

The City Council of the City of Garland convened in regular session at 7:00 PM on Tuesday, February 21, 2006, in the Council Chambers at City Hall with the following members present:

Mayor	Bob Day
Deputy Mayor Pro Tem	Randall Dunning
Councilmember	Michael Holden
Councilmember	Terri Dunn
Councilmember	Harry Hickey
Councilmember	Barbara Chick

ABSENT: Mayor Pro Tem Weldon Bradley
Councilmember John Garner

STAFF PRESENT: City Manager Bill Dollar
City Attorney Brad Neighbor
City Secretary Ranette Larsen

CALL TO ORDER: The meeting was called to order by Mayor Bob Day. Councilmember Dunn gave the invocation and led the pledge to the flag.

Mayor Day introduced Scout Troop #94.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. **Motion** was made by Councilmember Dunn, **seconded** by Councilmember Hickey to **approve** Consent Agenda Item #'s: 1, 2a, 5, and 6, **Motion carried: 7 Ayes; 0 Nays; and 0 Abstentions.**

1. MINUTES
Approved**

Approval of minutes of February 7, 2006 Regular Meeting as corrected.

2. BID AWARDS

Consider resolutions awarding the following bid.

Term Contract

Purchase of goods and services for the period of time defined in the bid.

Bid No. 80-06
Approved**

a. Resolution No. 9435 providing for Emergency Replacement of Underground Cable

Planetary Subsurface Utilities, Inc. \$400,000.00

Adoption of this resolution provides for cost of labor and equipment to repair and replace damaged cable

A public hearing was conducted for this zoning case; Council approved the request and directed this ordinance be brought forward for consideration.

3. Approved

Ordinance No. 5968 approving a Detail Plan with conditions on a 1.64 acre tract of land for Car Spa (File No. 05-59, northeast corner of Village View Parkway and Shiloh Road).

Speaker: Neil Montgomery, Sr. Managing Director of Development Services

Motion was made by Deputy Mayor Pro Tem Dunning, seconded by Councilmember Holden to approve the ordinance with the amendment to Item C. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

Public Hearings

Items for Individual Consideration

4. Approved

Ordinance No 5969 amending Article IV, "Smoking" of Chapter 22, "Health" of the Code of Ordinances of the City of Garland.

Recommendations to amend the above provisions came from a Council Subcommittee through the full Council.

Motion was made by Deputy Mayor Pro Tem Dunning, seconded by Councilmember Chick to approve the ordinance. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

5. Approved**

Resolution No. 9436 approving and authorizing publication of notice of intention to issue certificates of obligation.

Adoption of this resolution regards certificates of obligation for \$10.3 million to provide funding for a portion of the Capital Improvement Program and costs related to debt issuance.

6. Approved**

d. Resolution No. 9437 authorizing the City Manager to enter into an interlocal agreement with the Public Employee Benefits Alliance.

Adoption of this resolution provides for City of Garland participation as a member of the Public Employee Benefits Alliance to issue combined employee benefit Requests for Proposals.

Oath City Attorney Brad Neighbor administered the Oath to those who were to present testimony at this meeting.

Items for Individual Consideration

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

Approved** **a. Application of Samuel Kim/Archi Group, Inc for approval of 1) an amendment to the Planned Development District 02-11 for Shopping Center Uses; and 2) a Detail Plan for Retail Sales/Personal Service Uses (File No. 05-57, located at 2172 Jupiter Road).**

Approval of this request provides for development of seven tenant spaces for retail sales/personal services uses. At the January 23, 2006 meeting the Plan Commission voted 8-0 to recommend approval of the request with modifications.

Mayor Day opened the public hearing at 7:08 P.M. **Speaker:** Neil Montgomery, Senior Managing Director of Development Services, Samuel Kim

Motion was made by Councilmember Monroe, seconded by Councilmember Chick to close the public hearing at 7:14 PM and approve the request as recommended by the Plan Commission and Staff. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

Approved **b. Application of Richard King for approval of 1) a Specific Use Permit for retail sales with gas pumps; and 2) a variance regarding canopy setback requirements (File No. 05-58, located at 1330 W. Miller Road).**

Approval of this request will expand existing retail sales by adding gas pumps. At the January 23, 2006 meeting the Plan Commission voted 7-1 to recommend approval of the request with modifications.

Mayor Day opened the public hearing at 7:14 P.M. **Speakers:** Neil Montgomery, Richard King

Motion was made by Councilmember Holden, seconded by Councilmember Hickey to close the public hearing at 7:20 P.M. and approve the request as recommended by Staff. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

Approved

c. Application of Kimley-Horn and Associates for approval of 1) a change in zoning from Planned Development District 99-09 and 03-50 for Shopping Center Uses; 2) a Concept Plan with conditions for Shopping Center Uses; 3) a Detail Plan with conditions for a Financial Institution; and 4) a variance to the SH 190 Development Standards regarding the number and type of freestanding signs (File No. 05-63, located south of the intersection of Naaman Forest Boulevard and North Garland Avenue).

Approval of this application will allow development of two multi-tenant buildings. At the January 23, 2006 meeting the Plan Commission voted 7-0 to recommend approval of the request with modifications.

Mayor Day opened the public at 7:21 P.M. **Speakers:** Neil Montgomery, Brenda O'Leary, Peter Kessels, Alyson Archer

Motion was made by Councilmember Holden, **seconded** by Councilmember Dunn to close the public hearing at 7:45 PM and **approve** the request, providing for two signs at a maximum height of 15 ft. instead of the 22 ft. pole sign requested by the proponent. Also stipulated was that the support structure be constructed of brick/masonry. **Motion carried:** 6 Ayes; 1 Nay-Councilmember Monroe; 0 Abstentions.

Approved

d. Application of Robert Baldwin for approval of a change in zoning from Health Services District to Office-2 District (File No. 06-65, located at 618 Clara Barton Boulevard).

Approval of this request will allow development of a bank on the site. At the January 23, 2006 meeting the Plan Commission voted 7-0 to recommend approval of this request.

Mayor Day opened the public hearing at 7:50 P.M. **Speaker:** James Miller

Motion was made by Deputy Mayor Pro Tem Dunning, **seconded** by Councilmember Monroe to close the public hearing at 7:53 P.M. and **approve** the request as recommended by Staff and the Plan Commission. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

Denied

c. Application of RaceTrac Petroleum, Inc for approval of a Specific Use Permit for Retail Sales with Gas Pumps (File No. 05-66, located at 103 S. First Street).

At the January 23, 2006 meeting the Plan Commission voted 7-1 to recommend denial of the request without prejudice.

Mayor Day opened the public hearing at 7:54 PM. **Speakers:** Barry Knight, Dino Quintanilla

Motion was made by Councilmember Dunn, **seconded** by Councilmember Holden to **close** the public hearing at 8:02 P.M. and **deny** the request. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

Withdrawn

f. Application of Nizar Virani for approval of a Specific Use Permit for Retail Sales with Gas Pumps (File No. 05-69, located at 4201 W. Walnut).

Motion was made by Councilmember Holden, **seconded** by Councilmember Dunn to allow the applicant to withdraw his application. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions.

Withdrawn

g. Application of Iglesia Eben-Ezer for approval of converting two residential structures for church-related activities on property zoned Single-Family 7 District (File HC 05-01, located at 719 and 723 Linda Drive).

Motion was made by Councilmember Chick, **seconded** by Councilmember Dunning to allow the applicant to withdraw his application. **Motion carried:** 7 Ayes; 0 Nays; 0 Abstentions

8.--Failed

Public Hearing and consideration of an ordinance ordering and providing notice of a General Election for the City of Garland to be held in May, 2006 for the purpose of electing Councilmembers to Districts 1, 2, 4, and 5.

Mayor Day opened the public hearing at 808 PM. **Speakers:** Wanda Poole, Mike Rose, Stan Luckie, Cheryl Pohite, John Ball, Down Howard III, Douglas Athas, Laura Perkins Cox, Jackie D. Feagin, Jennifer Ashley, Alton Brown, Dino Quintanilla, Jack Wilson, Sheryl Hazelwood, Steve Miller, Tom Jefferies, David Vanderslice, Michael Pentecost, Les Cook, B.J. Williams, Jeffry Maynard,

Robert Bailey Sr. Mindy Miranda, Jean McNeal, Lee Lutz, Jerry Defeo, Robert Smith, Annie Dickson, Ricky McNeal

Motion was made by Councilmember Monroe, seconded by Deputy Mayor Pro Tem Dunning to close the public hearing at 10:37 P.M. and **adopt** the ordinance. **Motion Failed:** 4 voting Aye; 0 voting Nay; 3 Present and Not Voting, constituting 3 Nay votes—Councilmember Holden, Councilmember Dunn, and Councilmember Hickey.

5. **Appointments to Boards and Commissions.**

None

6. **Citizens Comments**

Speakers: Rose Hill, Lee Lutz

7. **There being no further business to come before the City Council, Mayor Day adjourned the meeting at 10:50 P.M.**


CITY OF GARLAND

Signed:



Mayor Bob Day

Attest:



Ranette Larsen, City Secretary