

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

September 21, 2010

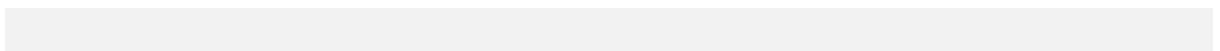
7:00 p.m.

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. **BRaille 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**
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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 17, 2010 Regular Meeting.

2. Consider approval of the following bid:

2000A Airbreak V Type Disconnect Switches **Bid No. 318-10**

USCO Power Equipment **\$145,800.00**

This request is for the purchase of disconnect switches required for the upgrade improvements at various GP&L Substations.

3. A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.

Zoning File No. 10-23, Manju Kakadia

Approval of an ordinance will approve a Specific Use Permit for a Convenience Store on a 0.053-acre tract of land zoned Planned Development (PD) District 76-15 for General Business Uses, located at 961 West Centerville Road, northeast of the intersection of Marketplace Drive and West Centerville Road.

4. Consider a resolution authorizing the Mayor to execute a deed without warranty.

At the September 7, 2010 Work Session, Council considered authorizing the

sale of a vacant lot located at 826 June in the City of Garland to Habitat for Humanity for \$13,000.

5. **Consider a resolution establishing the date of the first meeting of the City Council in October 2010.**

On Tuesday, October 5, 2010, Texas will celebrate National Night Out. The first regular Council meeting in October is also scheduled on that same night. At the September 20, 2010 Work Session, Council was scheduled to consider rescheduling their meeting to Monday, October 4, 2010. This would allow the Mayor and Council Members the opportunity to participate in local National Night Out activities in the community.

6. **Consider an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's third 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; extending the RRM process for two cycles and adopting a new tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; 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 September 7, 2010 Work Session, Council considered the approval of Atmos Energy Mid-Tex Division rate tariffs that reflect the negotiated rate changes pursuant to the Rate Review Mechanism process and Atmos' Proof of Revenues.

7. **Consider a resolution abandoning, releasing, and quitclaiming a certain utility easement.**

At the September 7, 2010 Work Session, Council considered authorizing the abandonment of an 18-foot by 33.5-foot utility easement. St. Thomas – The Apostle Catholic Church will replat the property and dedicate a new utility easement.

- 8. Consider a resolution abandoning, releasing, and quitclaiming a certain easement, and correcting scrivener errors, omissions and mistakes in a certain resolution and separate instrument.**

At the September 7, 2010 Work Session, Council considered authorizing the abandonment of an 8-foot utility easement. The existing Miller Road Baptist Church is built over the easement; no public utilities are located within the easement. Section 2 of the resolution was not considered by Council at the September 7, 2010 Work Session. The City previously released and abandoned an alley easement on the property along the south ten feet of Lot 4 in Bullard's Subdivision by Resolution No. 309 and by separate instrument. Certain scrivener errors, omissions and mistakes were made. Section 2 of this resolution is made to correct those errors, but in all other respects confirm said Resolution No. 309 and separate instrument.

- 9. Consider a resolution authorizing the City Manager to execute an agreement with David C. Baldwin Inc.**

At the September 7, 2010 Work Session, Council considered authorizing an agreement with David C. Baldwin, Inc. for professional design services for the Downtown Square project.

- 10. Consider an ordinance making findings under the provisions of Section 542.007, Tex. Trans. Code; amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland.**

At the September 7, 2010 Work Session, Council considered extending the general traffic regulations that are applicable to public streets to roads that are privately owned and maintained within the Retreat at Firewheel subdivision.

- 11. Consider a resolution establishing an emergency medical services fee pursuant to the provisions of Section 143.0052 of the Texas Local Government Code.**

At the September 7, 2010 Regular Meeting, Council approved the 2010-11 Budget for the City of Garland. The Budget included an Emergency Medical Services (EMS) fee of \$1.50 per month applied to each water account to partially recover the deficit created from EMS operations. In order for the

EMS to become effective, State law requires that Council approve a resolution establishing the fee.

- 12. Consider an ordinance amending Chapter 51, “General Utility Provision,” of the Code of Ordinances of the City of Garland.**

At the September 7, 2010 Regular Meeting, Council approved the 2010-11 Budget for the City of Garland. The Budget included changes in water fees related to backflow prevention for nonresidential customers. Backflow Prevention Fees include an annual Tester Registration Fee of \$75.00, a Test Booklet Fee of \$25.00, and an annual Device Fee of \$36.00. In order for the Tester Registration Fee to become effective, Section 51.75 of the Code of Ordinances must be amended.

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.

- 13. Consider an ordinance amending Section 25.04 of Chapter 25, “Parks and Recreation,” of the Code of Ordinances of the City of Garland.**

At the September 7, 2010 Work Session, Council considered a recommendation from the Garland Cultural Arts Commission to name the main auditorium at the Granville Arts Center the “Linda Brownlee Auditorium,” in recognition of the outstanding leadership of Linda Brownlee, a longtime supporter of the arts in Garland and former chairperson of the Cultural Arts Commission.

14. Hold a public hearing on the following zoning case:

Consider the application of Jerry Bell, requesting approval of a Specific Use Permit for Automotive Repair, Major on property zoned Planned Development (PD) District 05-51 for limited Commercial-1 Uses. The property is located at the southeast corner of Walnut Street and North First Street, west of Lavon Drive. (File 10-25)

This proposal is for approval of a Specific Use Permit for Automotive Repair, Major on property zoned Commercial-1. At the August 23, 2010 meeting, the Plan Commission (by a 6 to 2 vote) recommended denial of the change 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 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.