

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

October 16, 2012

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. **BRILLE 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**

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 2, 2012 Regular Meeting.

2. Consider approval of the following bids:

- a. Fiber Optic Cable Expansion – Various Locations Bid No. 2911-12

Advanced Communications	\$112,964.71
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This request is to provide equipment and services necessary to install fiber optic communications and conduit infrastructure necessary to tie various City facilities into their existing fiber optic network.

- b. Contract Labor for Grounds Maintenance Bid No. 3021-12

Express Employment Professionals	\$686,000.00
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This request is to provide temporary as well as long-term grounds maintenance employees for the Firewheel Golf Park. Approval is subject to the City of Garland and Express Employment Professionals reaching an agreement on contract terms.

- c. Underground Cable Replacement Bid No. 3084-12

The Fishel Company	\$799,594.55
Contingency	<u>60,000.00</u>
TOTAL	<u>\$859,594.55</u>

This request is to provide all labor and equipment necessary to remove and replace underground distribution facilities for maintenance purposes for the City's electrical system.

d. Replacement EKG Monitors

Bid No. 3139-12

Zoll Medical Corporation

\$476,160.00

This request is to provide the latest technology EKG monitors for all frontline ambulances that serve the citizens of Garland. The majority of this purchase will be funded by a federal grant in the amount of \$427,126 for which the City is responsible for 20%.

- 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. 12-44, Chicken Express

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Restaurant, Drive-Through on a 0.78-acre tract of land located at 2002 Eastgate Drive.

- 4. Consider by minute action approving the Council Rules of Order and Procedure.**

In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings. At the October 1, 2012 Work Session, Council discussed and agreed upon proposed revisions.

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.

- 5. 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.

6. 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.

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Monday, October 1, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Councilmember	Marvin 'Tim' Campbell
Councilmember	Anita Goebel
Councilmember	B.J. Williams
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill

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 Rick Williams led the invocation and the pledge of allegiance.

CEREMONIAL:

Proclamation: *Live United* – United Way Day in Garland

CONSENT AGENDA:

Councilman Rick Williams pulled item # 5 from the Consent Agenda for separate consideration.

All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Councilmember Rick Williams, seconded by Councilmember Dodson to approve items: 1, 2a, 2b, 2c, 3, and 4, as presented. Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** Consider approval of the minutes of the September 18, 2012 Regular Meeting.
- 2.a. Approved** Bid No. 3135-12 for Voice and Network Data Cabling awarded to Nouveau Construction and Technology Services for \$115,225.00 for replacement of fiber and copper media cable at various facilities located at the Service Center complex.
- 2.b. Approved** Bid No. 3143-12 for Field Operations Complex Pipe Storage Building awarded to Hill & Wilkinson General Contractors for \$133,000.00 for fabrication and erection of a pre-engineered metal storage building to be used by Water Utilities to protect PVC pipe from exposure to the sun and elements.
- 2.c. Approved** Bid No. 3156-12 for Engine and Hydraulic Repairs awarded to Holt Cat in the amount of \$184,737.80 to provide repairs to the Caterpillar 963C Track Loader Unit No. 160-219 used at the Hinton Landfill in daily operations.
3. Approved** Ordinance 6573 for Zoning File No. 12-40, GTE Southwest Inc., dba Verizon Southwest, amending the zoning laws of the City of Garland by approving a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office-1 Uses with a Specific Use Permit (SUP) for Antenna, Commercial Type 2 on an 8.737-acre tract of land located north of Apollo Road and northeast of North Garland Avenue.
4. Approved** Resolution # 10075 authorizing the City Manager to execute an interlocal agreement (ILA) with Dallas County relating to the continued operation of a Household Hazardous Waste Disposal Program to replace the current contract which expired September 30, 2012.

5. Postponed 2 weeks Consider approving by minute action the Council Rules of Order and Procedure. In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings.

Councilman Rick Williams made a motion, seconded by Councilmember Dodson, to postpone this item until October 15th. Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

6. Held and Approved Hold a public hearing and consider the application of Wes Parnell (Zoning File 12-44) requesting approval of a Specific Use Permit for Restaurant with Drive Through, in the name of Chicken Express, on property zoned Shopping Center (SC) District in the IH 635 Overlay District for property located at 2002 Eastgate Drive.

Addressing this item was Neil Montgomery, Senior Managing Director of Development Services.

Mayor Jones opened the public hearing at 7:10 pm.

Wes Parnell, spoke for the applicant.

MPT Willis made a motion, seconded by Deputy MPT Edwards, to close the public hearing at 7:13 p.m. and to approve the item, as requested and as recommended by staff and the Plan Commission, Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

7. Citizen comments.

No citizen spoke.

There being no further business to come before the City Council, Mayor Jones adjourned the

meeting at 7:14 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Elaine Simpson, Interim City Secretary



GARLAND
PURCHASING

Bid No.: 2911-12
Agenda Item: 2a
Meeting: Regular
Date: 10/16/12

Purchasing Report

FIBER OPTIC CABLE EXPANSION – VARIOUS FACILITIES OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide the equipment and services necessary to install fiber optic communications and conduit infrastructure necessary to tie various City facilities into their existing fiber optic network. Superior Network Systems retracted their proposal due to the inability to obtain the required bonds. After request for Best and Final Offer, Advanced Communications USA, Inc. was the highest evaluated proposer meeting the City's bond requirements.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Advanced Communications	All	\$112,964.71

TOTAL: \$112,964.71

BASIS FOR AWARD:

Best Value

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Reviewed by:

William E. Dollar
City Manager

Date: 10/8/12

Date: 10/9/12

FINANCIAL SUMMARY:

Total Project/Account: \$	1,822,177
Expended/Encumbered to Date:	1,078,232
Balance: \$	743,945
This Item:	112,965
Proposed Balance: \$	630,980

Matt Watson	10/8/12
Budget Analyst	Date
Matt Watson (for Ron Young)	10/8/12
Budget Director	Date

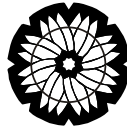
Operating Budget: ☐ CIP: ☒ Year: 2012

Document Location: M-13 & ST-30

Account #:	416-4559-2304506-9007	\$90,964.71
	624-1799-1562004-9019	\$22,000.00

Fund/Agency/Project – Description:
I.T./Extended Fiber Optic Cable & Streets/Traffic Sign Modernization

Comments:



GARLAND

PURCHASING

Executive Summary **Bid 2911-12** **Fiber Optic Cable Expansion Various Facilities**

Recommended Vendor:

Advanced Communications USA, Inc.

Total Recommended Award:

\$112,964.71

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide the equipment and services necessary to install fiber optic communications and conduit infrastructure necessary to tie various City facilities into their existing fiber optic network.

Evaluation:

Request for Proposal was issued per Purchasing procedures. Three (3) proposals were received and evaluated using the published Best Value evaluation criteria.

Superior Network Systems offered the highest rated proposal, but retracted their proposal due to the inability to obtain the required bonding. With the elimination of Superior Network Systems, Gardner Telecommunications, Inc. and Advanced Communications USA, Inc. were asked to submit a Best and Final Offer. Advanced Communications USA, Inc. received the highest evaluated score of 90 out of a possible 100, offering the Best Value for the City.

Recommendation:

Staff recommends awarding the contract to Advanced Communications USA, Inc

Funding Information:

416-455923045069007; CT5620-G4-1-9019

Department Director:

Steve Niekamp, CIO IT Services, 972-781-7205



GARLAND
PURCHASING

Bid No.: 3021-12
Agenda Item: 2b
Meeting: Regular
Date: 10/16/12

Purchasing Report

CONTRACT LABOR FOR GROUNDS MAINTENANCE TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this contract is to select a qualified agency to provide temporary as well as long-term grounds maintenance employees for the Firewheel Golf Park. During the 2012-12 Budget reviews City Council was briefed on the use of an outside agency to provide maintenance staffing and reduce operating costs at the Firewheel Golf Course. This will be a three (3) year term contract with two (2) annual renewal options.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Express Employment Professionals	All	\$686,000.00
TOTAL:		<u>\$686,000.00</u>

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

William E. Dollar
City Manager

Date: 10/09/12

Date: 10/9/12

FINANCIAL SUMMARY:

Total Project/Account: \$ N/A

Expended/Encumbered to Date: N/A

Balance: \$ N/A

This Item:

Proposed Balance: \$ N/A

Budget Analyst

Date

Budget Director

Date

Operating Budget: ☐ CIP: ☐ Year: _____

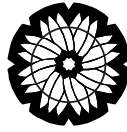
Document Location: _____

Account #: 451-6999

Fund/Agency/Project – Description:
Term Contract –

Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.



GARLAND

PURCHASING

Executive Summary **Bid 3021-12** **Contract Labor for Grounds Maintenance**

Recommended Vendor:

Express Employment Professionals

Total Recommended Award:

\$686,000.00 - Annually

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to select a qualified agency to provide temporary as well as long-term grounds maintenance employees for the Firewheel Golf Park. This will be a three (3) year term contract with two (2) annual renewal options.

Evaluation:

During the 2012-12 Budget reviews City Council was briefed on the use of an outside agency to provide maintenance staffing and reduce operating costs at the Firewheel Golf Course.

The City received qualified proposals from Express Employment Professionals (Express) and Marathon Staffing. The proposals were evaluated on the stated criteria of: pricing; references; benefits; transition plan; prior positive experience with the City. Express scored 96 out of 100 points, offering the Best Value for the City.

Recommendation:

Staff recommends awarding the staffing contract to Express. Contract approval is subject to City of Garland and Express reaching an agreement on contract terms.

Funding Information:

251-4311-7111 Firewheel Other Outside Services

Department Director:

Bryan L. Bradford, Assistant City Manager, 972-205-2735



GARLAND
PURCHASING

Bid No.: 3084-12
Agenda Item: 2c
Meeting: Council
Date: 10/16/12

Purchasing Report

UNDERGROUND CABLE REPLACEMENT OPEN MARKET

PURCHASE JUSTIFICATION:

This purpose of this Contract is to provide all labor and equipment necessary to remove and replace underground distribution facilities for maintenance purposes for the City's electrical system. Due to the variables involved in a complex maintenance project, an optional contingency has been included for unforeseen additional work if required. This is an approved 2012 Capital Improvements Program Project. Expenditure will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
The Fishel Company	1-7	\$799,594.55
	Contingency	\$60,000.00
	TOTAL:	\$859,594.55

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

William E. Dollar
City Manager

Date: 10/05/12

Date: 10/9/12

FINANCIAL SUMMARY:

Total Project/Account: \$ 2,135,834
Expended/Encumbered to Date: 28,756
Balance: \$ 2,107,078
This Item: 859,595
Proposed Balance: \$ 1,247,483

Trent Schulze 10/09/12
Budget Analyst Date

Trent Schulze for Ron Young 10/09/12
Budget Director Date

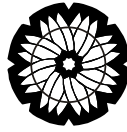
Operating Budget: ☐ CIP: ☒ Year: 2012

Document Location: E-10

Account #: 215-3299-3162501-7111 \$799,594.55
451-6999 (BLANKET) \$ 60,000.00

Fund/Agency/Project - Description: Electric CIP -
Underground Cable Replacement

Comments: Contract provides all labor and equipment necessary to remove and replace underground distribution facilities for maintenance purposes for City's electrical system.



GARLAND

PURCHASING

Executive Summary **Bid 3084-12** **Underground Cable Replacement**

Recommended Vendor:

The Fishel Company

Total Recommended Award:

\$859,549.55

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide all labor and equipment necessary to remove and replace underground distribution facilities for maintenance purposes for the City's electrical system.

Evaluation:

Request for Bids were issued in accordance with Purchasing procedures.

Three (3) bids were received and evaluated using pre-established best value criteria. It was determined that The Fishel Company scored the highest points (96.67 out of 100) providing the Best Value for the City. In addition, The Fishel Company's quotation was \$99,169.72 less than the second low bidder.

Recommendation:

Staff recommends awarding the contract to The Fishel Company as the Best Value provider based on the RFP evaluation criteria.

Funding Information:

2012 CIP Revenue Bonds Account 215-3299-3162501-7111

Department Director:

David Grubs, Acting Transmission and Distribution Director, 972-205-2664



Purchasing Report

PURCHASE OF REPLACEMENT EKG MONITORS TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this purchase is to provide the latest technology EKG monitors for all frontline ambulances that serve the citizens of Garland. The Fire Department Paramedic Advisory Board selected the Zoll X-series as the best EKG monitor for the City. The majority of this purchase will be funded by a Federal Grant in the amount of \$427,126.00 for which Garland is responsible for 20%. Expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Zoll Medical Corporation	All	\$476,160.00
TOTAL:		<u>\$476,160.00</u>

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

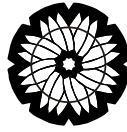
William E. Dollar
City Manager

Date: 09/24/12

Date: 10/9/12

FINANCIAL SUMMARY:

Total Project/Account: \$	N/A	Operating Budget: ☒	CIP: ☐	Year: 2012-13
Expended/Encumbered to Date:	N/A	Document Location:	N/A	
Balance: \$	N/A	Account #:	451-6999	
This Item:	476,160	Fund/Agency/Project – Description:	Term Contract – Purchase New EKG Monitors for Fire Department out of Public Safety Grant Fund	
Proposed Balance: \$	N/A	Comments:	Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.	
Trent Schulze	09/21/12			
Budget Analyst	Date			
Ron Young	09/21/12			
Budget Director	Date			



GARLAND

PURCHASING

Executive Summary **Bid 3139-12** **Purchase of Replacement EKG Monitors**

Recommended Vendor:

Zoll Medical Corporation

Total Recommended Award:

\$476,160.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this purchase is to provide the latest technology EKG monitors for all frontline ambulances that serve the citizens of Garland.

Evaluation:

The Fire Department Paramedic Advisory Board evaluated three (3) manufacturers of EKG monitors. After extensive research and testing, the Zoll X-series was chosen to be the best EKG monitor for the City. The monitors are available through National Purchasing Partners Cooperative Agreement RFP No. 520.

Recommendation:

We recommend the purchase of these new EKG monitors to provide the best possible care to the citizens of Garland.

Funding Information:

Blanket Account 451-6999

The majority of this purchase will be funded by a Federal Grant that was awarded to the City. The Grant total was \$427,126.00 of which the City is responsible for 20%.

Department Director:

Raymond Knight, Fire Chief, 972-781-7101



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: October 16, 2012

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 12-44 – Chicken Express

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RESTAURANT, DRIVE-THROUGH ON A 0.78-ACRE TRACT OF LAND LOCATED AT 2002 EASTGATE DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 10th day of September, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Wes Parnell** and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

Now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, that:

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Restaurant, Drive-Through on a 0.78 acre tract of land located at 2002 Eastgate Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 3.

Violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 4.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

FILE NO. 12-44

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-44

Being an approximate 0.78-acre parcel shown as Lot 1 Block 1 of Pizza Hut Addition, an addition to the City of Garland, as recorded in Volume 76130, Page 492 of the Map Records of Dallas County, Texas. The property is located at 2002 Eastgate Drive.

SPECIFIC USE PERMIT CONDITIONS

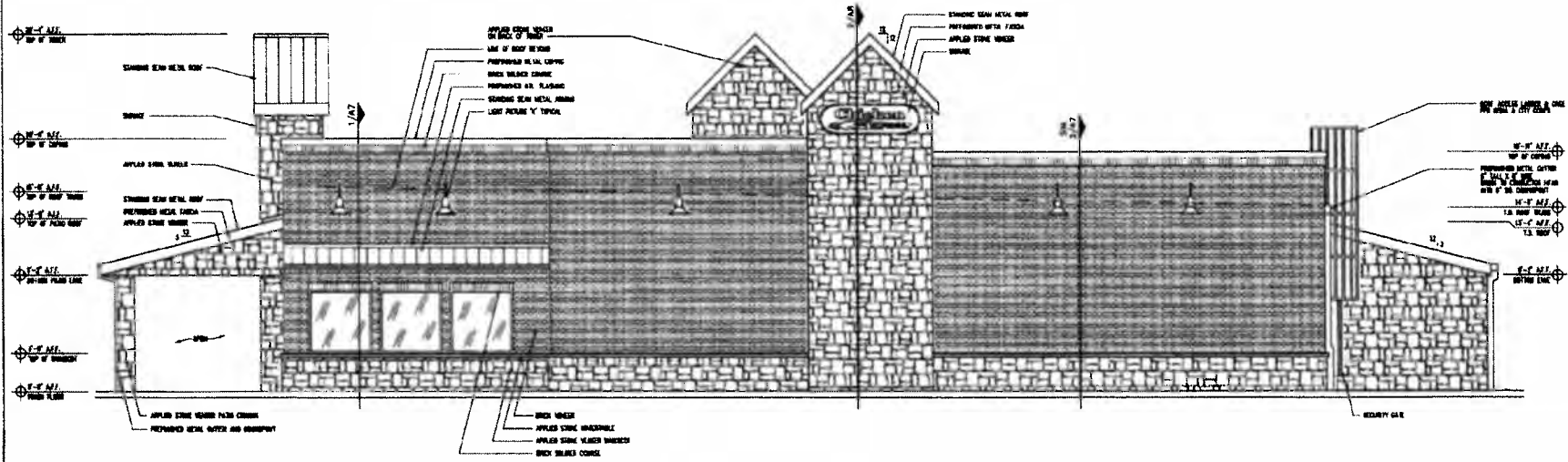
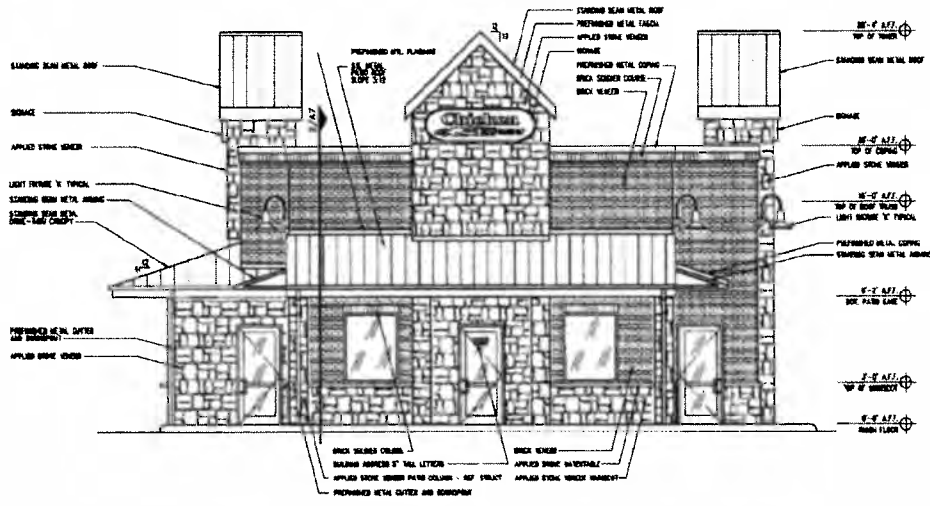
ZONING FILE 12-44

2002 Eastgate Drive

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for Restaurant, Drive-Through subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center (SC) District set forth in Section 24, 33 and 47 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period and tied to **Chicken Express**.
 - B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C. The dumpster enclosure may be located five (5) feet from the west property line and two (2) feet from the north property line as depicted on Exhibit C.
 - C. Screening and Landscape: Screening and landscaping shall be in full compliance with the Screening and Landscaping regulations of the IH 635 Development Standards and in general conformance with the landscape plan in Exhibit D.
 - D. Elevations: Elevations shall be in full compliance with the Exterior Wall regulations of the IH 635 Development Standards and in general conformance with the elevations in Exhibits E and F.
 - E. Signage: A total of ninety (90) square feet of attached signage shall be permitted, as generally depicted on Exhibits E and F.

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

FINISH SCHEDULE		
MATERIAL	MANUFACTURER	DESCRIPTION / COLOR
STANDING SEAM METAL ROOF	ALUM. BRICK	BRICKWORK
APPLIED STONE VENEER	LONG STAIN	PINK GRANITE CROWN
STANDING SEAM METAL ROOF	WALLING, INC.	BRICKWORK
APPLIED STONE VENEER	WALLING, INC.	BRICKWORK
STANDING SEAM METAL ROOF	WALLING, INC.	BRICKWORK
APPLIED STONE VENEER	WALLING, INC.	BRICKWORK
STANDING SEAM METAL ROOF	WALLING, INC.	BRICKWORK
APPLIED STONE VENEER	WALLING, INC.	BRICKWORK
STANDING SEAM METAL ROOF	WALLING, INC.	BRICKWORK
APPLIED STONE VENEER	WALLING, INC.	BRICKWORK



JAMES W.F. HOWARD
ARCHITECT
2418 STANLEY STREET
FORT MYERS, FL 33901
(813) 377-7677

EXHIBIT E

DATE:	08/13/12
DRAWN BY:	SS
CHECKED BY:	SS
FILE:	021216-04
REVISIONS	
SHEET TYPE	EXTERIOR ELEVATIONS
SHEET	A4



City Council Item Summary Sheet

☐ Work Session

Date: October 16, 2012

☒ Agenda Item

Council Rules of Order and Procedure

Summary of Request/Problem

In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings.

At the October 1, 2012 Work Session, Council discussed and agreed upon proposed revisions.

Recommendation/Action Requested and Justification

Approve by minute action the Council Rules of Order and Procedure.

Submitted By:

Brad Neighbor
City Attorney

Approved By:

William E. Dollar
City Manager

**CITY COUNCIL
of the
CITY OF GARLAND, TEXAS**

RULES OF ORDER AND PROCEDURE

October 2012

A. AUTHORITY - CHARTER

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

B. COUNCIL MEETINGS

1. REGULAR MEETINGS

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are held in the City Council chamber.

a. Other Locations

The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

b. Location During Local Emergency

If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

2. PRE-COUNCIL MEETING WORK SESSION

Prior to each regular City Council meeting, the City Council may conduct a Work Session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the Work Session unless specified in the posted agenda.

3. SPECIAL MEETINGS AND EMERGENCY MEETINGS

Pursuant to Article III, Section 7 of the City Charter special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

4. ADJOURNED MEETINGS

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

5. EXECUTIVE SESSIONS

The City Council may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in Executive Session. The City Council may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers may not reveal the nature of discussion from a closed session unless required by law.

6. NOTICE OF MEETINGS

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's Website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

7. QUORUM

Article III, Section 6 of the City Charter provides that five (5) members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five (5) of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

8. CHAIR

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

a. Absence of Mayor

Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

b. Absence of Mayor and Mayor Pro Tem

When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

9. ATTENDANCE BY THE PUBLIC

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

10. MINUTES

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

a. City Council Approval of Minutes

Minutes of meetings are generally submitted to the City Council within two weeks for approval.

b. Recording of Meetings

Tape recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Tape recordings of executive session proceedings shall be maintained by the City Attorney.

C. ORDER OF BUSINESS

1. GENERAL ORDER

City Council meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

EXECUTIVE SESSION (IF ANY)
WRITTEN BRIEFINGS
VERBAL BRIEFINGS
QUESTIONS REGARDING REGULAR AGENDA ITEMS
DISCUSS COMMITTEE REPORTS/ASSIGNMENTS
DISCUSS CONSENT AGENDA
IDENTIFY FUTURE AGENDA ITEMS
ADJOURN

REGULAR MEETING AGENDA

EXECUTIVE SESSION (*AS NEEDED*)
PLEDGE OF ALLEGIANCE/INVOCATION
CONSENT AGENDA/APPROVAL OF MINUTES
REGULAR AGENDA
CONSIDER APPOINTMENTS TO BOARDS AND COMMITTEES
CITIZEN COMMENTS (“OPEN MIKE”)
ADJOURNMENT

2. NUMBERING AND INDEXING OF AGENDA ITEMS

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

3. CONSENT AGENDA

The Consent Agenda shall contain routine, noncontroversial items that require City Council action but need little or no City Council deliberation. Agenda item(s) removed from the Consent Agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining Consent Agenda.

D. RULES OF CONDUCT

1. GENERAL PROCEDURE

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, published by Persus Publishin, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

2. AUTHORITY OF THE CHAIR

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a Parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council Meetings and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City

Council as to the advice given by the Parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

3. COUNCIL DELIBERATION AND ORDER OF SPEAKERS

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

4. LIMIT DELIBERATIONS TO ITEM AT HAND

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

5. OBTAINING THE FLOOR

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

6. MOTIONS

Motions may be made by any member of the City Council other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

7. PROCEDURES FOR MOTIONS

The following is the general procedure for making motions:

- a.** Before a motion can be considered or debated it shall be seconded.
- b.** A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- c.** A Councilmember who wishes to second a motion shall do so through a verbal request to the Chair.
- d.** Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to

continue the public hearing shall move to continue the public hearing and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.

- e. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

8. MOTION AMENDMENTS

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

9. VOTING

a. Abstention

- (i) If a Councilmember abstains because of a legal conflict, that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”
- (ii) When a Councilmember has a legal conflict and is required to abstain or excuse himself/herself from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

b. Charter or Statute Voting Requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

- (i) *Charter Amendment — Two-thirds Vote*

An Ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution)

- (ii) *Changing Paving Assessment Plan — Two-thirds Vote*

Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053)

- (iii) *Protested Changes in Zoning Ordinance — Three-fourths Vote*

If a proposed change to a zoning regulation or boundary is protested by owners of

twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Comprehensive Zoning Ordinance)

E. PUBLIC HEARINGS

1. GENERAL PROCEDURE

The City Council procedure for the conduct of public hearings is generally as follows:

- a. Staff presents its report.
- b. Councilmembers may ask questions of staff.
- c. The Chair opens the public hearing.
- d. The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of 15 minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
- e. Councilmembers may ask questions of the applicant/appellant.
- f. Members of the public are provided with the opportunity for comments and testimony in accordance with City Council Rule E (3).
- g. The appellant or the applicant is given the opportunity for closing comments.
- h. The City Council deliberates on the issue.
- i. If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with City Council Rule E (3).
- j. The City Council deliberates and takes action.
- k. The Chair announces the final decision of the City Council.

2. CONTINUANCE OF HEARINGS

Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

3. PUBLIC TESTIMONY AT MEETINGS

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

a. Public Member Request to Speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker card to the City Secretary before the close of the vote on the matter. Prior to speaking, the speaker shall either complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

b. Identification of Speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

c. Time Limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

d. Designation of Spokesperson.

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given 2 minutes per speaker up to a maximum of 10 minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the person's consent to the designation. The designor's

position on the matter shall be read into the record in accordance with Rule E(3)(b).

e. Comments Addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be address to individual members or to other speakers.

f. Questions of Speakers

Members of the City Council who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

g. Materials for Public Record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

h. Germane Comments

During the public hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

4. STAFF PRESENTATIONS

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council unless a Councilmember requests that the appointment be deliberated by the City Council.

G. CITIZENS' COMMENTS – "OPEN MICROPHONE"

This portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

1. Timing

Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card.

2. No Council Deliberations

In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

H. RULES OF DECORUM

1. Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session.
2. Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.
3. Visitors attending City Council meetings may not bring food or drink into the City Council chamber.
4. No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.
5. Only one person at a time may stand at the speaker's podium unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

6. No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

I. WAIVER OF RULES

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by 2/3 vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

J. NON-EXCLUSIVE RULES

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

K. NON-OBSERVANCE OF RULES

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.