The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, March 20, 2012 in the Council Chambers at City Hall with the following members present:

Mayor Ronald E. Jones
Mayor Pro Tem Preston Edwards
Councilmember Laura Perkins Cox
Councilmember Larry Leffus

Councilmember Larry Jeffus Councilmember John Willis

Councilmember Lori Barnett Dodson

CouncilmemberRick WilliamsCouncilmemberJim CahillCouncilmemberDouglas Athas

STAFF PRESENT: City Manager William E. Dollar

City Attorney Brad Neighbor Interim City Secretary Elaine Simpson Recording Secretary Yvonne Naser

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones.

Councilmember Jeffus led the invocation. The pledge to the US flag and the Texas flag, respectively, was led by members

of Boy Scout Troop 360.

CEREMONIALS: Mayor R. Jones introduced Representative Angie Chen Button

who recognized the following individuals:

Congratulating Vicki Yeatts, the public health administrator for

the City of Garland, for being selected by the Texas

Department of State Health Services to serve as a member of its new Public Health Funding and Policy Committee - VICKI

YEATTS AND RICHARD BRILEY ACCEPTING

Congratulating the Garland Parks, Recreation, and Cultural Arts Department for receiving the 2011 Regional Recreation and Facility Design Excellence Award for the design of its

Harris Hollabaugh Recreation Center from the Texas

Recreation and Park Society - WARREN BIRD ACCEPTING

AND LAVETTE ERVIN AND ANN MCGINNES

Congratulating Travis Cunniff of the Garland Parks, Recreation, and Cultural Arts Department for receiving the

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2011 Regional Horizons Award from the Texas Recreation and Park Society - WARREN BIRD ACCEPTING AND TRAVIS CUNNIFF

Congratulating Joyce Kendall of the Garland Parks, Recreation, and Cultural Arts Department for being named a 2011 Regional Part-Time Employee of the Year by the Texas Recreation and Park Society - WARREN BIRD ACCEPTING AND GEORGE DEINES

Congratulating George Deines of the Garland Parks, Recreation, and Cultural Arts Department for being named a 2011 Regional Recreation Professional of the Year by the Texas Recreation and Park Society - WARREN BIRD ACCEPTING AND GEORGE DEINES

Congratulating Jack Sparkes, a trail steward for the Rowlett Creek Preserve in Garland, for being named a 2011 Regional Advocate of the Year by the Texas Recreation and Park Society - WARREN BIRD ACCEPTING AND JACK SPARKES

Congratulating the City of Garland Environmental Waste Services Department for winning a 2011 Environmental Leadership Award from the State of Texas Alliance for Recycling - LONNIE BANKS AND GLENNA BROWN ACCEPTING

Congratulating the City of Garland Government Access Television for being recognized by the Texas Association of Telecommunications Officers and Advisors for its production of the documentary, A Tribute to Charles Duckworth - JIM HARMON, DAVE KUHN, DOROTHY WHITE

Congratulating the Garland Fire Department, Garland City Council, Garland ISD, and Garland Citizens Firefighters Club for raising more than \$11,000 to provide the opportunity for needy children in Garland ISD to purchase Christmas gifts in December 2011 - INTERIM FIRE CHIEF RAYMOND KNIGHT ACCEPTING

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 Larry Jeffus and second by Mayor Pro Tem Edwards to approve the following items from the Consent Agenda, as presented: #1, #2.a., #2.b., #2.c., #2.d., #2.e., #3., #4, #5., #6., #7., #8., #9. and #10.

Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved ** Consider approval of the minutes of the March 6, 2012 Regular Meeting.

2. a. Approved ** Single Stream Recycling Containers Bid No. 2715-12

Cascade Engineering \$421,501.60

This request is to provide 8,200 95-gallon recycling containers for Phase 1 of the Environmental Waste Services Residential Automated Collection Single Stream Recycling Program.

2.b. Approved ** Street Sweepers Bid No. 2806-12

Texas Municipal Equipment, LLC \$317,757.00

This request is for the purchase of two street sweepers for the Street Department for use in daily operations.

2. c. Approved ** Surf and Swim Wave Pool Renovation Bid No. 2820-12

Sunbelt Pools \$288,464.30

This request is for the repair and replacement of the pool coatings at the Surf and Swim Wave Action Swimming Pool.

2.d. Approved ** IH-635 Utility Relocation Bid No. 2822-12

Glenn Thurman, Inc. \$148,738.00

This request is to provide for the relocation of a 12-inch wastewater main that is in conflict with TxDOT's IH-635 frontage road improvements project.

2.e. Approved **

Compactors Bid No. 2833-12

Bane Machinery, Inc.

\$179,007.00

This request is for the replacement of two compactors to be used by the Street Department in daily operations.

3. Approved **

Ordinance #6526 related to Zoning File No. 12-08, Firewheel Master Partnership Ltd., applicant, amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) Districts 02-25 and 03-53 for Freeway Uses regarding regulation of Freestanding Signs on a 174-acre tract of land located northeast of the intersection of State Highway 78/Lavon Drive and State Highway190 (President George Bush Turnpike).

4. Approved **

Ordinance #6527 amending Chapter 26, "Police-Miscellaneous Provisions and Offenses", of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland as recommended by the Public Safety Committee and staff to amend Chapter 26, "Police – Miscellaneous Provision and Offenses" of the Code of Ordinances by adding a new section, Sec. 26.13 titled, "Prohibition of the Sale of Salvia" which would make it an offense to sell or posses with intent to sell Salvia to another person in the City of Garland.

5. Approved **

Resolution #10036 abandoning and approving the sale of an alley in the Joel Crumpacker Survey, Abstract No. 328, City of

Garland, Dallas County, Texas, being part of Lot 6, Block 12, of the original Town of Duck Creek at the rear of 505 W. State Street, to Sarah L. Stafford, Marion Gene Garvin and Teena Cato Garvin, and authorizing the Mayor to execute a deed without warranty conveying the property to the buyer.

6. Approved **

Consider approving by minute action the Hazard Mitigation Action Plan developed to implement hazard mitigation activities that will result in a more sustainable community by saving lives and properties from disaster situations.

7. Approved **

Resolution # 10037 authorizing the City Manager to execute a Recyclables Processing and Marketing Agreement with Allied Waste Systems, dba Allied Waste Services of Plano to transport, process, and sell single-stream recyclables materials.

8. Approved **

Ordinance #6528 amending Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland related to modifications to the Drought Contingency Plan. These changes alter allowed irrigation patterns to more closely follow those recommended by the North Texas Municipal Water District.

9. Approved **

Ordinance #6529 canceling the election to be held May 12, 2012 for unopposed candidates for Districts 1 and 5; declaring the unopposed candidates within those districts elected to office; continuing unaffected the general election to be held May 12, 2012 for Council Districts 2 and 4. Council accepted the Certification of Unopposed Candidates and the Certified List of No Write-In Candidates from the Interim City Secretary and authorized the cancellation of the election for May 12, 2012 for Council Districts 1 and 5 in accordance with the charter of the City of Garland and the laws of the State of Texas. The elections in Districts 2 and 4 are not affected.

10. Approved **

Resolution #10038 authorizing the submission of a grant application for the acquisition of a CBRNE Tactical

Intervention Vehicle; designating Mitch Bates as the authorized official for purposes of that grant, authorizing the submission of an application for the Edward Byrne Memorial Justice Assistance Grant to be used for the purchase of a Tactical Intervention Vehicle (armored personnel carrier).

11. Approved

Consider approving by minute action a consulting agreement for the reassignment of Ray Schwertner, the Managing Director of Electric Utility, to a consulting basis. A draft of the proposed consulting agreement was considered by Council at the February 20 Work Session, February 21 Regular Meeting and March 19, 2012 Work Session. Several Council Members requested additional revisions be made to the proposed agreement and brought back for Council consideration and approval.

Council Member Rick Williams made a motion, and Mayor Pro Tem Preston Edwards seconded, 'to authorize the City Manager to execute an agreement with Vision Energy Consultants, Inc. in substantially the form and substance of that presented in the Council's agenda. By that, I mean to authorize the City Manager, in the exercise of his reasonable discretion and with the advice of the City Attorney, to make changes to the agreement as may be necessary to finalize the contemplated agreement in accordance with the direction of this Council'.

Mayor recognized the following speakers:

- 1.) Randall Dunning: against, citing concerns about having a long-term contract/'evergreen clause'.
- 2.) Mike Rose: spoke in favor

Councilmember Cox explained that the 'evergreen clause' had been removed from the current version of this contract. Councilmember Athas explained that the contract has a 30-day out agreement, which will allow Council to terminate the contract for non-performance, if needed.

Amendment to the motion was made by Councilmember Cox, seconded by Councilmember Dodson, to strike all language

stating that City Manager can change the contract we pass tonight.

Vote on the amendment:

Ayes: Willis, Jones, Cox, Dodson

Nays: Athas, Edwards, Jeffus, Williams, Cahill

Abstain: None

Motion failed 4 Ayes, 5 Nays, 0 Abstentions

Council returned to debate on the original motion.

Vote on the original motion:

Ayes: Athas, Cahill, Dodson, Edwards, Jeffus, Williams

Nays: Jones, Cox

Motion carried 7 Ayes, 2 Nays, 0 Abstentions

12. Held and Approved

Hold a public hearing on the following zoning case:

Application of Firewheel Ventures requesting approval of a Detail Plan for Medical Clinic/Offices and Office, General Uses on property zoned Planned Development (PD) District 03-09 for General Business Uses. The property is located south of Naaman School Road, east of Goldenwood Drive. (File 12-09), for approval of a Detail Plan for a Medical Clinic/Office and Office, General Uses.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report. Mayor Jones opened the public hearing at 8:00 pm. Bryan Hull, the owner, spoke as the applicant in favor of the motion.

Motion was made by Councilmember Cahill and second by Councilmember Williams to close the public hearing at 8:01 pm and to approve the application as presented.

Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

13. Held and Approved

Hold a public hearing and consider (1) Ordinance # 6530 designating an area as a reinvestment zone for

commercial/industrial tax abatement; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone and (2) Resolution # 10039 authorizing the City Manager to execute a tax abatement agreement, related to Advanced Pharmacy opening a 10,000 square foot certain center in Garland at the Firewheel Distribution Center, bringing \$2 million in business personal property and taxable inventory to Garland. At the March 5, 2012 Work Session, Council considered a recommendation by the Garland Economic Partnership Steering Committee that Council provide (1) general support for the project and (2) support a 50% City tax abatement on business personal property for up to seven years.

Mayor Jones opened the Public Hearing.

1.) Paul Mayer from the Garland Chamber of Commerce spoke in favor of the request, explaining that this had been through the entire hearing process.

There were no Council comments.

Motion: Councilmember Cahill made a motion to close the Public Hearing at 8:04 p.m. and to approve the item, as presented, and Councilmember Dodson seconded the motion.

Motion carried unanimously: 9 Ayes, 0 Nays and 0 Abstentions.

14. Held and Approved

Hold a public hearing and consider (1) Ordinance # 6531 designating an area as a reinvestment zone for commercial/industrial tax abatement; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone; (2) Resolution # 10040 authorizing the City Manager to execute an economic development agreement with Kraft Foods Global, Inc.; and, (3) Resolution # 10041 authorizing the City Manager to execute a tax abatement agreement.

Kraft Foods Global, Inc. has plans to bring additional projects to its Garland facility. The projects will require new machinery and equipment, bringing \$11.6 million in business personal property value to Garland. At the March 5, 2012 Executive Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide (1) general support for the project and (2) support of a 100% City tax abatement on business personal property for five years. In addition, Council is requested to authorize an amendment to a Chapter 380 economic development agreement between the City and Kraft Foods Global, Inc.

Mayor Jones opened the Public Hearing.

1.) Paul Mayer from the Garland Chamber of Commerce also spoke in favor of this request, explaining that this item had also been through the entire hearing process, just as the previous item.

There were no Council comments.

Motion: Councilmember Cahill made a motion to close the Public Hearing at 8:05 p.m. and to approve the item, as presented, and Councilmember Dodson seconded the motion.

Motion carried unanimously: 9 Ayes, 0 Nays and 0 Abstentions.

15. Held and Approved

Hold a public hearing and consider Ordinance # 6532 adopting the Envision Garland 2030 Comprehensive Plan. A public hearing was previously held regarding the proposed Envision Garland Comprehensive Plan. This item was discussed at the March 19, 2012 Work Session.

Neil Montgomery, Senior Managing Director of Development Services introduced the item. This is the second public hearing for this Envision Garland document. The plan is a product of a multi-year plan and has been updated with comments from the previous public hearing as well as those received since. The document has had some 'jargon' removed, and some points have been clarified.

Mayor Jones opened the public hearing:

There were 12 speakers.

- 1.) Betty Cox: in favor
- 2.) Mark W. King, Micropac Industries: in favor
- 3.) Paul Mayer: in favor
- 4.) Tom Trenary: in favor
- 5.) Janie Brittain: registered a position 'against', did not speak
- 6.) B. J. Williams: in favor
- 7.) Lyn Cromwell: in favor
- 8.) Mike Rose: in favor
- 9.) Randall Dunning was given six minutes to speak, for himself and for Ms. Pam Stoneham, who was in the audience, but wished to have Mr. Dunning speak on her behalf. against
- 10.) Liz Moser was given an extra three minutes to speak on behalf of the Garland Tea Party: spoke against
- 11.) Darren Lathen: expressed concerns
- 12.) Phillip Lathrop: in favor

Neil Montgomery was called back to explain the next step in the process will be to pass a unified development code. This process will be public-input driven.

Assistant City Manager Bryan Bradford was called to speak about Garland's fiscal challenges.

Motion was made by Councilmember Williams, seconded by Councilmember Willis, to close the public hearing at 9:31 p.m. and to approve the Envision Garland plan, as presented.

A motion to amend was made by Councilmember Dodson, seconded by Councilmember Cahill, to add a disclaimer that 'this document is not intended to supersede private property rights'.

Vote on the amendment:

Ayes: Athas, Cahill, Cox, Dodson, Edwards, Jeffus, Jones, Willis

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	Amendment carried 8 Ayes, 1 Nay, 0 Abstentions.
	Vote on the primary motion, as amended. Motion carries unanimously: 9 Ayes, 0 Nays, 0 Abstentions
16.	There were no citizen comments.
There being no further busin meeting at 9:40 pm.	ness to come before the City Council, Mayor Jones adjourned the
CITY OF GARLAND	
Signed:	
Mayor Ronald E. Jones	
Attest:	
Elaine Simpson, Interim City	v Secretary

Nay: Williams