

# **AGENDA**

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

**City of Garland**

**Council Chambers, City Hall**

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

**August 19, 2008**

**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 5, 2008 Regular Meeting.

2. Consider approval of the following bids:

a. **Underground Cable Replacement** **Bid No. 463-08**

**Planetary Subsurface Utilities** **\$844,200.00**

*This request is to provide all labor necessary to remove and replace existing underground cable in the ongoing Distribution Maintenance Program.*

b. **Summer Nutrition Program Addendum** **Bid No. 323-08  
Addendum**

**The Paper Plate, Inc.** **\$123,060.00**

*This request is to extend meal service for the Summer Nutrition Program through August 22, 2008. The meal service includes lunch and snacks. The U.S. Department of Agriculture and the Texas Health and Human Services Commission provides funding for this service.*

c. **Transformers Pads, Arresters, Ignition Lamps** **Bid No. 386-08**

<b>Techline, Inc.</b>	<b>\$140,430.00</b>
<b>Stuart Irby</b>	<b><u>28,745.00</u></b>
<b>Total</b>	<b><u>\$169,175.00</u></b>

*This request is for estimated requirements to purchase transformer pads, arresters, and ignition lamps for the warehouse inventory to be used to support GP&L's maintenance and repair operations.*

- 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. 08-28, QuikTrip Corporation**

*Approval of an ordinance will approve a Specific Use Permit for Retail Sales with Gas Pumps on a 2.76-acre tract of land zoned Planned Development (PD) District for General Business Uses, located south of Wet Miller Road and east of South Shiloh Road.*

**b. Zoning File No. 08-31, Responsive Education Solutions**

*Approval of an ordinance will approve a Specific Use Permit for a Charter School on property zoned Office-1 (O-1) District, Single-Family (SH7/G/3) District and General Business (GB) District on a 7.37-acre tract of land located west of Saturn Road and north of Kingsley Road.*

**c. Zoning File No. 08-36, Buffet Partners**

*Approval of an ordinance will approve an amendment to Planned Development (PD) District 07-53 for Freeway Uses on a 2.77-acre tract of land located at 1540 Eastgate Drive.*

**d. Zoning File No. 08-37, Mayberry Gardens**

*Approval of an ordinance will approve a change of zoning from Planned Development (PD) Districts 99-57 and 05-47 for an Assisted Senior Living Facility and Planned Development (PD) District 00-04 for Office-1 and Light Industrial Uses to a Planned Development (PD) District for an Assisted Senior Living Facility and a Detail Plan for an expansion of an Assisted Senior Living Facility on a 3.8-acre tract of land located east of Garland Avenue, north of Beltline Road.*

- 4. Consider an ordinance authorizing the issuance of tax notes in the amount of \$3.2 million and approving other matters incident and related thereto.**

*At the August 4, 2008 Work Session, Council considered authorizing the issuance of tax notes in the amount of \$3.2 million to provide funding for the streets Capital Improvement Program.*

5. **Consider by minute action authorizing the Mayor to execute a Deed without Warranty.**

*Council previously considered abandoning a portion of an existing alley located at the north corner of First Street and SH78 to G-Town Motors, Inc. for the sum of \$2,440.*

6. **Consider by minute action authorizing the Mayor to execute a Deed without Warranty.**

Council previously agreed to abandon a portion of an existing alley located at the north corner of First Street and SH78 to the Quick Trip Corporation.

### **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.**

7. **Hold public hearings on an Economic Development Incentive for Atlas Copco Drilling Solutions.**

*At the August 18, 2008 Work Session, Council was scheduled to consider a recommendation from the Garland Economic Development Partnership Steering Committee regarding an Economic Development Incentive for Atlas Copco Drilling Solutions.*

- a. **Consider approval of 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 Atlas Copco Drilling Solutions, LLC to the Office of the Governor, Economic Development and**

**Tourism through the Economic Development Bank as an enterprise project.**

- b. Consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.**
  
- 8. Hold a public hearing and consider approval of an ordinance amending Chapter 32, "Neighborhood Sanitation and Housing Standards," of the Code of Ordinances.**

*Under the direction of the Community Services Subcommittee, staff has developed an ordinance to assist in maintaining a minimum appearance of properties that have been abandoned and are under foreclosure notice. The ordinance would require the titleholder of an abandoned and distressed property to post a \$2,500 bond at the request of the Code Compliance Department if multiple unaddressed nuisance violations have occurred on the property within a 12-month period. The bond could then be used, as needed, to fund the maintenance of the property to meet the standards of the surrounding neighborhood. The ordinance also requires the titleholder to post signage at the abandoned and distressed property listing 24-hour contact information. This item was considered by Council at the August 4, 2008 Work Session.*

- 9. Hold a public hearing on the 2008-09 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 Thursday, August 28, 2008, at 7:00 p.m.*

- 10. Hold a public hearing on the Proposed Tax Rate for 2008-09.**

*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% of the effective rate until it has held two public hearings on the proposed increase. The 2008-09 Proposed Budget is based on a tax rate of 69.96 cents per \$100 of valuation, which exceeds 103% of the effective tax rate of 67.40 cents. Therefore, public hearings on the proposed tax rate are required. The proposed rate of 69.96 cents represents an increase of 1.1*

*cents in the debt service portion of the rate. An additional public hearing will be held on Thursday, August 28, 2008 at 7:00 p.m.*

11. **Hold a public hearing to consider the application of Oscar Bell, requesting approval of converting a residential structure for use as a church on property zoned Single-Family (SF7/F/3) District. (File HC 08-01)**

*This proposal is for approval of a residential structure to be used as a church. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

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

- a. **Consider the application of QuikTrip Corporation, requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District. The property is located at 2501 Belt Line Road. (File 08-29)**

*The proposal is for approval of a Specific Use Permit for Retail Sales with Gas for QuikTrip. At the July 28, 2008 meeting, the Plan Commission (by a 7 to 1 vote) recommended approval of the request for a term of 30 years.*

- b. **Consider the application of Rusty Wallis Volkswagen, requesting approval of an amendment to Planned Development (PD) District 01-12 for Freeway Uses to add a freestanding sign. This property is located at 12635 LBJ Freeway. (File 08-30)**

*The proposal is for approval of an amendment to a Planned Development to add a freestanding sign. At the July 28, 2008 meeting, the Plan Commission (by a 7 to 2 vote) recommended approval of the request.*

- c. **Consider the application of Faulkner Investments, requesting approval of a change in zoning from Multi-Family (MF-18) District to Freeway (FW) District. The property is located northeast of Wellington and IH 30. (File 08-32)**

*The proposal is for approval of a change in zoning from Multi-Family to Freeway District to accommodate the possible relocation of a billboard. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

- d. **Consider the application of Faulkner Investments, requesting approval of a change in zoning from Multi-Family (MF-18) District to**

**Freeway (FW) District. The property is located at 215 East IH 30. (File 08-33)**

*The proposal is for approval of a change in zoning from Multi-Family to Freeway District to accommodate the possible relocation of a billboard. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

- e. **Consider the application of Faulkner Investments, requesting approval of a change in zoning from Multi-Family (MF-18) District to Freeway (FW) District. The property is located at 267 East IH 30. (File 08-34)**

*The proposal is for approval of a change in zoning from Multi-Family to Freeway District to accommodate the possible relocation of a billboard. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

- f. **Consider the application of Faulkner Investments, requesting approval of a change in zoning from Agriculture (AG) District to Freeway (FW) District. The property is located at the southern corner of IH 30 and Lake Hubbard Parkway. (File 08-35)**

*The proposal is for approval of a change in zoning from Agriculture to Freeway District to accommodate the possible relocation of a billboard. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

- g. **Consider the application of Donald Grubbs, requesting approval of 1) a change of zoning from Planned Development District 05-40 for Office-1 Uses to a Planned Development District for Neighborhood Services, 2) a Specific Use Permit for an Animal Clinic and Pet Sales and Grooming, and 3) a Detail Plan with conditions. The property is located at 905 West Campbell Road. (File 08-40)**

*The proposal is for approval of 1) a change in zoning from Planned Development for Office-1 Uses to a Planned Development for Neighborhood Services, 2) a Specific Use Permit for an Animal Clinic and 3) a Detail Plan to accommodate the construction of a new Animal Clinic. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.*

- h. **Consider the application of Fitness 180, LLC, requesting approval of a Specific Use Permit for an Athletic Club/Instruction, Indoor on property zoned Planned Development (PD) District 06-26 for**

**Shopping Center Uses. The property is located at 2380 Firewheel Parkway. (File 08-41)**

*The proposal is for approval of a Specific Use Permit for a fitness center. At the July 28, 2008 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a term of 20 years tied to Fitness 180, LLC.*

**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 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. 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.*