

# **AGENDA**

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

**City of Garland**

**Council Chambers, City Hall**

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

**September 2, 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 19, 2008 Regular Meeting.

2. Consider approval of the following bids:

a. Replacement Storage Area Network Bid No. 494-08

DELL \$173,457.00

*This request is for the purchase of a new storage area network (SAN) at the new Emergency Management Information Technology Data Center (replacing one of the two current SANs scheduled for replacement) and to use E-SAN copy to copy data from the current hardware to the new hardware.*

b. CISCO Equipment for Information Technology Bid No. 495-08  
Services EMIT Data Center

INX, Inc. \$227,956.40

*This request is for the purchase of the new network infrastructure required for the Emergency Management Information Technology (EMIT) data center to support the IT server farm. In addition, the core switch for the City's network is being replaced as part of a previously funded project.*

c. Poly Conduit for Warehouse Inventory Bid No. 398-08

Techline, Inc. \$107,045.75

*This request is for the purchase of items to be stocked as regular Warehouse inventory to support GP&L's maintenance and repair operations.*

**d. Tasers for Police Department**

**Bid No. 436-08**

**GT Distributors, Inc.**

**\$267,242.80**

*This request is for the estimated requirements to purchase Tasers for the Police Department.*

**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. 08-30, Rusty Wallis Volkswagen**

*Approval of an ordinance will approve an amendment to Planned Development District 01-12 for Freeway Uses to add a freestanding sign on a 4.47-acre tract of land located at 12635 LBJ Freeway, north of LBJ Freeway, east of Shiloh Road.*

**b. Zoning File No. 08-40, Donald Grubbs**

*Approval of an ordinance will approve a change in zoning from Planned Development District 05-40 for Office-1 Uses to a Planned Development District for Neighborhood Services, a Specific Use Permit for an Animal Clinic and Pet Sales and Grooming, and a Detail Plan on a 1.06-acre tract of land located at 905 W. Campbell Road, on the northeast corner of the intersection of Campbell Road and Garland Avenue.*

**c. Zoning File No. 08-41, Fitness 180 LLC**

*Approval of an ordinance will approve a Specific Use Permit for Athletic Club/Instruction, Indoor on a 1.98-acre tract of land zoned Planned Development District for Shopping Center Uses, located southeast of the intersection of Pleasant Valley Road and Firewheel Parkway.*

**d. Zoning File No. 08-29, QuikTrip Corporation**

*Approval of an ordinance will approve a Specific Use Permit for Retail Sales with Gas Pumps on a 1.53-acre tract of land zoned Shopping Center District, located north of Beltline Road and west of North Shiloh Road.*

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

*At the August 18, 2008 Work Session, Council considered amending the tax*

*roll of the City for ad valorem tax amounts that are uncollected 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 a resolution authorizing the City Manager to execute Change Order No. 1 to Lee Lewis Construction, Inc. in the amount of \$916,768.00 for the Emergency Management Information Technology Center contract.**

*At the August 18, 2008 Work Session, Council considered authorizing Change Order No. 1 to Lee Lewis Construction, Inc. for the Emergency Management Information Technology Center in the amount of \$916,768.00 for labor, equipment and materials to relocate the IT data center, telephone switch, and required record retention storage due to clarity of the project scope. When the contract with Lee Lewis Construction, Inc. was initiated, details for portions of the project were not fully defined. Sufficient funds were appropriated within the Capital Improvement Program.*

- 6. Consider a resolution authorizing the City Manager to execute an Engineering Services Agreement with R-Delta Engineering, Inc.**

*This request is for approval of an Engineering Services Agreement with R-Delta Engineers, Inc. for completing the surveying, electrical, structural, and geotechnical engineering services necessary to provide improvements to the Shiloh to McCree Substation 138kV Transmission Line by increasing the size of conductor per ERCOT planning criteria and contingency analysis, modifying 18 structures to accept the larger size conductor and replacing 32 structures to accommodate minimal height clearances.*

## 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 a public hearing regarding an Economic Development Incentive for Praxair, Inc.**
  - a. **Consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement and authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.**
  - b. **Consider authorizing the City Manager to execute a tax abatement agreement.**

*Praxair, Inc. has plans for a project to add equipment which will cause an additional \$6 million in Business Personal Property value to Garland. At the September 2, 2008 Work Session, Council was scheduled to consider a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide: 1.) general support for the Praxair project and 2.) support a 100% City Tax Abatement on Business Personal Property Value on the new addition for seven years.*

8. **Hold a public hearing regarding 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 proposed item in the Budget, including the proposed tax rate. The Proposed Budget for 2008-09 has been available for public inspection in the City libraries, City Secretary's Office, and on the City's website since August 6, 2008.*

9. **Consider an ordinance adopting the operating budget for fiscal year 2008-09, 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 2008-09 to the Council on August 4, 2008. 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 19 and August 28.*

10. **Consider an ordinance fixing the tax rate and tax levy for the City of Garland for the fiscal year 2008-09 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.**

*The Council has considered an ad valorem tax rate of 69.96 cents per \$100 of valuation for the fiscal year beginning October 1, 2008. The tax rate of 69.96 cents represents an increase of 1.1 cent in the debt service portion of the rate.*

11. **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 2008-09 Proposed Budget, Council reviewed the creation of certain rates and fees, and adjustments to existing rates and fees. Revenue estimates included in the 2008-09 Proposed Budget are based on these actions.*

12. **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 classification, the base salary, and the types of incentive pays for each classification.*

- 13. Consider an ordinance electing to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation; terminating the automatically repeating allowance of increased prior and current service annuities under the Texas Municipal Retirement System.**

*Pursuant to Section 855.407(g) of the TMRS Act, the City of Garland hereby elects to make future normal and prior service contributions to its municipal accumulation fund at the rate determined by the System's actuary (annually) to fund the cost of all benefits which are or may become chargeable to or are to be paid out of the City's account (the accumulation fund) regardless of other provisions from the TMRS Act limiting the combined rate of City contributions effective January 1, 2009. Pursuant to Section 853.404, the City of Garland hereby elects to discontinue to annual repeating ordinance whereby annual cost of living adjustments (COLA) are provided to existing and future pension annuities effective January 1, 2009.*

- 14. Hold public hearings on the following zoning cases:**

- a. Consider the application of Education Center International Academy, requesting approval of a Specific Use Permit for a Charter School on property zoned Single-Family-7 (SF7/F/3) District. The property is located at 916 North Jupiter Road. (File 08-42)**

*The proposal is for approval of a Specific Use Permit for a Charter School. At the August 11, 2008 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request for a term of 20 years as recommended by staff.*

- b. Consider the application of Garland Recyclers, requesting approval of a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District. The property is located at 201 S. Shiloh Road. (File 08-43)**

*The proposal is for approval of a Specific Use Permit for a Recycling Center. At the August 11, 2008 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request for a term of 20 years.*

- c. Consider the application of Christie Capital, Inc., requesting approval of a Specific Use Permit for a Car Wash on property zoned Shopping Center (SC) District (name change only). The property is located at 3120 South Shiloh Road. (File 08-44)**

*The proposal is for approval of a Specific Use Permit for a Car Wash. At the August 11, 2008 meeting, the Plan Commission (by a 6 to 1 vote)*

*recommended approval of the request for a term of 20 years as recommended by staff.*

- d. Consider the application of Jain Society of North Texas, requesting approval of 1) a change in zoning from Planned Development (PD) District 84-73 for Office-1 and Office-2 Uses to a Planned Development (PD) District for Office-2 Uses 2) an amended Concept Plan, and 3) a Detail Plan with conditions. The property is located southeast of the intersection of Arapaho Road and N. Shiloh Road. (File 08-45)**

*The proposal is for approval of 1) a change in zoning for Planned Development District 84-73 from Office-1 and 2 uses to a Planned Development for Office-2 Uses, 2) an amended concept Plan, and 3) a Detail Plan with conditions for development as a religious facility. At the August 11, 2008 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request as recommended by staff.*

**15. 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.*

**16. 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.*

**17. 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.*