.00

This request is for purchase of a conductor required to build the Olinger to Greenville 138kV transmission line as part of the ERCOT transmission planning requirement for system reliability and security.

3. Approved** Ordinance # 6561 regarding Zoning File No. 12-36, Firewheel Master Partnership, applicants approving an amendment to Planned Development (PD) District 12-08 for Freeway Uses regarding regulation of freestanding signs on a 170-acre tract of land located northeast of the intersection of State Highway 78/Lavon Drive and State Highway 190 (President George Bush Turnpike).

4. Approved** Resolution #10066 changing the date of the first regular meeting of October from October 2nd to October 1, 2012 to eliminate a schedule conflict with *National Night Out* activities in the community.

5. Approved** Resolution #10067 authorizing City Manager to execute a prepayment agreement among and between the City of Bryan, City of Denton, City of Garland, and City of Greenville regarding an elective program of prepayment of fixed cost power purchase payments to the Texas Municipal Power Agency (TMPA). On July 12, 2012, the TMPA Board of Directors passed a resolution providing an option for TMPA Member Cities (City of Bryan, City of Denton, City of Greenville, City of Garland) for the administration of funds received from Member Cities for the purpose of refunding or prepaying a portion of TMPA's outstanding revenue refunding bonds, Series 1993. TMPA is proposing the use of escrow accounts as an option to manage the Series 1993 debt service and seeks the approval of an agreement between the Member Cities to allow the use of the escrow accounts.

6. Approved** Consider by minute action authorizing the City Manager to execute an Amendment Agreement No. 3 to the Automated

Red Light Enforcement Service Agreement (SafeLight Program). The agreement between the City and its automated red light enforcement vendor (Xerox State and Local Solutions, Inc.) is in need of updating in order to formalize a number of operational changes that the parties have operated under for some time as well as provisions that are either no longer necessary or are in need of modification.

ITEMS FOR INDIVIDUAL CONSIDERATION

7.a. Held and
Approved

Consider the application of Illiana Rojas, requesting approval of a Specific Use Permit for Reception Facility on property zoned Industrial 1 (I-1) District. The property is located at 2800 West Kingsley Road Suite 100 and 101. (File 12-34) The proposal is for approval of a Specific Use Permit for a Reception Facility currently operating in Suite 100 to expand into Suite 101. On July 23, 2012, the Plan Commission (by an 8 to 0 vote) recommended approval of the Specific Use Permit for a period of 5 years tied to Illiana Rojas as recommended by staff.

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

Mayor Jones opened the public hearing at 7:14 p.m.

There were no speakers.

MPT Willis made a motion to close the public hearing at 7:15 p.m. and to approve, as presented, the Specific Use Permit for Reception Facility on property zoned Industrial 1 (I-1) District located at 2800 West Kingsley Road Suite 100 and 101 as requested in Zoning File Z 12-34, seconded by Councilmember Dodson.

Motion carried by unanimous vote of 9 Ayes; 0 Nays; 0 Abstentions.

7.b. Held and
Approved

Consider the application of Provence @ Firewheel, L.P. requesting approval of an amendment to Planned Development District 04-19 for Single Family Uses regarding regulation

of garages on lots not served by an alley for properties located at 909 and 917 Chumley Road; 810 and 818 Rimes Drive; 809 Sharp Court; and 1210, 1206, 1114, 1002, 914, 910, 906 and 902 Means Farm Road - Zoning file Z 12-37, request affects 13 remaining vacant lots to allow the garage door to face the street of a front entry house if it is for a third garage. On July 23, 2012, the Plan Commission (by an 8 to 0 vote) recommended approval, as recommended by staff.

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

Mayor Jones opened the public hearing at 7:18 p.m.

Speaking for the applicants were David Siciliano, 17943 Windflower WY, Dallas, TX and David Sutton, 806 Holden CT, Garland, TX.

Speaking in opposition: Chris Luna, 801 Holden CT, Garland.

Councilman Campbell made a motion to close the public hearing at 7:54 p.m. and to approve application of Provence @ Firewheel, L.P. for an amendment to Planned Development District 04-19 for Single Family Uses regarding regulation of garages on lots not served by an alley at properties located at 909 and 917 Chumley Road; 810 and 818 Rimes Drive; 809 Sharp Court; and 1210, 1206, 1114, 1002, 914, 910, 906 and 902 Means Farm Road as included in Zoning File 12-37 to allow the garage door to face the street of a front entry house if it is for a third garage as recommended by the Plan Commission and staff, motion was seconded by Councilmember Goebel.

A motion was made for an amendment by Councilmember Dodson and seconded by Councilmember Goebel to require the door facing the street to be made of wood.

Motion to amend failed by a vote of 1 Aye, 8 Nays, 0 Abstentions

Aye: Dodson

8 Nays: Goebel, B.J. Williams, Cahill, Willis, Jones, Edwards, Rick Williams and Campbell.

The main motion carried by a vote of 8 Ayes; 1 Nay; 0 Abstentions.

Ayes: Goebel, BJ Williams, Rick Williams, Cahill, Willis,
Edwards, Jones and Campbell
Nay: Dodson

8. Held

Hold a public hearing regarding the 2012-13 Proposed Budget. Section 5, Article VII, of the City Charter requires that a public hearing be held on the Proposed Budget for the coming fiscal year. At the public hearing, all interested persons shall be given an opportunity to be heard for or against any item contained in the Proposed Budget. The Proposed Budget for 2012-13 has been available for public inspection in the City libraries, in the City Secretary's Office, and on the City's website since August 8, 2012. A second public hearing on the Proposed Budget is scheduled for Thursday, August 30, 2012. The 2012-13 Budget is scheduled for formal adoption on September 4, 2012.

Mayor Jones opened the public hearing at 7:55 p.m.

Speakers on the budget:

Allison Lewis, 4306 Windsor, Garland.
Elizabeth Berry, 216 E. Kingsbridge, Garland
Gladys Denham, 1005 Montclair, Garland, TX
John Clary, 1934 Sage Dr., Garland, TX

Speakers in favor of the budget:

Emmy Campbell, 2718 Cumberland Dr., Garland
Sharra McRae, 4178 Duck Creek Dr., Garland
Janice Kuebler, 5022 Wildbriar Dr., Garland
Barbara Chick, 114 S. Bullock, Garland

Mayor Jones closed the public hearing at 8:24 p.m.

9. Held

Hold a public hearing regarding the 2012-13 Proposed Tax Rate. The Texas Property Tax Code, Section 26.05(d), provides that a governing body may not adopt a tax rate that exceeds the lower of the rollback tax rate or 103 percent of the effective rate until it has held two public hearings on the proposed increase. The 2012-13 Proposed Budget is based on a tax rate of 70.46 cents per \$100 of valuation, which does not exceed 103 percent of the effective tax rate of 71.48 cents or the rollback rate of 74.23 cents. The City, at its option, is

choosing to have two public hearings on the proposed tax rate. A second public hearing is scheduled for Thursday, August 30, 2012.

Mayor Jones opened the public hearing at 8:25 p.m.

Speaking in favor:

Mary Ehlenfeldt, 4306 Windsor, Garland

Mayor Jones closed the public hearing at 8:29 p.m. and made the following announcement: The tax rate is scheduled for adoption on Tuesday, September 4, 2012, at 7:00 P.M. in the Council Chambers of Garland City Hall.

10. Approved

Ord. # 6562 amending Chapter 10, "Administration," of the Code of Ordinances of the City of Garland. At the July 2, 2012 Work Session, Council formed an Ad Hoc Committee on the City Secretary position. The Committee met on July 9 and presented their recommendations to Council at the July 17, 2012 Work Session. At the August 7, 2012 Regular Meeting, Council considered an ordinance amending Chapter 10, "Administration", of the Code of Ordinances.

Interim City Secretary Simpson read the following positions into the record for those choosing not to testify:

In opposition: Karen Nixon, 900 W. Ave E., Garland

Fay N. Heddin, 602 Eastern Star, Garland

Mayor recognized the following speaker in favor:

Lawrence B. Jones III, 1954 High Meadow, Garland

Speaker opposed:

Steve Miller, 1918 Travis, Garland, TX

Councilman Rick Williams noted that the section regarding the nomination of the City Secretary by the Mayor and the City Manager has been deleted as a result of the Work Session meeting yesterday.

Motion was made by Councilman Rick Williams, seconded by Councilman BJ Williams, to adopt the Ordinance as presented tonight.

Motion carried by a vote of 7 Ayes; 2 Nays; 0 Abstentions.

Ayes: BJ Williams, Cahill, Willis, Mayor Jones, Edwards, Rick Williams, Campbell

Nays: Dodson, Goebel

11. Appointed

Consider by minute action appointments to the Garland Housing Finance Corporation Board of Directors. The terms of office for Ed Jackson and Chris Liebrum as members on the Garland Housing Finance Corporation (GHFC) Board of Directors will expire on August 31, 2012. Council received letters of interest and resumes from three applicants (Ed Jackson, Chris Liebrum, Frank Chavez) expressing their desire to be reappointed or appointed to the GHFC Board.

Motion by Rick Williams, second by Councilwoman Dodson, to appoint Ed Jackson and Chris Liebrum as members on the Garland Housing Finance Corporation (GHFC) Board of Directors.

Motion carried unanimously with 9 Ayes; 0 Nays; 0 Abstentions.

12. All appointed

Consider appointments to Boards and Commissions. Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

Mayor called for nominations as a slate:

- Kenneth R. Puckett – Building and Fire Codes Board (Willis)
- Thomas Jerry Redden – Library Board (Cahill)
- Minerva I. Moreno –Community Multicultural Commission (Goebel)
- Gregory B. Davis – Parks and Recreation Board (Dodson)
- Debbie Starling – Housing Standards Board (R. Williams)

Mayor Jones called for the vote on the appointment of the slate of appointees, motion carried by unanimous vote of 9 Ayes; 0 Nays; 0 Abstentions.

13. Citizen comments.

Steve Miller, 1918 Travis, Garland, spoke about the city logo.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:53 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Elaine Simpson, Interim City Secretary