

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

July 7, 2009

7:00 p.m.

5:30 p.m. - COUNCIL EXECUTIVE SESSION

Council Executive Session to discuss Council briefings, personnel, land, and legal matters to be continued, if necessary from the Work Session.

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. **BRILLE 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 June 16, 2009 Regular Meeting.

2. Consider approval of the following bids:

a. ERT Meter Change-out Bid No. 327-09

Quanta Utility Services	\$300,000.00
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This request is for estimated requirements for labor and material to remove and replace existing meters with electronic receiver/transmitter (ERT) meters in the Distribution System.

b. EPR for Warehouse Inventory Bid No. 389-09

Techline	\$366,080.00
Hughes Supply	<u>54,032.00</u>
TOTAL	<u>\$420,112.00</u>

This request is to provide EPR cable to support Garland Power & Light's underground cable replacement and installation.

3. Consider an ordinance re-adopting and re-enacting the Code of Ordinances by making certain technical and non-substantive changes and corrections thereto (except as otherwise expressly provided); amending Sec. 10.14(A) of the Code of Ordinances; amending Sec. 10.20 of the Code of Ordinances; repealing and reserving Sec. 10.30 of the Code of Ordinances; providing a penalty clause imposing the penalties established by Sec. 10.05 of the Code of ordinances.

At the June 15, 2009 Work Session, Council considered authorizing the recodification of the City of Garland Code of Ordinances. Approval of this project will standardize the numbering and formatting of the Code and enhance the historical notes and disposition tables. In addition, certain technical and non-substantive changes and corrections have been made to the Code of Ordinances.

- 4. Consider a resolution authorizing the City Manager to apply for and accept a Justice Assistance Grant.**

At the July 6, 2009 Work Session, Council was scheduled to consider authorizing the Police Department to apply for the 2009 Recovery Act Justice Assistance Grant (JAG) Program for funding of a Tactical Observation Platform. The Tactical Observation Platform will be used in retail shopping areas where a large concentrated number of individuals and motor vehicles are located.

- 5. Consider an ordinance amending Chapter 26, "Police – Miscellaneous Provisions and Offenses," of the Code of Ordinances of the City of Garland.**

The Public Safety Committee previously considered its assignment regarding the home eviction process. At the June 15, 2009 Work Session, the Committee presented their recommended amendments to Chapter 26 of the Code of Ordinances.

- 6. Consider an ordinance amending Chapter 26, "Police – Miscellaneous Provisions and Offenses," of the Code of Ordinances of the City of Garland by adding a new Article XIII thereto.**

The Community Services Committee previously considered its assignment regarding enhanced security for convenience stores. At the April 6, 2009 and June 15, 2009 Work Sessions, the Committee presented their recommendation to add a new Article XIII titled "Convenience Stores" to Chapter 26 of the Code of Ordinances. This new article is designed to further protect citizens by preventing some convenience store crime and enhancing prosecutions in those offenses that are committed at convenience stores. In addition, the proposed amended ordinance creates a formal registration process for all convenience stores in the City.

7. **Consider a resolution adopting and approving the Garland Housing Agency's fourth year update on its five-year annual plan approved in 2005.**

As part of the Quality Housing and Work Responsibility Act of 1998, the City of Garland Housing Agency (GHA) is required by the U. S. Department of Housing and Urban Development (HUD) to submit an annual performance progress report on their five-year plan. At the June 15, 2009 Work Session, Council considered adopting the accomplishments presented in the fourth year annual performance plan update for submission to HUD.

8. **Consider a resolution adopting an Identity Theft Prevention Program.**

At the June 15, 2009 Work Session, Council was requested to consider authorizing the City of Garland Identity Theft Prevention Program designed to address specific activities required in order to meet the recent amendment to the Fair and Accurate Reporting Act of 2003, whereas the Federal Trade Commission adopted the Identity Theft Red Flags Rule.

9. **Consider a resolution authorizing the City Manager to sign an interlocal governmental agreement by and between the City of Garland and the County of Dallas relating to motor vehicle registration refusal pursuant to the Texas Transportation Code.**

At the June 15, 2009 Work Session, Council considered authorizing an interlocal agreement with Dallas County to implement the Scofflaw Program in the City of Garland. The City of Garland was selected by Dallas County Commissioner Mike Cantrell and the Dallas County Tax Assessor's Office to pilot the program in North Texas.

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

The truck route ordinance, Section 33.14 of the Code of Ordinances, is outdated and has not been significantly amended (except for changes in truck route designations) for many years. In order to correct deficiencies in the ordinance that were recently revealed and make it more enforceable, the ordinance has been rewritten. This item was considered by Council at the June 15, 2009 Work Session.

11. **Consider an ordinance amending Chapter 32, “Neighborhood Sanitation and Housing Services,” of the Code of Ordinances of the City of Garland.**

The Community Services Committee previously considered its assignment regarding a revised, updated definition of “family” for purposes of determining what constitutes a “single-family” residence. At the June 15, 2009 Work Session, the Committee presented their recommended amendments to the ordinance.

12. **Consider a resolution reappointing Tom Jefferies to the Texas Municipal Power Agency Board of Directors.**

Mr. Tom Jefferies’ term as a Member of the Board of Directors of the Texas Municipal Power Agency (TMPA) expires on July 18, 2009. At the June 15, 2009 Work Session, Council discussed reappointing Mr. Jeffries to the TMPA Board of Directors.

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.

13. Hold public hearings on the following zoning cases:

- a. Consider the application of The Dimension Group, requesting approval of 1) a change in zoning from Planned Development (PD) 87-28 and 01-23 Districts for Freeway Uses, Planned Development (PD) 95-59 District for Industrial Uses and Agriculture (AG) District to Planned Development (PD) District for Freeway Uses, 2) a Specific Use Permit for Kindergarten, Preschool or Child Care Center, and 3) a Detail Plan for a Private (Montessori) School. The property is located north of SH 190, east of Campbell Road and south of Ferris Road. (09-19)

The proposal is for approval of a Planned Development for Freeway Uses and a Specific Use Permit for a Private (Montessori) School. At the June 8, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request.

- b. Consider the application of Steve Donosky Co., requesting approval of 1) a change of zoning from Freeway (FW) District to a Planned Development (PD) District for Freeway Uses, 2) an amendment to Planned Development (PD) District 06-69 for Freeway Uses, 3) an amendment to the Concept Plan, 4) an amendment to the Detail Plan for a Retail Sales with Gas Pumps, and 5) an amendment to the Specific Use Permit for a Retail Sales with Gas Pumps. The property is located at Broadway Boulevard & Guthrie Road. (File 09-20)

The proposal is for approval of rezoning and amendments to existing zoning to permit the development of a RaceTrac facility. At the June 8, 2009 meeting, the Plan Commission (by a 5 to 3 vote) recommended approval of the request.

14. 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.

- **Appointment to the NTMWD Board of Directors**
- **Garland Youth Council**

15. 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.

16. 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.