

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

September 1, 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 18, 2009 Regular Meeting.

2. Consider approval of the following bids:

- a. External Audit Services Bid No. 379-09

Deloitte & Touche, LLP \$199,550.00

This request is for a contract with an audit firm to provide external audit services.

- b. Harris Hollabaugh Park Recreation Center Bid No. 420-09

Ratcliff Constructors, L.P. \$2,284,390.00

This request is for the construction of an approximately 7,000 square feet recreation center and approximately 4,000 square feet pavilion with utilities, parking, site lighting, irrigation, landscape, turf establishment, sidewalks, site furnishings, and related park development.

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. 09-27, Margie Castro

Approval of an ordinance will approve a Specific Use Permit for Reception Facility on a 0.13-acre tract of land zoned Shopping Center District, located at 219 West Kingsley Road, Suite 322.

b. Zoning File No. 09-28, Megatel Homes, Inc.

Approval of an ordinance will approve an amendment to Planned Development District 05-49 for Single Family Uses regarding fencing specifications on a 14.1-acre tract located south of Campbell Road and west of Brand Road.

4. Consider an ordinance amending the tax roll of the City of Garland.

At the August 31, 2009 Work Session, Council was scheduled to consider amending the tax roll of the City of Garland for ad valorem tax amounts that are uncollectible due to bankruptcy or expiration of the statute of limitations. Amendment of the tax roll is necessary to avoid overstatement of receivable balances on the City's financial statements and receipt of a qualified audit opinion.

5. Consider an ordinance authorizing the issuance of City of Garland, Texas Tax Notes, Series 2009A.

At the August 17, 2009 Work Session, Council considered authorizing the issuance of tax notes in the amount of \$5.9 million to provide funding for street improvements, fire vehicles and apparatus, and landfill closure.

6. Consider a resolution adopting and approving the Consolidated Plan – One Year Plan of Action including a Statement of Projected Use of Funds for the 2009-2011 Homelessness Prevention and Rapid Re-Housing Program.

The City expects to receive \$858,997 through the American Reinvestment and Recovery Act of 2009 for a Homelessness Prevention and Rapid Re-Housing Program (HPRP). A public hearing was previously held in order to receive public input on the allocations for funding the HPRP budget. Council also discussed the proposals and the budget at previous Work Sessions.

7. Consider by minute action the reappointment of Dr. Timothy Lambert as Garland Health Officer.

At the August 17, 2009 Work Session, Council considered confirming the appointment of Dr. Timothy Lambert as the Garland Health Officer, also known as City Health Authority. State law requires that the Director of

Health's appointment of City Health Officer be confirmed by Council every two years. Dr. Timothy Lambert has been the Garland Health Officer/Health Authority since first confirmed by Council on June 21, 2005.

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. Consider an ordinance adopting the operating budget for fiscal year 2009-10, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, authorizing the City Manager to make adjustments; and establishing an effective date for such actions.**

In accordance with the City Charter, the City Manager presented his recommended Budget for fiscal year 2009-10 to the City Council on August 4, 2009. Copies were made available for public inspection at City libraries, the City Secretary's Office, and on the City's website. Public hearings were held on August 18 and 26, 2009.

- 9. Consider an ordinance fixing the tax rate and tax levy for the City of Garland for the fiscal year 2009-10 upon all taxable property in the City of Garland, in conformity with the laws of the State of Texas and the Charter provisions and ordinances of the City of Garland; repealing all ordinances, or parts of ordinances, in conflict therewith.**

Council considered an ad valorem tax rate of 70.46 cents per \$100 valuation for the fiscal year beginning October 1, 2009. The tax rate of 70.46 cents represents an increase of one-half of one cent in the debt service portion of the rate.

10. **Consider an ordinance amending various sections of the Code of Ordinances of the City of Garland relating to fees for various services provided by the City.**

In considering the 2009-10 Proposed Budget, Council reviewed the creation of certain rates and fees, and adjustments to existing rates and fees. Revenue estimates included in the 2009-10 Proposed Budget are based on these actions.

11. **Consider an ordinance establishing civil service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications.**

Pursuant to Title 5, Chapter 143 of the Local Government Code of Texas, Council must establish the civil service classifications in the Police and Fire Departments, the number of positions in each classifications, the base salary, and the types of incentive pays for each classification.

12. **Consider an ordinance amending Section 11-800 of Ordinance No. 4647.**

Council was briefed by the City Attorney's Office at the January 5, 2009 Work Session regarding proposed amendments to the Comprehensive Zoning Ordinance. The proposed modifications are in regard to requirements related to proportionality between the number of bedrooms in a single family residential structure and the number and type of bathrooms and living areas within the structure. The Plan Commission conducted a public hearing at their February 23, 2009 meeting and recommended approval of the proposed changes.

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

- a. **Consider the application of Encore Recyclers, Inc., requesting approval of 1) a Specific Use Permit for a Recycling Center on property zoned Industrial-1 District, and 2) a variance to Section 10-200 of Comprehensive Zoning Ordinance 4647 regarding off-street parking requirements. The property is located north of Forest Lane, west of Shiloh Road. (File 09-29)**

The proposal is for approval of a Specific Use Permit for a recycling center. At the August 10, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of a Specific Use Permit for a recycling

center for a period of 20 years tied to Encore Recyclers, Inc. and the off-street parking variance as recommended by staff.

- b. Consider the application of Thelma Ugwu, requesting approval of a Specific Use Permit for a Reception Facility on property zoned Industrial-1 District. The property is located at 2800-2830 Kingsley Road (2818; Suite 102A, and 102B). (File 09-31)**

The proposal is for approval of a Specific Use Permit for a reception facility in an existing building. At the August 10, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of a Specific Use Permit for a period of 5 years tied to Thelma Ugwu as recommended by staff.

- c. Consider the application of Grand Ideas Unlimited, requesting approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Single Family District. The property is located at 5902 North Jupiter Road. (File 09-32)**

The proposal is for approval of a Specific Use Permit for a Kindergarten, Preschool or Child Care Center. At the August 10, 2009 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of a Specific Use Permit for a period of 20 years tied to Small Miracles Academy as recommended by staff.

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.

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.