

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

August 18, 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 August 4, 2009 Regular Meeting.

2. Consider approval of the following bids:

a. Underground Construction Duct Lines Fifth Street and Katy Street	Bid No. 362-09
MasTec North American, Inc.	\$342,813.00
Contingency	<u>40,000.00</u>
TOTAL	<u>\$382,813.00</u>

This request is to provide all labor necessary to wet/dry bore underground construction from Fifth Street to Katy Street in order to construct underground duct lines to support the construction in the downtown area.

b. Utility Services and Remote Building Data, Telecommunications, and Audio-Visual Package	Bid No. 407-09
Wachter Network Services	\$531,167.89

This request is for the supply and installation of the data, telecommunications, and audio-visual systems in the new Utility Services Building and Utility Payment Drive-thru facility.

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. 09-23, Chester Murdock

Approval of an ordinance will approve a change in zoning from Commercial-2 (C-2) District to a Planned Development (PD) District for Commercial-2 Uses on a 3.55-acre tract located at 2713-2717 South Garland Avenue.

b. Zoning File No. 09-24, Joseph Yang

Approval of an ordinance will approve a Specific Use Permit for Warehousing and Wholesaling on a .523-acre tract of land zoned Planned Development (PD) District for Commercial Uses located at 113 Casalita Drive, east of South First Street and north of Casalita Drive.

c. Zoning File No. 09-25, Bona Enterprises

Approval of an ordinance will approve a Specific Use Permit for a Reception Facility on a 3.99-acre tract of land zoned Shopping Center (SC) District, located at 1146 Belt Line Road.

4. Consider approving by minute action revising City Council Policy OPNS-05 – Council Travel.

At the August 3, 2009 Work Session, Council considered a recommendation by the Administrative Services Committee to revise City Council Policy OPNS-05 – Council Travel by eliminating the costs of travel expenses for spouses when accompanying Council Members to out of town business trips.

5. Consider an ordinance approving a negotiated resolution between the Atmos Energy Corp., Mid-Tex Division regarding the Company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective

date; and requiring delivery of this ordinance to the Company and the Steering Committee's legal counsel.

At the August 3, 2009 Work Session, Council considered approval of Atmos gas rate tariffs with Atmos Mid-Tex Division to change gas rates pursuant to the Rate Review Mechanism process.

- 6. Consider a resolution authorizing the City Manager to execute a professional services agreement with R-Delta Engineering, Inc.**

An engineering services agreement with R-Delta Engineers, Inc. will provide surveying, electrical, structural, civil, and geotechnical engineering services necessary to relocate and upgrade numerous electrical distribution and transmission facilities adjacent to and crossing the DART light rail line to accommodate the extension for the Blue Line from Garland to Rowlett. The agreement is for a total not-to-exceed cost of \$345,695 (includes \$75,000 contingency).

- 7. Consider an ordinance amending No. 4647 by amending Section 52 relating to the Lake Ray Hubbard Lake Edge Development Standards.**

The City of Dallas recommended changes to specific sections of the City of Garland's Lake Edge Development Standards. A public hearing was conducted at the July 21, 2009 Regular Meeting to obtain any comments regarding these proposed changes. At the conclusion of the hearing, Council directed that staff bring forward an ordinance enacting the changes.

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.

8. **Hold a public hearing and consider an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2302, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, nominating Kraft Foods Global, Inc. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank as an enterprise project.**

Kraft Foods Global, Inc. is making application, and is requesting a nomination from the City of Garland, to participate in the Texas Enterprise Zone Program. The Texas Enterprise Zone Program is an economic development tool for cities to partner with the State of Texas to promote job retention, job creation, and economic investment within the state.

9. **Hold a public hearing on the 2009-2010 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. An additional public hearing on the Proposed Budget will be held on Wednesday, August 26, 2009.

10. **Hold a public hearing on the Proposed Tax Rate for 2009-2010.**

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 2009-2010 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 73.13 cents or the rollback rate of 75.47 cents. The City, at its option, is choosing to have two public hearings on the proposed tax rate. The proposed rate of 70.4 cents represents an increase of 0.5 cents in the debt service portion of the rate.

11. Hold a public hearing and consider an ordinance amending Chapter 52, "Sanitation," of the Code of Ordinances.

A public hearing will be held to consider amendments to Section 52.13 of Chapter 52, "Sanitation," of the Code of Ordinances relating to the placement of residential solid waste for collection. This item was considered by Council at the June 15, 2009 Work Session.

12. Hold public hearings on the following zoning cases:

- a. Consider the application of Hoppenstein Properties, requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 219 W. Kingsley, Suite 322. (File 09-27)**

The proposal is for approval of a Specific Use Permit for a reception facility in an existing shopping center. At the July 27, 2009 meeting, the Plan Commission (by a 5 to 1 vote) recommended approval of a Specific Use Permit for a period of 5 years tied to Margie Castro as recommended by staff.

- b. Consider the application of Megatel Homes, Inc., requesting approval of an amendment to Planned Development (PD) District 05-49 for Single Family Uses regarding fencing specifications on the residential lots adjacent to common areas identified as Lots 5, 14, and 22. The property is located south of Campbell Road and west of Brand Road. (File 09-28)**

The proposal is for approval of an amendment to PD 05-49 regarding fencing of residential lots adjacent to specific common areas. At the July 27, 2009 meeting, the Plan Commission, (by a 6 to 0 vote) recommended approval of the request as recommended by staff.

13. 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.

14. 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.

15. 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.