

The City Council of the City of Garland, Texas convened in regular session at 7:00 p.m. on Tuesday, May 20, 2014, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Lori Barnett Dodson
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B.J. Williams
Council Member	John Willis
Council Member	Scott LeMay
Council Member	Jim Cahill

STAFF PRESENT:

City Manager	William E. Dollar
City Attorney	Brad Neighbor
City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. District 4 Council Member B.J. Williams led the Invocation and Pledge of Allegiance.

CEREMONIALS: Mayor Athas offered recognition for the following: 1) Garland Citizens Police Academy Alumni Association; 2) Donna Fields for providing excellent customer service to Garland Neighborhoods; 3) Mayor Athas celebrated the check presentation by the Garland Firefighter's Fill the Boot Campaign; and a proclamation recognizing Motorcycle Safety and Awareness Month in Garland.

ANNOUNCEMENTS: Mayor Athas commented on the following: (1) Due to heavy construction in the vicinity of City Hall, City Council Meetings and Plan Commission Meetings will be relocated to the Duckworth Building located at 217 N. Fifth Street; and 2) The City of Garland and the Garland Landmark Society will host the Garland Heritage Celebration on Saturday, May 31 located at Sixth Street and Walnut Street.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. Mayor Athas noted corrections on Items 1 and 2c. Item No. 6 was pulled from the Consent Agenda and postponed until a future meeting. Item 9 was pulled for individual consideration. Mayor Athas read the Consent Items into the record. A motion was made by Council Member B.J. Williams, seconded by Council Member Willis,

to approve Consent Items 1 as amended; 2a; 2b; 2c; 2d; 2e; 2f; 3; 4; 5; 7; and 8. A vote was cast and the motion carried with 9 Ayes; 0 Nays. Mayor Athas read the following items into the record:

1. APPROVED** Minutes of the May 6, 2014 Regular City Council Meeting as corrected.
- 2a. APPROVED** Ordinance No. 6689 amending the zoning laws of the City of Garland by approving a change of zoning from Planned Development District 95-42 and Planned Development District 06-38, both for General Business Uses, to a Planned Development District for Limited General Business Uses and Self-Storage Units and a Detail Plan for Self-Storage Units on a 3.53-acre tract of land located on the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard. (Zoning File No. 14-04, Masterplan)
- 2b. APPROVED** Ordinance No. 6690 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Contractor Equipment and Storage on a 0.2-acre tract of land zoned Commercial 2 District and located at 200 Rayburn Street. (Zoning File No. 14-10. Jamie Pineda)
- 2c. APPROVED** Ordinance No. 6691 amending the zoning laws of the City of Garland by approving an amendment to Planned Development Districts 04-10 and 02-03 for Single Family Uses, Design Center, Stables and Barns, and a Detail Plan for a Riding Academy/Stables and Day Camp, on a 29.95-acre tract of land located southeast of the intersection of East Miller Road and East Centerville Road. (Zoning File No. 14-11, Merriwood Ranch)
- 2d. APPROVED** Ordinance No. 6692 amending the zoning laws of the City of Garland by approving a Specific Use Permit for an Antenna, Commercial Type 2 on a 0.0599-acre tract of land zoned Planned Development District 97-23 for Shopping Center Uses and located approximately 450 feet northeast of the intersection of Crist Road and Naaman School Road, behind the Home Depot located at 3261 North President George Bush Highway. (Zoning File No. 14-12, Capital Telecom)
- 2e. APPROVED** Ordinance No. 6693 amending the zoning laws of the City of Garland by approving an amended Detail Plan and Specific Use Permit for Retail Sales with Gas Pumps on a 2.4-acre

tract of land zoned Planned Development District 13-32 for Freeway Uses and located at 6421 Broadway Boulevard. (Zoning File No. 14-14, Spiars Engineering, Inc.)

2f. APPROVED**

Ordinance No. 6694 amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Reception Facility on a 7.194-acre tract of land located at 3265 Broadway Boulevard. (Zoning File No. 14-15, Indoor Soccer)

3. APPROVED**

Ordinance No. 6695 authorizing the issuance of "City of Garland, Texas Water and Sewer System Revenue Refunding and Improvement Bonds, New Series 2014", pledging net revenues of the City's Water and Sewer System to the security of and the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, a Purchase Agreement and an Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.

4. APPROVED**

Ordinance No. 6696 authorizing the issuance of "City of Garland, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014"; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City's Water and Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

5. APPROVED**

Ordinance No. 6697 denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division (Company) under the Company's 2014 annual rate review mechanism filing in all cities exercising original jurisdiction; requiring the Company to reimburse Cities' reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with the Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the

Company; requiring the Company to appeal to the Railroad Commission; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; and requiring delivery of this ordinance to the Company and the Steering Committee's legal counsel.

6. POSTPONED Proposed resolution adopting the Centerville Marketplace Repositioning Strategy.
7. APPROVED** Resolution No. 10142 adopting and approving the Consolidated Plan – One Year Plan of Action including a revised Statement of Uses of Funds for the 2014-15 Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs.
8. APPROVED** Minute action authorizing the City Manager to decrease Purchase Order No. 21567 by \$73,450 to reflect trade-in and addition of a fire suppression system.
9. PULLED Proposed resolution designating an area known generally as Travis College Hill as historically significant; endorsing the voluntary preservation guidelines adopted by the owners of properties within the Travis College Hill Historic District.

ITEMS FOR INDIVIDUAL CONSIDERATION

9. APPROVED Council Member Goebel, seconded by Mayor Pro Tem Dodson, move to approve Resolution No. 10146 designating an area known generally as Travis College Hill as historically significant; endorsing the voluntary preservation guidelines adopted by the owners of properties within the Travis College Hill Historic District. A vote was cast and the motion carried with 9 ayes, 0 nays.
10. APPROVED Council Member Stanley, seconded by Council Member LeMay, moved to appoint Jack May as the City of Garland representative to the North Texas Municipal Water District Board of Directors. A vote was cast and the motion carried with 9 ayes, 0 nays.
11. FAILED Mayor Athas provided background information regarding written objections received in response to the request of Alloy Right Recyclers seeking to amend the zoning laws of the City of Garland by approving a Specific Use Permit for Recycling Center on a 0.712-acre tract of land zoned

Industrial 1 District and located at 828 East Walnut Street. The requirement for approval requires a three-fourths (7-2) vote of the Council.

The following persons spoke: Applicant Alfonso Vasquez spoke in favor of the request and offered to answer questions for Council and Russell Flannigan spoke against establishing the recycling business at the proposed located.

City Attorney Brad Neighbor offered clarification regarding action required of the Council based on the provisions of State law commonly referred to as the "twenty percent rule" which is triggered when owners of more than twenty percent of the land within 200 feet of the subject property submit written objection to a zoning request. Neighbor clarified that a super majority vote (7 or greater in favor) is required to pass the item related to the zoning change. Mayor Athas announced that no other speakers related to this case would be heard this evening.

Council Member Williams, seconded by Council Member Cahill, moved to approve the request. A vote was cast and the motion failed with 3 ayes, 6 nays. (Campbell, Goebel, Stanley, Willis, Dodson, LeMay)

12. PUBLIC HEARING Items 12a, 12b, and 12c were considered and voted upon in a single motion. Paul Mayer, representing the Garland Economic Development Partnership presented to answer questions related an economic incentive agreement for Nutri Biotech. Mayor Athas opened the public hearing to receive comment. There being none, Council Member Stanley, seconded by Council Member Goebel, moved to close the public hearing and to approve Items 12a; 12b; and 12c; as follows. A vote was cast and the motion carried with 9 ayes, 0 nays.

12a. APPROVED Ordinance No. 6698 designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.

12b. APPROVED Ordinance No. 6699 ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, nominating Nutri Biotech Co.,

Ltd. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank as an enterprise project.

- 12c. APPROVED Resolution No. 10143 authorizing the City Manager to execute a tax abatement agreement.
13. PUBLIC HEARING Items 13a and 13b were considered and voted upon in a single motion. Paul Mayer, representing the Garland Economic Development Partnership presented to answer questions related an economic incentive agreement for Mapei Corporation. Mayor Athas opened the public hearing to receive comment. There being none, Council Member Willis, seconded by Council Member Stanley, moved to approved items 13a and 13b as follows. A vote was cast and the motion carried with 9 ayes, 0 nays.
- 13a. APPROVED Ordinance No. 6700 designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.
- 13b. APPROVED Resolution No. 1044 authorizing the City Manager to execute a tax abatement agreement with Mapei Corporation.
14. PUBLIC HEARING Paul Mayer, representing the Garland Economic Development Partnership presented to answer questions related an economic agreement with Huntington Industrial Partners. Mayor Athas opened the public hearing to receive comment. There being none, Council Member Willis, seconded by Mayor Pro Tem Dodson, moved to close the public hearing and to approve Item 14a as follows. A vote was cast and the motion carried with 9 ayes, 0 nays.
- 14a. APPROVED Resolution No. 10145 authorizing the City Manager to execute an economic development agreement with Huntington Industrial Partners.
15. APPROVED Ordinance No. 6701 canvassing the results of the General Election held for the purpose of electing a candidate to the office of Council member for District 5 of the City Council of the City of Garland, for an election having been held on May 10, 2014; declaring the results of that election.

Mayor Athas announced results as follows:

Votes cast for each District 5 candidates:

Terry G. Kaliney	84 Votes
Billy Mack Williams	531 Votes

The Council previously cancelled the election for unopposed candidates for Council Districts 1, 2, and 4 and declared the following unopposed candidates within those districts elected to office as follows:

Council Member District 1: Marvin F. "Tim" Campbell
Council Member District 2: Anita Goebel
Council Member District 4: B.J. Williams

Mayor Athas presented outgoing Council Member John Willis with a City of Garland Flag and plaque in recognition of his years of service to the City. Council Member Willis was joined by his wife and daughter and made parting comments to the audience.

Newly Elected District 5 Council Member Billy Mack Williams was sworn into office by his Grandson, Beau Rice.

Council Members Campbell, Goebel, and B.J. Williams were sworn in by City Attorney Brad Neighbor.

Council Member Campbell, seconded by Council Member Goebel, moved to approve the canvass ordinance as presented. A vote was cast and the motion carried with 9 ayes, 0 nays.

Newly sworn in Council Members took their seats at the Dais.

16. APPROVED

There being no objection, Items 16a – 16e were considered and voted upon in a single motion. Council Member Cahill, seconded by Council Member Billy Mack Williams, moved to approve the following items:

16a. APPROVED

Award of Bid No. 4235-14 in the amount of \$180,215.57 to Stuart Irby with an optional contingency of \$18,000.00 for a total award of \$198,215.57 to provide all materials associated with the TMPA Gibbons Creek 138kV and 345kV Breaker Replacement Project.

16b. APPROVED Award of Bid No. 4293-14 in the amount of \$335,295.00 to ALSTOM Grid, Inc. and an optional contingency of \$33,530.00 for the purchase of nine potential transformers for the Gibbons Creek Substation as part of the TMPA Breaker Replacement Capital Improvement Project.

16c. APPROVED Award of Bid No. 4333-14 in the amount of \$136,676.02 to Techline, Inc. and an optional contingency of \$13,667.00 for a total award of \$150,343.02 to provide cable and connector materials for the Wylie-Nevada Transmission Line Conductor Project.

16d. APPROVED Award of Bid No. 4401-14 in the amount of \$251,975.00 to AMETEK Power Instruments to provide a Pulsar Network Communications upgrade for GP&L Substations.

16e. APPROVED Award of Bid No. 4428-14 in the amount of \$197,861.00 to Gupta & Associates to provide professional engineering and design services to replace the two 700-horsepower source drives and make electrical improvements at the Rowlett Creek Wastewater Treatment Plant.

A vote was cast and the motion to approve Items 16a, 16b; 16c; 16d; and 16e carried with 9 ayes, 0 nays.

17. COMMENTS: No one spoke during the public comment period.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 7:58 p.m.

CITY OF GARLAND, TEXAS

Douglas Athas, Mayor

ATTEST:

Lisa Palomba, City Secretary