

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

October 20, 2009

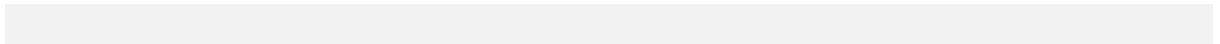
7:00 p.m.

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 October 5, 2009 Regular Meeting.

2. Consider approval of the following bids:

- a. Furniture and Installation for Utility Services Buildings Bid No. 14-10

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|--------------|--------------|
| OM Workspace | \$726,692.74 |
|--------------|--------------|

This request is to provide furniture for the new Utility Services Building and Garland Utility Payment Drive-thru.

- b. Lyons to Oates 138 kV Transmission Bid No. 477-09

| | |
|------------------------------|---------------------|
| U. S. Utility Contractor Co. | \$214,458.40 |
| Contingency | <u>40,000.00</u> |
| TOTAL | <u>\$254,458.40</u> |

This request is to provide labor to remove and replace 138kV transmission structures along the Oates to Lyons transmission line along Duck Creek at IH 30 in order to upgrade the structural integrity within the floodplain.

- c. 2009 Water Utility Contract Bid No. 485-09

| | |
|------------------------|----------------|
| Tri-Con Services, Inc. | \$1,500,000.00 |
|------------------------|----------------|

This request is to provide all parts and labor for miscellaneous placement or repair of water and sanitary sewer mains and appurtenances at various locations throughout the City.

d. Charles M. Hinton, Jr. Regional Landfill Construction of Cell #5 **Bid No. 495-09**

| | |
|-----------------------------|------------------------------|
| L. D. Kemp Excavation, Inc. | \$2,226,110.02 |
| Contingency (15%) | <u>333,916.51</u> |
| TOTAL | <u>\$2,560,026.53</u> |

This request is for the construction of Cell #5 for waste disposal at the Charles M. Hinton, Jr. Landfill. In addition, a stormwater channel, access road, truck pad, and installation of a gas probe GP-12 will be included in this project.

e. Miller Road Substation Construction Labor **Bid No. 499-09**

| | |
|------------------------------------|-----------------------|
| MasTec North American, Inc. | \$1,380,000.00 |
|------------------------------------|-----------------------|

This request is to provide labor necessary to construct the Miller Road 138 kV Substation.

f. Apollo Pump Station Backup Generator Repair **Bid No. 546-09**

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|-----------------|---------------------|
| Holt Cat | \$109,347.39 |
|-----------------|---------------------|

This request is to provide all labor and materials necessary to repair the standby generator that is required by the Texas Commission on Environmental Quality to provide an uninterrupted supply of potable water in the event of power disruptions.

- 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. 09-35, Charlie Shearer

Approval of an ordinance will approve an amendment to Planned Development (PD) District 07-59 for General Business Uses regarding signage on a 1.00-acre tract located south of West Avenue D and east of South Glenbrook Drive.

4. **Consider a resolution authorizing the Director of Environmental Waste Services to file a project application with the North Central Texas Council of Governments for grant funding for a Regional Solid Waste Program Local Implementation Project.**

At the October 5, 2009 Work Session, Council considered a request to authorize Environmental Waste Services to submit a grant proposal in the amount of \$57,745 to the North Central Texas Council of Governments to acquire grant funds to implement a standardized single stream workplace recycling program for all City of Garland facilities.

5. **Consider an ordinance amending Chapter 30, "Building Inspection," of the Code of Ordinances of the City of Garland.**

At the October 5, 2009 Work Session, Council considered a proposed ordinance amending Article VIII, "Temporary Public Amusements and Temporary Activities," of Chapter 30, "Building Inspections," of the Code of Ordinances relating to temporary public amusements, such as carnivals, circuses, and other traveling or itinerant commercial public amusements and relating to temporary commercial activities including Christmas tree lots and other seasonal activities.

6. **Consider by minute action authorizing the City Manager to execute Change Order No. 2 to Hill & Wilkinson, Ltd. in the amount of \$214,435.**

At the October 5, 2009 Work Session, Council considered authorizing the issuance of Change Order No. 2 in the amount of \$214,435 to the general construction contract with Hill & Wilkinson, Ltd. for labor and materials necessary to house Marketing and QSE staff at the Utility Services Building.

7. **Consider an ordinance amending Section 50.35, "Sewer Service Rates," of the Code of Ordinances of the City of Garland by establishing a wastewater treatment rate for certain classes of customers.**

At the October 5, 2009 Work Session, Council considered authorizing wastewater rate adjustments for the major industrial customers and customer cities rate classes. The methodology used for annually adjusting these rates is a routine process authorized in Section 50.35 of the Code of Ordinances.

8. **Consider a resolution authorizing the City Manager to enter into a contract with the Texas State Library and Archives Commission to operate the Northeast Texas Library System (NETLS); to submit annually a grant application and program of service to operate NETLS.**

The City of Garland contracts annually with the Texas State Library and Archives Commission to operate the Northeast Texas Library System (NETLS). At the October 5, 2009 Work Session, Council considered authorizing the approval of the State Fiscal Year 2010 NETLS Operating Grant Contract. The City will receive \$644,327 for operation of the NETLS service program through the Nicholson Memorial Library System during State Fiscal Year 2010 (September 1, 2009 through August 31, 2010), including a projected \$32,255 in indirect costs as City revenues.

9. **Consider a resolution authorizing the City Manager to execute and administer a grant with the Texas State Library and Archives Commission; providing that the Nicholson Memorial Library will provide certain services.**

The City of Garland contracts with the Texas State Library and Archives Commission to administer the program for the Northeast Texas Library System through the Nicholson Memorial Library System. The program is fully funded by the State of Texas and the City incurs no liability for operation should funds not be appropriated by the State. At the October 5, 2009 Work Session, Council considered authorizing the City Manager to accept a Technical Assistance Negotiated Grant in the amount of \$81,110 for administration of the program. The City will receive \$3,862 in indirect costs as City revenues.

10. **Consider a resolution authorizing the City Manager to execute a lease agreement with Clear Wireless LLC.**

At the October 5, 2009 Work Session, Council considered a request by Clear Wireless LLC for a 10' x 10' ground lease at the rear of the South Garland Branch Library site at 4845 Broadway Boulevard for wireless communication equipment to serve an antenna to be placed on an existing TXU electrical power pole located on the property. The City will receive a lease payment of \$7,000 annually.

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.

11. Hold public hearings on the following zoning cases:

- a. Consider the application of Hope, Hardwork, and Happiness Inc., requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Industrial-1 (I-1) District. The property is located at 506 North First Street. (File 09-36)**

The proposal is for approval of a Specific Use Permit for retail sales with gas pumps. At the September 28, 2009 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of a Specific Use Permit for retail sales with gas pumps for a period of 20 years tied to Hope, Hardwork, and Happiness, Inc. as recommended by staff.

- b. Consider the application of Golden Max, Inc., requesting approval of a Specific Use Permit for a Convenience Store on property zoned Industrial-1 (I-1) District. The property is located at 3520 West Kingsley Road. (File 09-37)**

The proposal is for approval of a Specific Use Permit for a convenience store. At the September 28, 2009 meeting, the Plan Commission (by a 6 to 1 vote) recommended approval of a Specific Use Permit for a Convenience Store for a period of 20 years tied to Golden Max, Inc. as recommended by staff.

12. 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.

13. 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.

14. 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.