

AGENDA

**CITY COUNCIL WORK SESSION
City of Garland
Work Session Room, City Hall
200 North Fifth Street, Garland, Texas
October 3, 2011**

Council will meet beginning at 5:30 p.m.

Executive Session

- 1. Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:**
 - generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;**
 - bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;**
 - effective fuel and purchased power agreements and fuel transportation arrangements and contracts;**
 - risk management information, contracts, and strategies, including fuel hedging and storage;**
 - plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and**
 - customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; TEX. GOV'T CODE; Sec. 552.133, TEX. GOV'T CODE]**
- a. Consider the performance metrics of GP&L for the 2011 summer months.**

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items are often accompanied by a formal presentation followed by discussion.

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, TEX. GOV'T CODE.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, TEX. GOV'T CODE.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, TEX. GOV'T CODE.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, TEX. GOV'T CODE.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, TEX. GOV'T CODE.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or
to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, TEX. GOV'T CODE.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; TEX. GOV'T CODE; Sec. 552.133, TEX. GOV'T CODE]

(6:00) 1. Written Briefings:

a. Utility Services Building Change Order No. 16

Council is requested to consider Change Order No. 16 with Hill & Wilkinson, Ltd. This change order reduces the construction contract by the amount of \$239,948.00. The funds will be returned to the Capital Improvement Program account. If Council concurs, this item will be scheduled for formal consideration at the October 18, 2011 Regular Meeting.

b. Texas Department of Transportation Selective Traffic Enforcement Program Comprehensive Grant

Council is requested to consider accepting a Texas Department of Transportation – Selective Traffic Enforcement Program (STEP) Comprehensive Grant consisting of four enforcement modules: (1) Speed Enforcement, (2) Occupant Protection Enforcement (Safety Restraint), (3) DWI Enforcement, and (4) Intersection Traffic Control Enforcement (Red Light). This item is scheduled for formal consideration at the October 3, 2011 Regular Meeting.

| Item | Key Person |
|------|------------|
|------|------------|

(6:05) 2. Verbal Briefings:

a. Proposed Agreement between DART and City of Mesquite Interconnectivity **Mayor**

At the request of Mayor Ronald E. Jones, Council will discuss the proposed agreement between DART and the City of Mesquite interconnectivity. The City of Garland's representatives to the DART Board of Directors, Mark Enoch and Michael Cheney, will be present to participate in the discussion.

b. Stage 3 Drought Plan **Baker**

John Baker, Managing Director of Water Utilities, will update Council on the Stage 3 Drought Plan.

3. Discuss Appointments to Boards and Commissions **Council**

- *Shirley Robnett – Senior Citizens Advisory Committee (Mayor)*
- *Charlotte Piercy – Senior Citizens Advisory Committee (Williams)*
- *Rick Wyatt, Jr. – Building and Fire Codes Board (Dodson)*
- *James E. Schroeder – Building and Fire Codes Board (Cahill)*
- *Christopher Ott – Plan Commission (Cahill)*
- *Joanne E. Stephens – Senior Citizens Advisory Committee (Cahill)*
- *Rick Johnson – Downtown TIF (Cahill)*

4. Consider the Consent Agenda **Council**

A member of the City Council may ask that an item on the consent agenda for the next regular meeting be pulled from the consent agenda and considered separate from the other consent agenda items. No substantive discussion of that item will take place at this time.

5. Announce Future Agenda Items **Council**

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

(6:45) 6. Adjourn **Council**

(Estimated time to consider)

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

October 3, 2011

7:00 p.m.

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRaille IS NOT AVAILABLE.**

CITY COUNCIL GOALS 2020

(Adopted by Resolution No. 9402 on December 20, 2005)

- **Sustainable quality development and redevelopment**
- **Financially stable government with tax base that supports community needs**
- **Defends rightful powers of municipalities**
- **Fully informed and engaged citizenry**
- **Consistent delivery of reliable City services**
- **Safe, family-friendly neighborhoods**
- **Embrace diversity**

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 September 20, 2011 Regular Meeting.

2. Consider approval of the following bids:

- a. **Walnut Street Water Main Replacements** **Bid No. 2566-11**

SAK Construction, LLC **\$940,624.23**

This request is for the water main improvement project to include pipe bursting with prechlorination along Walnut Street from Shiloh Road to North Garland Avenue, and Walnut Street from west of Walnut Circle to Country Club Road.

- b. **Police Shooting Range Ballistic Containment** **Bid No. 2579-11**

Action Target **\$422,525.00**

This request is to design, fabricate, and install new containment baffling during the reconstruction of the Police Shooting Range handgun canopy. This will provide an integrated ballistic containment system that can be certified to provide adequate and safe protection.

- c. **Voice and Data Cable Replacement at City Hall** **Bid No. 2582-11**

**Nouveau Construction and
Technology Services** **\$243,435.00**

This request is to provide all labor and material required for the replacement of the fiber and copper voice and data cable within City Hall.

d. Ray Olinger Plant Unit #2 **Bid No. 2489-11**
Pressure Heater Repair

R.C.E. Heat Exchangers, LLC **\$129,133.00**

This request is to provide all labor and materials to inspect and retube the Ray Olinger Plant Unit #2 Intermediate Pressure Heater.

e. Manhole Rehabilitation Project – Phase I **Bid No. 2595-11**

Fuquay, Inc. **\$112,700.00**

This request is to provide underground asset renewal of various sewer manholes throughout the City.

f. Software Maintenance Package and **Bid No. 2598-11**
System Upgrade

Open Systems International **\$107,925.75**

This request is to provide Operations Energy Management System and Market Operating System Annual Monarch Gold Maintenance Support services and an upgrade complete with licensing expansions for added points in the system.

3. Consider a resolution approving the sale of certain tracts of real property to North Texas Tollway Authority for the Eastern Extension of President George Bush Turnpike; authorizing the Mayor to execute deeds conveying the property to the buyer.

The North Texas Tollway Authority (NTTA) has identified twenty parcels owned by the City of Garland that will become part of the President George Bush Turnpike right-of-way. The NTTA has requested that the City convey these parcels to the authority. The Interlocal Agreement between the City and the NTTA includes provisions for such transfers to facilitate the construction and operation of the extension. This item was considered by Council at the September 19, 2011 Work Session.

- 4. Consider a resolution affirming the appointment of a shared member of the Dallas Area Rapid Transit (DART) Board of Directors and reaffirming the appointment of a member to serve on the DART Board of Directors.**

At the September 19, 2011 Work Session, the City of Garland's representatives to the DART Board of Directors (Mark Enoch and Michael Cheney) provided an update regarding the DART Board's approval of a reapportionment plan pairing the City of Garland with the City of Glen Heights and the City of Rowlett for one position on the DART Board and identifying one position that is to be appointed solely by the City of Garland. The Council concurred and agreed with the City of Glen Heights and the City of Rowlett to affirm the appointment of Mark Enoch to serve on the DART Board of Directors for a term ending on June 30, 2012. The City of Garland also affirms the appointment of Michael Cheney to serve on the DART Board of Directors for a term ending June 30, 2012.

- 5. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with El Centro College for instructional assistance, class accreditation, and related services.**

At the September 19, 2011 Work Session, Council considered authorizing an Interlocal Agreement between the City of Garland and El Centro College to provide instructional assistance and accreditation for classes delivered in the course of the Garland Fire Academy and the Garland Fire Department Continuing Education program.

- 6. Consider a resolution approving the City of Garland's participation in the settlement of PUC Docket No. 39066; authorizing the payment and receipt of those amounts agreed to by and among the parties to PUC Docket 39066 as provided in the "Stipulation and Motion for Approval" to be filed in that docket; authorizing the City Manager and the City Attorney to take such other actions as may be necessary to implement or effectuate the settlement.**

In January 1999, the PUC initiated a proceeding to establish wholesale transmission charges within ERCOT for the year 1999, and a final order was issued by the Commission on October 13, 1999. The final order was appealed on various grounds by various entities, including TMPA, the Cities of Denton, Garland, and Greenville, Brazos, and CPS Energy. Further appeals resulted in a decision by the Supreme Court of Texas, Texas Municipal Power Agency et al. v. Pub. Util. Comm'n of Texas, 253 S.W.3d 184 (Tex. 2007). Thereafter, settlement negotiations between

TMPA and the Cities of Bryan, Denton, Garland, and Greenville culminated in a settlement agreement executed in December 2009, which resolved outstanding issues between the parties to that agreement. The proposed settlement here will completely and finally settle all remaining issues that arise from or relate to wholesale transmission service and charges within ERCOT for the period of September 1, 1999 through December 31, 1999. CPS Energy (City of San Antonio) is the only party not signing the settlement. While Garland is a payor under the settlement and will pay \$570,749, TMPA is a payee and will receive \$5,106,902. Garland will receive the benefit of its 47% share of the payment to TMPA, which exceeds the payment made by Garland.

- 7. Consider a resolution accepting a Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Comprehensive Grant relating to speeding, seat belt/restraint; red light/intersection, and DWI enforcement initiatives.**

At the October 3, 2011 Work Session, Council was scheduled to consider authorizing the acceptance of a State of Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Grant that consist of four enforcement modules: (1) speed enforcement, (2) red light/intersection enforcement, (3) occupant protection – safety restraint enforcement, and (4) driving while intoxicated enforcement. The grant will be utilized to provide an even greater level of traffic safety for the citizenry of the City of Garland by potentially changing the driving habits of those who violate the laws related to the enforcement modules and by reducing the number of motor vehicle accidents, injuries, and fatalities.

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.

8. Hold public hearings on the following zoning cases:

- a. **Consider the application of Frank Vu, LLC, requesting approval of 1) a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance regarding parking requirements. The property is located at 209 Range Drive. (File 11-22)**

The proposal is for approval of a Specific Use Permit for a Recycling Center and a variance to the parking requirement. At the September 12, 2011 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 10 years tied to Frank Vu.

- b. **Consider the application of the DAOUD Investment Inc, requesting approval of a Specific Use Permit for a Convenience Store on property zoned Planned Development (PD) District 76-15 for General Business Uses. The property is located at 961 West Centerville Road. (File 11-23)**

The proposal is for approval of a Specific Use Permit for a Convenience Store. At the September 12, 2011 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 10 years tied to DAOUD Investment, Inc.

- c. **Consider the application of Fourth Street Investments, requesting approval of a Detail Plan for approximately 71 single family residential lots on property zoned Planned Development (PD) District 11-19 for Single Family Uses. The property is located north of Belt Line Road, east of Wagon Wheel Road, and southwest of North Garland Avenue. (File 11-24)**

The proposal is for approval of a Detail Plan for a 71-lot single family subdivision. At the September 12, 2011 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request.

9. Consider appointments to Boards and Commissions.

Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

- *Shirley Robnett – Senior Citizens Advisory Committee (Mayor)*
- *Charlotte Piercy – Senior Citizens Advisory Committee (Williams)*
- *Rick Wyatt, Jr. – Building and Fire Codes Board (Dodson)*
- *James E. Schroeder – Building and Fire Codes Board (Cahill)*
- *Christopher Ott – Plan Commission (Cahill)*
- *Joanne E. Stephens – Senior Citizens Advisory Committee (Cahill)*
- *Rick Johnson – Downtown TIF (Cahill)*

10. 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.

11. 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.