

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

September 16, 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 28, 2008 Special Meeting and the September 2, 2008 Regular Meeting.

2. Consider approval of the following bids:

- a. **Utility Bill Print and Various Mail Services** **Bid No. 379-08**

DataProse, Inc. **\$355,600.00**

This request is for utility bill printing and mail service for the utility bills and various other mass mailings.

- b. **Removal and Replacement of Spencer Plant Unit #5 Cooling Tower – Cell #3 and Repair of Hot Water Basin of Cell #4** **Bid No. 244-08A**

Midwest Cooling Towers **\$200,000.00**

This request is to provide labor and materials necessary to remove and replace Unit #5 Cooling Tower Cell #3 and the repair of the Hot Water Basin and supports on Cell #4.

- c. **Surface Preparation and Protective Coating Application – Secondary Clarifiers** **Bid No. 430-08**

Blastco Texas, Inc. **\$235,152.00**

This request is to provide surface preparation and protective coating application for all metal associated with two Secondary Clarifiers at the Duck Creek Wastewater Treatment Plant.

d. Centerville Road to Miller Road Substations **Bid No. 438-08**
69 kV to 138 kV Transmission Line Upgrade

Techline, Inc. **\$924,681.13**

This request is to provide material necessary to remove/replace existing 69 kV transmission lines from Centerville Road to Miller Road Substations in order to upgrade to a 138 kV transmission line system.

e. Centerville Road Water Transmission Line **Bid No. 449-08**

S. J. Louis Construction of Texas Ltd. **\$3,653,906.91**

This request is for the purchase of materials and labor for installation of RCCP water pipe to improve distribution on the eastern side of the city.

f. Labor to Remove and Replace Existing **Bid No. 452-08**
Underground Cable in Five Loops
In Distribution System

The Team Fischel Company **\$422,522.14**

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

g. Apollo – Lawler 138 kV Transmission **Bid No. 454-08**
Line Improvements – Phase I

Techline, Inc. **\$400,348.32**

This request is to provide material necessary to remove/replace/relocate existing transmission lines to support the CMAQ road-widening project.

h. Reinforced Concrete Pipe **Bid No. 523-08**

Hanson Pipe & Precast, Inc. **\$120,107.22**

This request is to install storm sewer pipe in Vanderbilt Drive.

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. 08-32, Faulkner Investments

Approval of an ordinance will approve a change of zoning from Multi-Family (MF-18) District to Freeway (FW) District on a 0.0459-acre tract of land, located north of Interstate Highway 30 and east of Wellington Avenue.

b. Zoning File No. 08-33, Faulkner Investments

Approval of an ordinance will approve a change in zoning from Multi-Family (MF-18) District to Freeway (FW) District on a 0.0437-acre tract of land, located at 215 East Interstate 30, east of Rosehill Road.

c. Zoning File No. 08-34, Faulkner Investments

Approval of an ordinance will approve a change of zoning from Multi-Family (MF-18) District to Freeway (FW) District on a 0.0459-acre tract of land, located at 267 East Interstate 30, east of Rosehill Road.

d. Zoning File No. 08-35, Faulkner Investments

Approval of an ordinance will approve a change of zoning from Agriculture (AG) District to Freeway (FW) District on a 0.1752-acre tract of land, located south of Interstate Highway 30 and Lake Hubbard Parkway.

e. Zoning File No. 08-42, Education Center International

Approval of an ordinance will approve a Specific Use Permit for a Charter School on a 4.98-acre tract of land zoned Single-Family (SF7/F/3) District, located east of Jupiter Road and north of Lariat Lane.

f. Zoning File No. 08-43, Garland Recyclers

Approval of an ordinance will approve a Specific Use Permit for Recycling Center on a 1.00-acre tract of land zoned Industrial-1 (I-1) District, located north of Forest Lane and west of South Shiloh Road.

g. Zoning File No. 08-44, Christie Capital

Approval of an ordinance will approve a Specific Use Permit for a Car Wash (Unattended) on a 0.86-acre tract of land zoned Shopping Center (SC) District, located at 3120 S. Shiloh Road.

h. Zoning File 08-45, Jain Society of North Texas

Approval of an ordinance will approve 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, an amended Concept Plan and a Detail Plan with Conditions on a 5.63-acre tract of land, located southeast of the intersection of Arapaho Road and North Shiloh Road.

- 4. Consider an ordinance approving a negotiated resolution between the ATMOS Cities Steering Committee and 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; 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.**

On April 14, 2008, ATMOS filed a request to increase base rates by \$33.5 million pursuant to the Rate Review Mechanism (RRM) process. ATMOS Cities Steering Committee (ACSC) and ATMOS agreed to resolve the RRM filing. ACSC cities have agreed to approve a \$20 million rate change provided that ATMOS agrees not to appeal the cities' actions. This item was scheduled for Council consideration at the September 15, 2008 Work Session.

- 5. Consider by minute action authorizing the City Manager to execute a utility relocation design contract.**

Staff has been working with TxDOT on future improvements to the LBJ service road on the north side of IH-635 from Northwest Highway to Centerville Road. On such projects, City utilities must be relocated prior to construction by TxDOT. In addition, the City had already intended to relocate a wastewater line that currently runs underneath IH-635 into the City of

Dallas. Since both projects affect the same wastewater facilities, staff has negotiated a single contract with PB Americas, Inc. (PB) in the amount of \$493,939 to design the relocation plans for both projects. PB is also the design engineer of record for the TxDOT LBJ Service Road improvements.

6. Consider by minute action authorizing the City Manager to execute a contract with Black & Veatch Corporation.

As part of an ongoing permit with the United States Environmental Protection Agency, the City must maintain and update a Wastewater Management Plan (WWMP) to address sanitary sewer overflows and infiltration into mains. The plan monitors and evaluates current flows in existing sanitary sewer mains and ultimately makes recommendations that would have the greatest impact on overflows and infiltration. The last plan was completed in 2003. The plan must be updated approximately every 5 years; therefore, funding was approved in the 2008 CIP to update the plan. Staff has negotiated a contract with Black & Veatch Corporation (B&V) in the amount of \$562,000 to update the current plan. B&V prepared the previous updates of the WWMP.

7. Consider a resolution accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Comprehensive grant in the amount of \$374,152.42.

The FY 2008-09 TxDOT Selective Traffic Enforcement Program Grant consists of four enforcement modules: 1.) Speed Enforcement, 2.) Intersection/Red Light Enforcement, 3.) Occupant Protection – Safety Restraint Enforcement, and 4.) Driving While Intoxicated Enforcement. The grant will be utilized to provide an even greater level of traffic safety for the citizenry of the City of Garland. This item was scheduled for Council consideration at the September 15, 2008 Work Session.

8. Consider a resolution authorizing the City Manager to enter into a Municipal Maintenance Agreement with the Texas Department of Transportation.

A new TxDOT Municipal Maintenance Agreement and an Amendment are needed in order for the City to furnish, install, operate, and maintain cameras on state highway right-of-way for red light running. This item was scheduled for Council consideration at the September 15, 2008 Work Session.

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.

9. Hold public hearings on the following zoning cases:

- a. Consider the application of TPLP Office Park Properties, requesting approval of a change of zoning from Planned Development (PD) District 87-2 for Office Uses to Shopping Center (SC) District. The property is located at 1720 Northwest Highway. (File 08-46)**

The proposal is for approval of a change of zoning from a Planned Development for Office Uses to Shopping Center District Uses. At the August 25, 2008 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request per staff recommendation.

- b. Consider the application of Edgar Bobadilla, requesting approval of a change of zoning from Single-Family (SF/7/G/3) District to Central Area-2 (CA-2) District. The property is located at 416 South Third Street. (File 08-47)**

The proposal is for approval of a change of zoning from Single-Family to Central Area-2 (CA-2) District. At the August 25, 2008 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request as recommended by staff.

10. 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.

11. 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.

12. 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.