

# **AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland**

**Council Chambers, City Hall**

**200 North Fifth Street, Garland, Texas**

**February 17, 2009**

**7:00 p.m.**

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.

### **CITY COUNCIL GOALS 2020**

**(Adopted by Resolution No. 9402 on December 20, 2005)**

- **Sustainable quality development and redevelopment**
- **Financially stable government with tax base that supports community needs**
- **Defends rightful powers of municipalities**
- **Fully informed and engaged citizenry**
- **Consistent delivery of reliable City services**
- **Safe, family-friendly neighborhoods**
- **Embrace diversity**

## CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has been briefed on these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. Consider approval of the minutes of the February 3, 2009 Regular Meeting.

2. Consider approval of the following bids:

- a. Base Sealing Membrane for the Street Department      Bid No. 121-09

Professional Coating Technologies, Inc.      \$110,500.00

*This request is to provide base sealing membrane used on newly placed crushed concrete base material on pavement projects to prevent water penetration.*

- b. NTTA Transmission Line Relocation      Bid No. 157-09

Chapman Construction Co. L.P.	\$ 969,698.94
Contingency	<u>150,000.00</u>
TOTAL	<u>\$1,119,698.94</u>

*This request is to provide labor, equipment, and material necessary for the relocation of three 138 kV transmission lines (Olinger to Firewheel, Ben Davis to Elm Grove, and Ben Davis to Wynn Joyce) in Section 28 and the relocation of two 138 kV transmission lines (Olinger to Firewheel and Ben Davis to Elm Grove) in Section 29, which are in conflict with the President George Bush Tollway Extension Project.*

- c. Erosion Annual Maintenance      Bid No. 190-09

**Knight Erosion Control, Inc.**

**\$3,000,000.00**

*This request is to provide erosion maintenance on an annual basis, which includes installing R-Rap walls to repair erosion problems as requested by property owners. The projects are typically part of the Drainage Participation Program.*

- 3. 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. 09-03, Golden Clinic Services**

*Approval of an ordinance will approve a Specific Use Permit for a Medical Clinic on a 1.81-acre tract of land zoned Industrial-1 (I-1) District, located at 2301 Forest Lane, Suite 200.*

**b. Zoning File No. 09-04, Tahasalih Kawa Yousef**

*Approval of an ordinance will approve a Specific Use Permit for Retail Sales with Gas Pumps on a 0.68-acre tract of land zoned Industrial-1 (I-1) District, located on the northeast corner of South Jupiter Road and West Kingsley Road.*

**c. Zoning File No. 09-05, Francisco Rojas**

*Approval of an ordinance will approve a Specific Use Permit for Reception Facility on a 2.8-acre tract of land zoned Industrial-1 (I-1) District, located at 2800 Kingsley Road, Suite 100.*

- 4. Consider an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 9<sup>th</sup> day of May, 2009; calling a run-off election, if needed.**

*In accordance with the charter and laws of the City of Garland and the State of Texas, Council is requested to order a General Election to be held on May 9, 2009 for the purpose of electing a Mayor and Council Members for Districts 3, 6, 7, 8 and calling a Run-Off Election, if needed.*

5. **Consider by minute action authorizing the City Manager to execute Change Order No. 1 to Scarborough Engineering Services, Inc.**

*At the February 2, 2009 Work Session, Council considered authorizing Change Order No. 1 in the amount of \$112,308 to the Scarborough Engineering, Inc. This Change Order is required due to engineering and design changes for the Newman Plant 69kV Switchyard Improvements.*

6. **Consider a resolution establishing a meeting schedule for the month of March 2009.**

*Due to some of the Council Members planning to attend the National League of Cities Annual Congressional City Conference on March 14–18, 2009, the Mayor has requested that Council consider rescheduling the second meetings in March from March 16 & 17, 2009 to March 23 & 24, 2009. This item was scheduled for Council consideration at the February 16, 2009 Work Session.*

7. **Consider a resolution authorizing the City of Garland's participation on the Dallas County Criminal Justice Advisory Board.**

*The Dallas County Criminal Justice Advisory Board was formed to address areas of mutual concern and to coordinate efforts of the various components of the criminal justice system within Dallas County. At the February 16, 2009 Work Session, Council was scheduled to consider authorizing the City Manager and Chief of Police to continue participation in the Dallas County Criminal Justice Advisory Board.*

8. **Consider a resolution extending the City's obligation to provide matching funds in connection with a grant from the Office of the Governor, Criminal Justice Division, to operate a Victim Assistance Advocate Program.**

*At the January 6, 2009 Regular Meeting, Council approved the Police Department to make application for a grant renewal from the Office of the Governor, Criminal Justice Division, to continue to operate a Victim Assistance Advocate Program. Subsequent to Council's approval, the Criminal Justice Division of the Governor's Office contacted the Police Department that the 2009 Victims of Crime Act (VOCA) grant expiration date will be extended for two months in order to allow for Federal delays each year, moving the grant*

*year, moving the grant expiration from July 31, 2009 to September 30, 2009. The Governor's Office has requested that a revised resolution be approved by Council for this modification.*

- 9. Consider by minute action authorizing the City Manager to execute an Engineering Services Agreement to Weaver Boos Consultants, LLC-Southwest.**

*An engineering services agreement with Weaver Boos Consultants, LLC-Southwest will provide Phase II engineering, design, permitting, construction management, startup services and as-built drawings necessary to install a Landfill Gas-to-Energy unit at the Hinton and Castle Drive Landfills for a total not-to-exceed cost of \$800,700 (includes \$40,000 contingency).*

- 10. Consider a resolution endorsing the Regional Transportation Council's legislative position on Rail North Texas.**

*At the February 16, 2009 Work Session, Council was scheduled to consider formally endorsing the Regional Transportation Council's legislative position on Rail North Texas.*

- 11. Consider a resolution adopting the Annual Review of the City's Investment Policy and Financial Policy, approving the Statement of Investment Strategy.**

*Chapter 2256 of the Local Government Code requires Council's annual review of the City's written Investment Policy (City Council Policy FIN-06) and Investment Strategy (City Council Policy FIN-05) and approved broker list. Subsequently, the independent audit firm confirms the existence of a resolution indicating such review in their annual audit. At the February 2, 2009 Work Session, Council reviewed the Investment Policy, the Investment Strategy, including the proposed revision, and the approved broker list.*

## ITEMS FOR INDIVIDUAL CONSIDERATION

### **Speaker Regulations:**

**Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium. The City Attorney will swear in everyone who intends to present comments or testimony during the meeting.**

### **12. Hold public hearings on the following zoning cases:**

- a. **Consider the application of Dallas MTA, L.P. dba Verizon Wireless requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District and 2) a variance to Section 10.306.4 of the Comprehensive Zoning Ordinance regarding distance requirements to residential districts. The property is located at 1560 S. First Street. (File 08-51)**

*The proposal is for approval of a Specific Use Permit for an Antenna, Commercial Type 2. At the January 12, 2009 meeting, the Plan Commission (by a 9 to 0 vote) recommended denial of the request. Note: The applicant has requested that this item be postponed until April 7, 2009.*

- b. **Consider the application of Springfield JV, requesting approval of 1) a change of zoning from Planned Development (PD) District 05-01 for Townhouse Uses and Planned Development (PD) District 85-55 for Shopping Center Uses to a Planned Development (PD) District for Shopping Center Uses, and 2) a Concept Plan for Shopping Center Uses. The property is located south of Firewheel Parkway and west of Castle Drive. (File 09-06)**

*The proposal is for approval of a change of zoning and concept plan to accommodate development of a shopping center along Firewheel Parkway. At the January 26, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.*

- c. **Consider the application of Bush Gardens of Springfield LLP, requesting approval of an amended Concept Plan on property zoned Planned Development (PD) District 05-01 for Townhouse Uses. The property is located southwest of Firewheel Parkway and Castle Drive. (File 09-07)**

*The proposal is for approval of an amended Concept Plan to decrease the overall common area, reduce the number of total townhouse units by two (274 to 272), and alter the location of an access drive. At the January 26, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.*

- d. **Consider the application of La Bonita, requesting approval of a Specific Use Permit for an Arcade on property zoned Planned Development (PD) District 86-1 for General Business (Retail) Uses. The property is located at 4460 Walnut Street, Suite 210B. (File 09-08)**

*The proposal is for approval of a Specific Use Permit that would allow four or more coin operated skill/pleasure machines (arcade) within the existing laundromat. At the January 26, 2009 meeting, the Plan Commission (by a 7 to 1 vote) recommended approval of the request for a period of 2 years tied to La Bonita.*

**13. Citizen comments.**

*Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.*

**14. Adjourn.**

*All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Verizon FIOS TV 44. Meetings are rebroadcast at 9:00 am and 7:00 pm on Wednesday-Sunday and at 7:30 pm on Thursday. Copies are available for purchase through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3.00 each. DVD's of the meetings can also be checked out through the Nicholson Memorial Library System.*