

# **AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland  
Council Chambers, City Hall  
200 North Fifth Street  
Garland, Texas  
June 18, 2013  
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) 205-2404 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**

## MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

## 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 June 4, 2013 Regular Meeting.

2. Consider approval of the following bids:

a. **Underground Cable Replacement** **Bid No. 3498-13**

Infratech Corporation	\$539,572.65
Optional Contingency	<u>44,000.00</u>
Total:	<u><u>\$583,572.65</u></u>

*This request is for the replacement of five underground cable loops as part of Garland Power & Light's maintenance operations.*

b. **Upgrade of Police Dispatch, Records Management, and Mobile Software and Hardware** **Bid No. 3619-13**

Intergraph Corporation	\$515,084.00
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*This request is to provide an upgrade to the current computer-aided Police Dispatch, Records Management, and Mobile Software and Hardware.*

**c. Pothole Patching Machines** **Bid No. 3620-13**

**Bergkamp, Inc.** **\$300,952.00**

*This request is for the purchase of two new pothole patching machines for the Street Department to be used in their daily operations.*

**d. Consulting Services Trunked Radio Replacement** **Bid No. 3636-13**

<b>RCC Consultants, Inc.</b>	<b>\$ 98,891.13</b>
<b>Optional Contingency</b>	<b><u>5,000.00</u></b>
<b>TOTAL:</b>	<b><u>\$103,891.13</u></b>

*This request is for professional consulting and engineering services to develop conceptual alternative and budgetary cost estimates for Phase 1 of the City's trunked radio system replacement. The trunked radio system is a computer controller two-way radio system that allows sharing radio frequency channels among large groups of users*

**e. Substation Air Break Switches** **Bid No. 3529-13**

**Hubbell Power Systems** **\$250,000.00**

*This request is to provide air break switches for GP & L Substations.*

**3. Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.**

**a. Zoning File No. 13-19, FJLC & Associates, Inc.**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Restaurant, Drive-Through on a 0.687-acre tract of land located at 2135 Northwest Highway.*

**b. Zoning File No. 13-20, Cristela Romo**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Reception Facility on a 0.13-acre tract of land zoned Shopping Center (SC) District, located at 219 West Kingsley Road, Suite 322.*

**4. Consider an ordinance amending Chapter 30, Article III, “Electrical Code”, of the Code of Ordinances of the City of Garland.**

*At the March 18, 2013 Work Session, Council was briefed by Building Inspection staff regarding the 2011 National Electric Code. The proposed code was previously reviewed by the Electric Board and unanimously recommended for adoption.*

**5. Consider by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$88,500.00 to the contract with Mitsubishi Electric Power Products.**

*In January of this year, Purchase Order 20595 was issued for the purchase of 15 Gas Circuit Breakers to be used at the Nevada, Wynn Joyce, and Olinger Substations, as well as for inventory. During a recent analysis of the Ben Davis substation, it was determined that the current transformer at the substation needed to be replaced due to an inadequate fault rating. This Change Order in the amount of \$88,500 (a 7% increase) is for the purchase of an additional Gas Breaker. This item was considered by Council at the June 4, 2013 Work Session.*

**6. Consider an ordinance of the City of Garland, approving and adopting rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; determining that this ordinance was passed in accordance with the requirement of the Texas Open Meetings Act; requiring delivery of this ordinance to the Company and the legal counsel to the Atmos Cities Steering Committee.**

*The City of Garland, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the*

*“Gas Reliability Infrastructure Program). The purpose of the ordinance is to approve the RRM tariff that reflects the negotiated RRM process. In order for the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process. This item was considered by Council at the June 4, 2013 Work Session.*

- 7. Consider a resolution authorizing the Mayor and the City Manager to sign checks and drafts drawn on City accounts.**

*JP Morgan Chase, the City’s depository bank, requires a bank signature card be on file with the signatures of the Mayor and the City Manager. Due to the election of a new Mayor on May 11, 2013, a new bank signature card must be completed and placed on file with JP Morgan Chase. This item was considered by Council at the June 4, 2013 Work Session.*

## **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. 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.*

*Allen Capasgordo - Garland Youth Council (B.J. Williams)*

- 9. 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.*

**10. 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](http://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 Tuesday, June 4, 2013, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	John Willis
Councilmember	Marvin 'Tim' Campbell
Councilmember	Anita Goebel
Councilmember	Stephen W. Stanley
Councilmember	Lori Barnett Dodson
Councilmember	Scott LeMay
Councilmember	Jim Cahill

MEMBERS ABSENT: Councilmember B.J. Williams

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. Councilwoman Dodson led the Invocation and Pledge of Allegiance.

MAYOR'S ANNOUNCEMENTS: Mayor Athas commented on the following: Stage 3 water restrictions; and limitations related to downtown parking.

CEREMONIALS: Mayor Athas recognized Garland Neighborhood Vitality employees Felisa Conner and Tracy Allmendinger upon receiving national recognition from Neighborhoods, USA naming the Garland Neighborhood Management Academy (GNMA) the Best Neighborhood Program of 2013 during the recently held 38th annual NUSA conference in Minneapolis.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. A motion was made by Councilwoman Dodson, seconded by Councilman LeMay, to approve Items: 1 as amended; 2a; 2b; 3; and 4; A vote was cast and the motion carried with 8 Ayes; 0 Nays (Williams, absent).

1. Approved\*\* City Council minutes of the May 21, 2013 regular meeting as amended to reflect that Councilman Scott LeMay was sworn in as District 7 Councilmember by his wife.

2a. Approved\*\* Award of Bid No. 3519-13 to Tri-Con Services, Inc. in the amount of \$2,500,000.00 to provide various replacement or repair of concrete paving and structures throughout the City.

- 2b. Approved\*\* Award of Bid No. 3605-13 to Teletouch Communications, Inc. in the amount of \$280,355.00 to provide peripheral equipment including but not limited to lights, sirens, cages, and mounted consoles for the new Chevrolet Caprice Patrol Vehicles.
3. Approved\*\* Ordinance No. 6620 amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Kindergarten, Preschool, or Childcare Center on a 9.847-acre tract of land located at 5840 North Garland Avenue. (Zoning File No. 13-18, North Garland Children's Childcare & Academy)
4. Approved\*\* Ordinance No. 6621 amending Chapter 22, "Health" 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 requiring sterilization of all animals impounded at the Garland Animal Shelter and increasing the current impoundment fees for unsterilized animals and providing for a refund upon compliance.

#### ITEMS FOR INDIVIDUAL CONSIDERATION:

- 5a. Held & Denied Director of Planning Anita Russelmann provided background information related to the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on property zoned Industrial-1 (I-1) District on property located at 2800 West Kingsley Road, Suite 103. (File No. 13-17) The following persons spoke during the public hearing: Applicant Jonathan Vinson; William Chandler; Mark Robinson; and Earle Little. Discussion was held among Councilmembers. Fire Marshal Michael Vanbuskirk answered questions for Council. Mayor Pro Tem Willis, seconded by Councilman Campbell, made a motion to deny the request of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on property zoned Industrial-1 (I-1) District on property located at 2800 West Kingsley Road, Suite 103. (File No. 13-17) A vote was cast and the motion to deny carried with 7 ayes, 1 nay (Cahill) (Williams, absent).
- 5b. Held & Approved Director of Planning Anita Russelmann provided background information regarding the application of FJLC & Associates requesting approval of a Specific Use Permit for a Restaurant, Drive-Through located at 2135 Northwest Highway. Mayor Athas opened the public hearing. Applicant Brian Mathis was present to answer questions. Mayor Pro Tem Willis made a

motion, seconded by Councilwoman Goebel to approve the application of FJLC & Associates for a Specific Use Permit to operate a Starbucks restaurant with drive-through within an existing building for a period of 30 years tied to Starbucks on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses in the IH 635 Overlay located at 2135 Northwest Highway as recommended by the Plan Commission at the May 13, 2013 meeting and directed staff to bring forth an ordinance for formal consideration. A vote was cast and the motion carried with 8 ayes, 0 nays (Williams, absent).

5c. Held & Approved

Director of Planning Anita Russelmann provided background information related to the application of Cristela Romo requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District located at 219 West Kingsley Road, Suite 322. (Zoning File No. 13-20) Mayor Athas opened the public hearing. Applicant Cristela Romo, spoke during the public hearing. No other persons spoke during the public hearing. Mayor Athas closed the public hearing. Mayor Pro Tem Willis made a motion, seconded by Councilwoman Goebel, to approve the request of Cristela Romo requesting approval of a Specific Use Permit for a Reception Facility tied to Cristela Romo for a period of 5 years on property zoned Shopping Center (SC) District located at 219 West Kingsley Road, Suite 322 and directed staff to bring forth an ordinance for formal consideration. (Zoning File No. 13-20) A vote was cast and the motion carried with 8 ayes, 0 nays (Williams, absent).

6. Citizen Comments

The following persons provided comment: John and Kathy Abbot; and Elizabeth Berry.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 8:27 p.m.

CITY OF GARLAND

Signed:

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Mayor

Attest:

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City Secretary



# Purchasing Report

## UNDERGROUND CABLE REPLACEMENT OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide for the replacement of five (5) underground cable loops as part of Garland Power & Light's maintenance operations. Due to the nature of underground maintenance, an optional contingency is included for any unforeseen additional work that may be required. This is an approved Capital Improvement project, and expenses will not exceed appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Infratech Corporation	All	\$539,572.65
Optional Contingency		44,000.00
<b>TOTAL:</b>		<b>\$583,572.65</b>

**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: 05/31/13

Date: 06/10/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	4,095,317
Expended/Encumbered to Date:	1,857,272
Balance: \$	2,238,045
This Item:	583,573
Proposed Balance: \$	1,654,472
Trent Schulze	06/03/13
Budget Analyst	Date
Ron Young	06/03/13
Budget Director	Date
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2013 Document Location: Page E10 Account #: 215-3299-3162501-7111 Fund/Agency/Project – Description: Electric CIP Fund / Distribution Lines - Underground Comments: Contract provides for replacement of 5 underground cable loops as part of GP&L's ongoing maintenance operations and includes an optional contingency. Expenses will not exceed appropriated funds.	

**CITY OF GARLAND - BID RECAP SHEET**

OPENED: 04/25/13  
 REQ. NO. 31355  
 BID NO. 3498-13  
 PAGE: 1 of 1  
 BUYER: R.Berger

Infratech Corporation

T & D Solutions

The Fishel Company

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lt	Loop #46 Cable Replacement		\$107,665.48		\$163,886.00		\$139,095.09		
2	1	lt	Loop #54 Cable Replacement		\$128,927.73		\$186,701.00		\$220,710.28		
3	1	lt	Loop #231 Cable Replacement		\$116,139.18		\$125,464.00		\$169,396.24		
4	1	lt	Loop #192 Cable Replacement		\$82,927.01		\$78,493.00		\$90,162.56		
5	1	lt	Loop #74 Cable Replacement		\$103,913.25		\$80,705.00		\$127,988.82		
			Evaluation Criteria:								
			Price	Maximum = 40	40.00		32.67		24.67		
			Experience	Maximum = 20	16.33		15.33		20.00		
			Work completed by Primary Cont.	Maximum = 20	13.00		13.00		18.00		
			Summation of unit price rate sheet	Maximum = 10	10.00		8.33		9.33		
			Safety and Training	Maximum = 5	5.00		5.00		5.00		
			Past Relationship	Maximum = 5	4.67		5.00		5.00		
			Total Score:	Maximum = 100	89.00		79.33		82.00		

TOTAL GROSS PRICE	\$539,750.65	\$635,407.66	\$747,516.99
CASH DISCOUNT			
TOTAL NET PRICE	\$539,750.65	\$635,407.66	\$747,516.99
F.O.B.	DELIVERED	DELIVERED	DELIVERED
DELIVERY			

**NEXT LOW: \$635,249.00**  
**LOW: \$539,572.65**  
**SAVINGS: \$95,676.35**

1376 # BidSync Notifications  
 33 # BidSync HUBS  
 27 # Direct Contact HUBS  
 0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.



# **GARLAND**

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## **PURCHASING** Executive Summary Bid 3498-13

### Underground Cable Replacement

**Recommended Vendor:**

Infratech Corporation

**Total Recommended Award:**

\$583,572.65

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this contract is to provide for the replacement of five (5) underground cable loops for Garland Power & Light's maintenance operations.

**Evaluation:**

Notification of Request for Bids was issued per Purchasing procedures. Three (3) bids were received and evaluated based on the criteria of: price; experience; work by primary contractor; unit price rate sheet; safety and training; past relationship with the City.

Infratech Corporation received the highest evaluated score offering the Best Value to the City. Infratech Corporation was also the lowest overall bidder.

**Recommendation:**

Staff recommends awarding the contract to Infratech Corporation as the Best Value provider meeting all requirements of the specifications.

**Funding Information:**

Underground Loop Replacement CIP 215-3299-3162501-7111

**Department Director:**

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532



## Purchasing Report

### UPGRADE OF POLICE DISPATCH, RECORDS MANAGEMENT, AND MOBILE SOFTWARE AND HARDWARE OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide an upgrade to the current computer-aided Police Dispatch, Records Management, and Mobile Software and Hardware. This technology is used to fulfill the primary mission of the Garland Police Department. Intergraph Corporation has sole rights to the proprietary software. The funding for this project will be provided in the FY 2012-13 and FY 2013-14 IT Project Fund.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Intergraph Corporation	ALL	\$515,084.00
<b>TOTAL:</b>		\$515,084.00

**BASIS FOR AWARD:**

**SOLE SOURCE**

Submitted by:

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

Reviewed by:

William E. Dollar  
 \_\_\_\_\_  
 City Manager

Date: 05/31/13  
 \_\_\_\_\_

Date: 06/10/13  
 \_\_\_\_\_

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	515,084
Expended/Encumbered to Date:	-0-
Balance: \$	515,084
This Item:	515,084
Proposed Balance: \$	-0-
Matt Monedero	05/31/13
Budget Analyst	Date
Ron Young	05/31/13
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: 2012-13
Document Location: Page 132		
Account #: 415-4599-2328513-9029		
<b>Fund/Agency/Project – Description:</b> Providing an Upgrade to the Intergraph Project In the Police Department		
<b>Comments:</b> Part of this project will be funded out of the FY 2013-14 IT Project Fund.		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3619-13** **Upgrade of Police Dispatch, Records Management,** **Mobile Software and Hardware**

**Recommended Vendor:**

Intergraph Corporation

**Total Recommended Award:**

\$515,084.00

**Basis for Award:**

Sole Source

**Purpose:**

The purpose of this contract is to upgrade the current computer aided police dispatch, records management, and mobile software and hardware. This technology is used to fulfill the primary mission of the Garland Police Department.

**Evaluation:**

The City of Garland contracted with Intergraph Corporation in 1999 for the successful implementation of the current software and hardware products. The Police and Information Technology Departments have evaluated the new product releases and determined that they match the current technology infrastructures and meet current and future needs of the Police Department. Intergraph Corporation has the sole rights to the proprietary software.

**Recommendation:**

Staff recommends awarding the contract to Intergraph for the upgrade of the current systems to improve the resources that the Garland Police Department currently uses.

**Funding Information:**

IT Project Funds: FY 2012-2013 and FY 2013-2014

**Department Director:**

Steve Niekamp, Chief Information Officer, 972-781-7205



## Purchasing Report

### **POTHOLE PATCHING MACHINES** **OPEN MARKET**

**PURCHASE JUSTIFICATION:**

This request is for the purchase of two (2) new Pothole Patching Machines for the City of Garland Street Department to be used in their daily operations. These machines are being purchased through the Buyboard Purchasing Cooperative Contract 345-10. Funding was approved in the 2013 Capital Improvement Program.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Bergkamp, Inc.	All	\$300,952.00
<b>TOTAL:</b>		<u>\$300,952.00</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: 06/10/13

Date: 06/11/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	380,000
Expended/Encumbered to Date:	-0-
Balance: \$	<u>380,000</u>
This Item:	300,952
Proposed Balance: \$	<u>79,048</u>
Matt Watson	06/10/13
Budget Analyst	Date
Ron Young	06/10/13
Budget Director	Date

Operating Budget:	<input type="checkbox"/>	CIP:	<input checked="" type="checkbox"/>	Year:	<u>2013</u>
Document Location:	<u>Page MF15</u>				
Account #:	<u>692-4699-3981113-9009</u>				
Fund/Agency/Project – Description:	<u>CO-Funded CIP / Street / Infrastructure Equipment</u>				
Comments:					





# **GARLAND**

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## **PURCHASING**

### **Executive Summary Bid 3620-13 Pothole Patching Machines**

**Recommended Vendor:**

Bergkamp, Inc.

**Total Recommended Award:**

\$300,952.00

**Basis for Award:**

Cooperative Purchase

**Purpose:**

The purpose of this contract is to purchase two (2) new pothole patching machines for the City of Garland Street Department for use in their daily operations.

**Evaluation:**

These machines are being provided by Bergkamp Inc. through the Buyboard Purchasing Cooperative Contract 345-10.

**Recommendation:**

Staff recommends awarding the contract for pothole patching machines to Bergkamp, Inc.

**Funding Information:**

692-4699-3981113-9009

**Department Director:**

Terry Anglin, Fleet Director, 972-205-3524



## Purchasing Report

### CONSULTING SERVICES FOR TRUNKED RADIO SYSTEM REPLACEMENT OPEN MARKET

**PURCHASE JUSTIFICATION:**

This request is for Phase I of the City's computer controlled two-way radio system replacement. Phase I is for professional consulting and engineering services to develop conceptual alternatives and budgetary cost estimates. Future phases include: Phase II – RFP development, evaluation, and negotiation; Phase III – implementation and acceptance testing support. These services are provided through the HGAC Contract HP07-13. Due to the complex nature of the project, an optional \$5,000.00 contingency is included for unforeseen additional work that may be required.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
RCC Consultants, Inc.	All	\$ 98,891.13
Optional Contingency		5,000.00
	<b>TOTAL:</b>	\$103,891.13

**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: 06/10/2013

Date: 06/11/2013

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$ 715,000	Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2013
Expended/Encumbered to Date: -0-	Document Location: Page PS09
Balance: \$ 715,000	Account #: 692-1299-1302500-7111
This Item: 103,891	Fund/Agency/Project – Description: CO-Funded CIP / Police / Communications 911 System
Proposed Balance: \$ 611,109	Comments:
Matt Watson 06/10/13 Budget Analyst Date	
Ron Young 06/10/13 Budget Director Date	





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid 3636-13

Consulting Services for Trunked Radio System Replacement

**Recommended Vendor:**

RCC Consultants, Inc.

**Total Recommended Award:**

\$103,891.13

**Basis for Award:**

Cooperative Purchase

**Purpose:**

This purpose of this contract is for professional consulting and engineering services to develop conceptual system alternatives and budgetary cost estimates for Phase I of the City's trunked radio system replacement project. The trunked radio system is a computer controller two-way radio system that allows sharing radio frequency channels among a large group of users.

This request for Phase I is for professional consulting and engineering services. The future phases of this project are as follows:

Phase II: RFP development, Proposal evaluations, and Contract Negotiations.

Phase III: Project Implementation and Acceptance Testing Support.

**Evaluation:**

The required professional consulting and engineering services are available from RCC Consultants, Inc. through the Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract HP07-13.

**Recommendation:**

Staff recommends entering into the contract with RCC Consultants, LLC.

**Funding Information:**

692-1299-1302500-7111

**Department Director:**

Steven Niekamp, Chief Information Officer, 972-781-7205



## Purchasing Report

### **SUBSTATION AIR BREAK SWITCHES TERM CONTRACT**

**PURCHASE JUSTIFICATION:**

The purpose of this bid is to provide Air Break Switches for GP&L Substations. This is a one (1) year Term Contract with two (2) optional renewals. This contract is awarded by unit price that will remain firm for the first term. Any subsequent price adjustments must be justified and mutually agreed upon. The total amount of expenditure may be more or less depending on actual needs. Funds will be committed at time of invoice payment. Expenditures will not exceed appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Hubbell Power Systems	All	\$250,000.00

**TOTAL:** \$250,000.00

**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: 06/10/13

Date: 06/11/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$ <u>N/A</u>	Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: <u>2013</u>
Expended/Encumbered to Date: <u>N/A</u>	Document Location: <u>Page E11</u>
Balance: \$ <u>N/A</u>	Account #: <u>451-6999</u>
This Item: <u>250,000</u>	Fund/Agency/Project – Description: Term Contract – Provides Air Break Switches for GP&L Substations and Is a One-Year Term Contract with Two Optional Renewals
Proposed Balance: \$ <u>N/A</u>	Comments: Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.
Trent Schulze <u>06/11/13</u>	
Budget Analyst <u>Date</u>	
Ron Young <u>06/11/13</u>	
Budget Director <u>Date</u>	

**CITY OF GARLAND - BID RECAP SHEET**  
 OPENED: 05/09/13  
 REQ. NO. PR 31429  
 BID NO. 3529-13  
 PAGE: 1 of 1  
 BUYER: R.Berger

HUBBELL  
 POWER  
 SYSTEMS

STUART  
 IRBY

PACIFIC  
 AIR SWITCH  
 CORP

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lot	Bid Price for Evaluation		\$51,582.00		\$54,891.00		\$70,624.00		
			Evaluation Criteria:								
			Price	Maximum = 50	50.00		46.80		31.50		
			Delivery time	Maximum = 40	40.00		40.00		40.00		
			Previous experience with GP&L	Maximum = 10	10.00		10.00		10.00		
			Total score:	Maximum = 100	100.00		96.80		81.50		
TOTAL GROSS PRICE											
CASH DISCOUNT											
TOTAL NET PRICE											
F.O.B.				DELIVERED		DELIVERED		DELIVERED		DELIVERED	
DELIVERY											

**NEXT LOW: \$266,037.57**  
**LOW: \$250,000.00**  
**SAVINGS: \$16,037.57**

1204 # BidSync Notifications  
 20 # BidSync HUBS  
 19 # Direct Contact HUBS  
 0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.



# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3529-13** **Term Contract for Substation Air Break Switches**

**Recommended Vendor:**

Hubbell Power Systems

**Total Recommended Award:**

\$250,000.00

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this bid award is to provide a Term Contract for the purchase of Air Break Switches for GP&L Substations. This will be a one (1) year contract with two (2) optional renewals.

**Evaluation:**

Notification of a pending Request for Bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated based on the stated criteria of: price; delivery time; previous experience with GP&L. Hubbell Power Systems scored 100 out of a possible 100, offering the best value to the City. Hubbell Power Systems was also the lowest bidder.

**Recommendation:**

Staff recommends awarding the contract to Hubbell Power Systems as the Best Value provider based on the evaluation criteria.

**Funding Information:**

451-6999 Blanket Account. Funds will be allocated to the appropriate GP&L Substation Capital Improvement accounts as needed.

**Department Director:**

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 13-19 – FJLC & Associates

### 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 0.687-ACRE TRACT OF LAND LOCATED AT 2135 NORTHWEST HIGHWAY; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 13th day of May, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **FJLC & Associates, Inc.** 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 0.687 acre tract of land located at 2135 Northwest Highway, 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. 13-19

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 13-19**

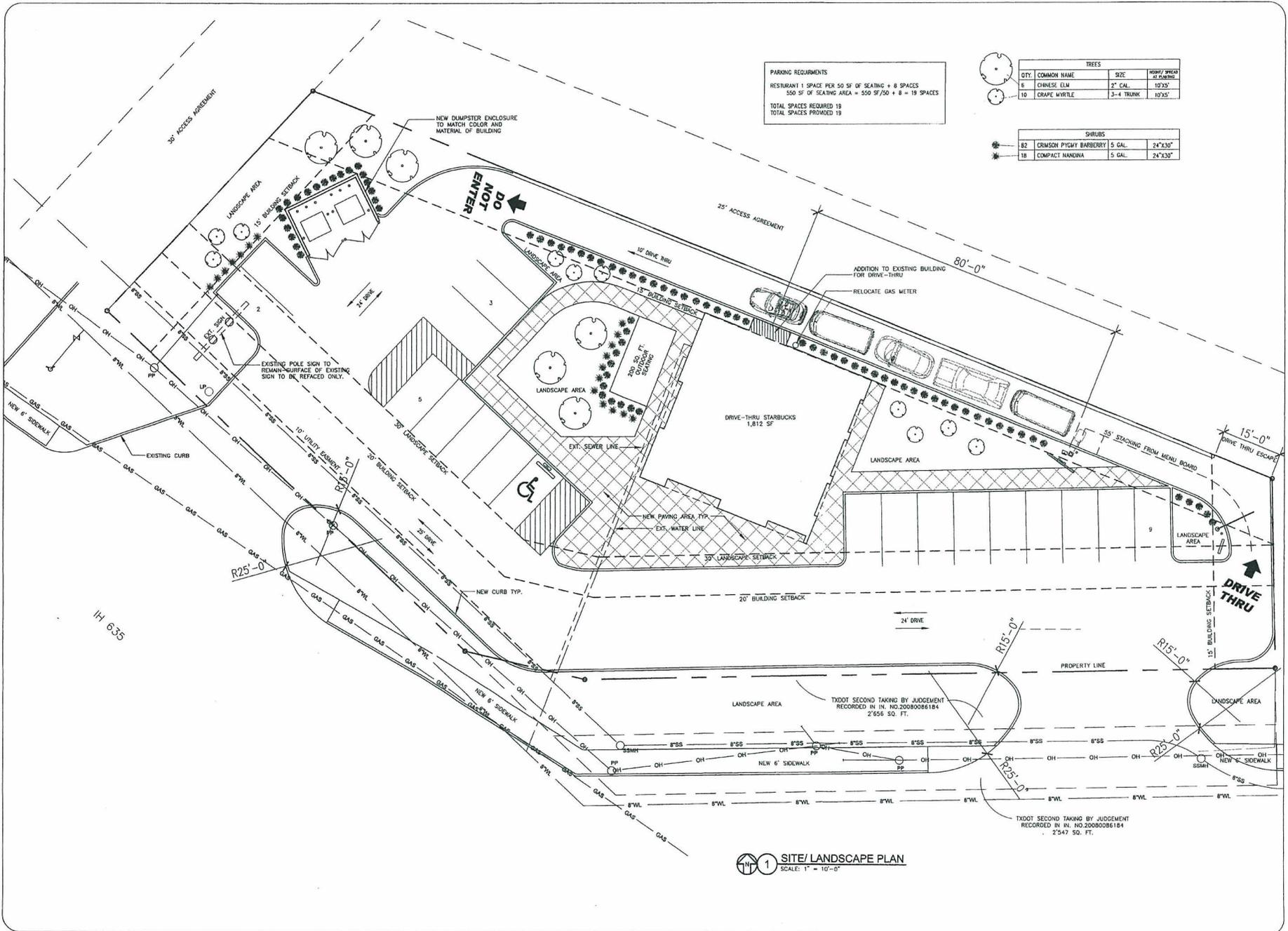
Being a 0.687-acre tract of land identified as Lot 1, Block 1, Freeway Industrial Park Addition Installment No. 1, an addition to the City of Garland, as recorded in Volume 621, Page 1817 of the Map Records of Dallas County, Texas. The property is located at 2135 Northwest Highway.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-19

#### 2135 Northwest Highway

- 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 Industrial 1 (I-1) District set forth in Section 29, 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 30 year time period and tied to **Starbucks**.
  - B. Site Plan: The subject property shall be in conformance with the approved site plan labeled Exhibit C. The drive-through window area shall be allowed to encroach 4 feet into the required 15-foot setback to the north property line.
  - C. Screening: The refuse storage container shall be screened in accordance with the screening regulations of the IH 635 Development Standards. The masonry refuse storage container enclosure shall be compatible with the materials and colors of the exterior walls of the main building.
  - D. Elevations: Elevations shall be in general conformance with the approved elevations in Exhibit D.
  - E. Signage: Existing freestanding sign will be retained and refaced as the only modification.



**F. J. L. C.**  
 Franz Jeanes Lazo Cora & Associates, Inc.  
 Architectural Planning Interior Architecture  
 4055 Sandstone Plaza Suite 100  
 Houston, Texas 77057  
 (817) 751-2422

**EXISTING BUILDING REMODEL**  
 1.635 & NORTHWEST HWY

**EXHIBIT C**

File Name: 13075-A1.0  
 Project No: 13027  
 Date: 03/07/2013  
 Drawn By: ERM  
 Checked By: JLF

TXDOT SECOND TAKING BY JUDGEMENT  
 RECORDED IN IN. NO. 20080086184  
 2'506 SQ. FT.

SHEET  
**A1.0**  
 SITE PLAN



EXHIBIT D

② ELEVATION – SOUTH

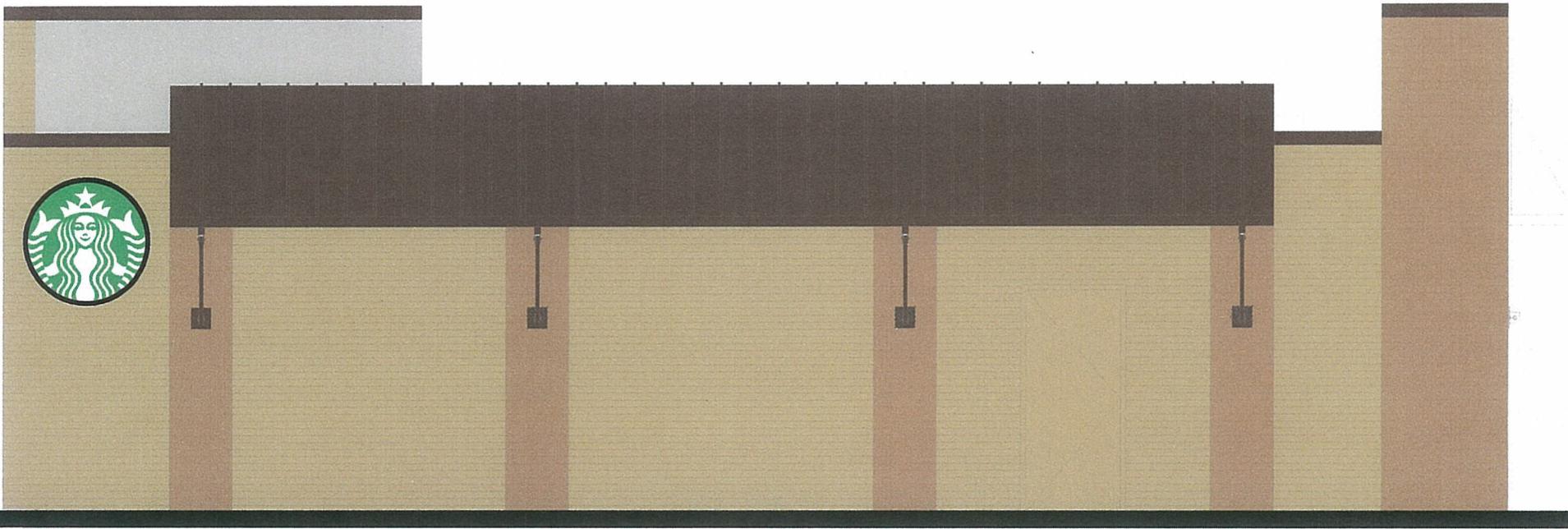
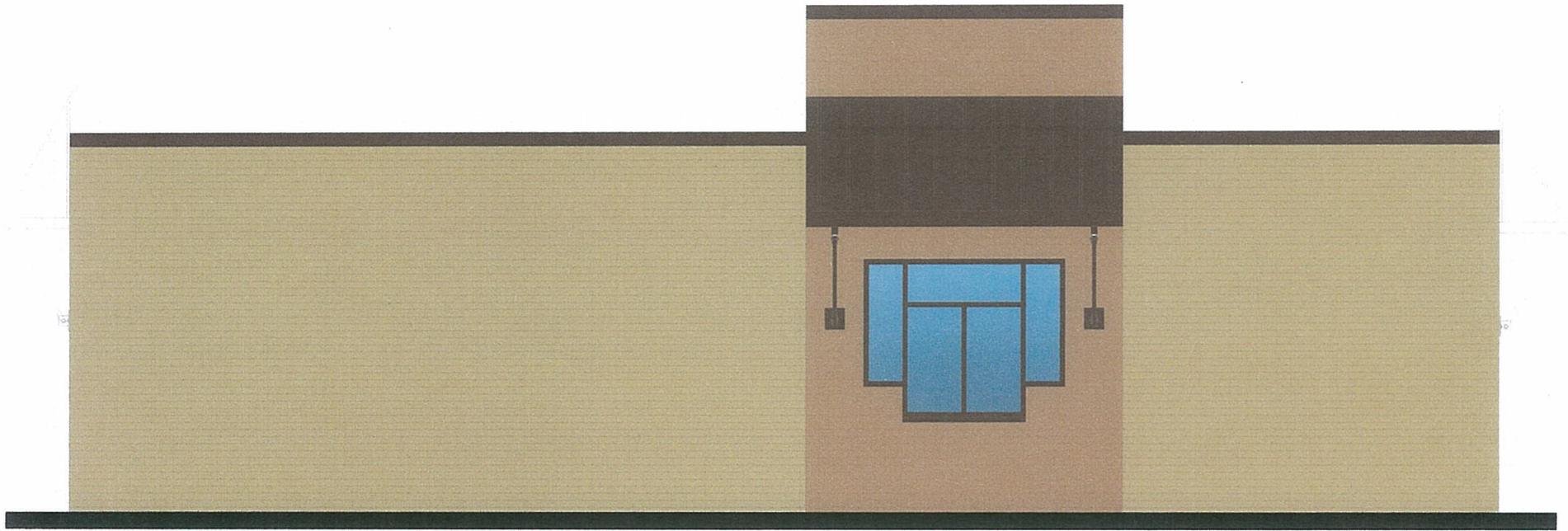


EXHIBIT D

3 ELEVATION - EAST



4 ELEVATION - NORTH

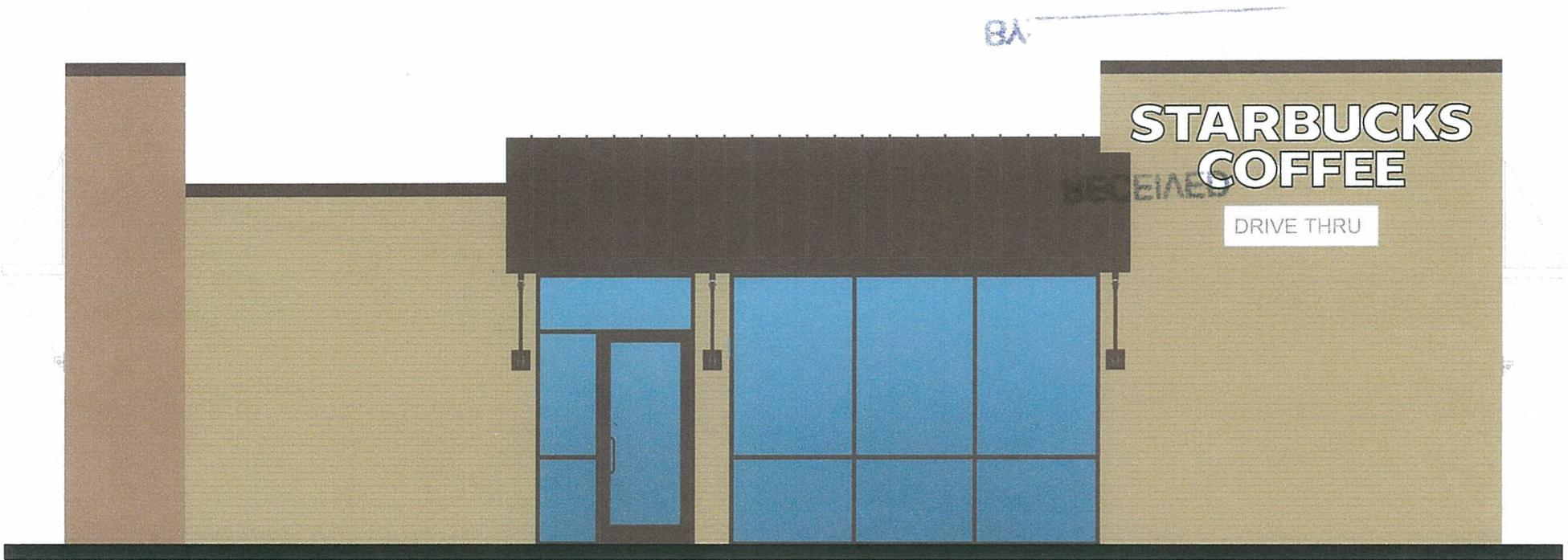


EXHIBIT D

5 ELEVATION—WEST



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 13-20 – Cristela Romo

### 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**

FILE NO. 13-20

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RECEPTION FACILITY ON A 0.13 ACRE TRACT OF LAND ZONED SHOPPING CENTER (SC) DISTRICT, LOCATED AT 219 WEST KINGSLEY ROAD, SUITE 322; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 13th day of May, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Cristela Romo** 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 Reception Facility on a 0.13 acre tract of land zoned Shopping Center (SC) District, located at 219 West Kingsley Road, Suite 322, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

**Section 3.**

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

**Section 4.**

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

FILE NO. 13-20

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 13-20**

Being a portion of Tract 20, William H. Keen Survey, Abstract 734, Page 082, City of Garland, Dallas County, Texas and containing approximately 0.13 acres. This property is located at 219 West Kingsley Road, Suite 322.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-20

219 West Kingsley Road, Suite 322

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SC (Shopping Center) District set forth in Section 24 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 5 year time period and shall be tied to **Cristela Romo**.
  - B. Parking: There shall be a minimum of 60 parking spaces available for Reception Facility patrons and staff.
  - C. Hours Of Operation: Weekends (Friday, Saturday and Sunday) from 12:00 p.m. to 2:00 a.m. and weekdays from 10:00 a.m. to 4:00 p.m.
  - D. Security: Security shall be provided at every event where alcohol is provided and for any events held after 8:00 pm. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
  - E. Loitering: No congregation or loitering will be allowed to occur outside the facility.
  - F. Noise Mitigation: The applicant will add noise mitigation to the existing building if noise levels are such that it is deemed necessary by the City.



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## 2011 Electrical Code Adoption

### Summary of Request/Problem

At the March 18<sup>th</sup> Work Session, the City Council was given a briefing by Building Inspection staff regarding the 2011 National Electric Code. The proposed code was reviewed by the Electric Board and unanimously recommended for adoption. At the conclusion of the discussion, staff was directed to prepare the ordinance required for the adoption of the new code. The City Attorney's office has prepared the necessary ordinance for your consideration.

### Recommendation/Action Requested and Justification

Adopt the attached ordinance

**Submitted By:**

**Michael C. Gaiter**  
Building Official

**Approved By:**

**William E. Dollar**  
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE III, "ELECTRICAL CODE", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING FOR A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 30.40 of Chapter 30, Article III, "Electrical Code", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) The National Electrical Code, 2011 edition, is hereby adopted by reference. One (1) copy is to remain on file in the City Secretary's office. Unless deleted, amended, expanded or otherwise changed herein, all provisions of this Code shall be fully applicable and binding and of full force and effect.

. . . .

(C) Amendments, modifications, and deletions. The following articles of the National Electrical Code adopted by subsection (A) of this section are amended, modified or deleted as follows:

(1) Article 110.2 "Approval" is amended as follows:

The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the Authority Having Jurisdiction ("AHJ").

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the Building Official. This approval may be by a field evaluation by a NRTL or qualified third party

inspection agency approved by the AHJ. A Manufacturer's self-certification of equipment shall not be used for approval by the Building Official.

Informational Note: See Art. 90.7—Examination of Equipment for Safety, and Art. 110.3—Examination, Identification, Installation, and Use of Equipment. See also definition of *Approved, Identified, Labeled, and Listed*.

(2) Article 210.8 is amended to by the addition of an exception as follows:

Exception: A single receptacle for any appliance located within a dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with Article 400.

(3) Article 230.2(A) "Special conditions" is amended by adding a sub-article (7) as follows:

(7) In supplying electrical service to multifamily dwellings, two or more laterals or overhead service drops shall be permitted to a building when both of the following conditions are met:

(a) The building has six or more individual gang meters and all meters are grouped at the same location.

(b) Each lateral or overhead service drop originates from the same point of service.

(4) Article 310.106(A) is amended by adding the following paragraph.

Aluminum and copper-clad aluminum conductors may be used in services and feeders only. The use of aluminum and copper-clad aluminum conductors shall be limited to #2 AWG and larger sizes for use indoors and #4 AWG and larger sizes for use outdoors.

(5) Article 680.25 "Feeders" is amended by adding the following permissible wiring methods:

(7) Nonmetallic-sheathed cable

(8) Type SE cable"

### Section 2

That Sec. 30.51 of Chapter 30, Article III, "Electrical registrations, licenses, and supervision of work", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) Any person providing services as an electrical contractor in the City must register with the Building Inspection Department as a contractor. To register with the City as a contractor, application shall be made in writing on forms furnished for that purpose and filed with the Building Official. The application shall show the contractor's name, local address and telephone number, a copy of the applicant's state electrical contractor's license, and such other information as may reasonably be required to properly identify the contractor. Such application shall be accompanied by the fee prescribed in the fee schedule located in article XV of chapter 30 of this Code."

### Section 3

That Sec. 30.52 of Chapter 30, Article III, "Permits", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(C) Exempt work. An electrical permit shall not be required for the following:

. . .

(10) Temporary wiring for experimental purposes in suitable commercial and industrial experimental laboratories.

. . ."

#### Section 4

That Sec. 30.53 of Chapter 30, Article III, "Application for Permit", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(B) Plans and specifications. With each application for a permit, and where required by the Building Official for enforcement of any provision of this Code, plans, specifications and calculations shall be submitted in the quantity deemed necessary by the Building Official. When deemed necessary by the Building Official to ensure code compliance, the Building Official may require plans and specifications to be prepared and designed by an engineer licensed by the state. All drawings, specifications and accompanying data involved with the practice of engineering, such as structural, mechanical, plumbing, electrical, heating and cooling, energy, fire, life and safety systems, shall comply with state and local laws governing the practice of engineering as required by article 3271a, Vernon's Annotated Texas Statutes.

(C) Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations."

#### Section 5

That Sec. 30.54 of Chapter 30, Article III, "Permits Issuance", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) Issuance.

(1) The applications, plans and specifications, and other data, filed by an applicant for permit may be reviewed by other departments of the City to determine compliance with any applicable laws under their jurisdiction. If the work described in an application for a permit and the plans, specifications and other data filed therewith conforms to the requirements of this Code and other

pertinent laws and ordinances, and the fees prescribed in the fee schedule (article XV of chapter 30 of this Code) have been paid, the Building Official may issue a permit therefor to the applicant."

#### **Section 6**

That Sec. 30.56 of Chapter 30, Article III, "Connection approval", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

". . .

(B) Temporary connections. The Building Official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for the use under a temporary certificate of occupancy. The temporary wiring shall not be left energized while unattended."

#### **Section 7**

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

#### **Section 8**

That Chapter 30, Article III, "Electrical Code", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

#### **Section 9**

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 10

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_, 2013.

CITY OF GARLAND, TEXAS

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Mayor

ATTEST:

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City Secretary



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## **CHANGE ORDER NUMBER 1 TO PO 20595 GAS CIRCUIT BREAKERS FOR SUBSTATIONS**

### **Summary of Request/Problem**

An existing GPL 138kV breaker at the Ben Davis Substation is required to be replaced due to an inadequate fault current rating per a Black & Veatch study analysis. The existing breaker rating is too low requiring an upgrade. A spare breaker shall be used and will need to be replaced quickly. To expedite the replacement of the breaker, Mitsubishi agreed to honor the pricing on their current purchase order with the City resulting in the need for a change order to the current Purchase Order. This will be Change Order Number 1 to PO 20595 in the amount of \$88,500.00 (a 7% increase). The PO 20595 original amount of \$1,327,500.00 will be increased to \$1,416,000.00.

This item was considered by Council at the June 4, 2013 Work Session.

### **Recommendation/Action Requested and Justification**

Staff recommends that Council approve by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$88,500 to the contract with Mitsubishi Electric Power Products.

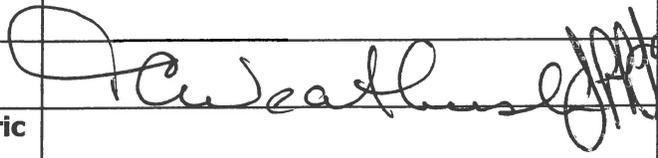
#### **Submitted By:**

**Jeff Janke**  
GP&L Sr. Managing Director

#### **Approved By:**

**William E. Dollar**  
City Manager

## CHANGE REQUEST/ORDER RECOMMENDATION

Date:	6/3/2013	Requested By:	Tommy Weathersbee		Change Order #:	1
PR #:	31542					
PO #:	20595	Original PO Amount (\$):	\$1,327,500.00	Budget Account #:	211-1312	
Vendor:	Mitsubishi Electric Power Products					
Project/Job:	Substation Gas Circuit Breakers					
Project/Job Manager:						
General Contractor:						
Architect/Engineer:						
<b>Pricing</b>						
Original Contract Amt	\$1,327,500.00	This CR/CO	\$88,500.00			
CR/CO Amt Proposed	\$88,500.00	Total of All CR/CO	\$88,500.00			
New Contract Amount	\$1,416,000.00	Percentage of Original PO	7%			
Is Original PO > \$ 100,000	X	Yes		No	If <b>Yes</b> , Change Order Request Must Go To Council. Policy Report Required.	
Is Original PO plus Change Order Request > \$ 100,000		Yes	X	No	If <b>Yes</b> , Change Order Request Must Go To Council. Policy Report Required.	
Did Scope of Work changes increase the PO/Contract > 25%		Yes	X	No	If <b>Yes</b> , Change Order Request Must Go To Council. Policy Report Required.	
<b>If No, This form must be sent to Managing Director or Assistant Director for Signature</b>						
	A/E or E & O Change	Scope Revision	Unforeseen Condition	Other		
Reason For Change			X	Breaker failure at the Ben Davis Substation		
<b>Description of Change Requested:</b>						
An existing GPL 138kV breaker at the Ben Davis Substation is required to be replaced per Black & Veatch study analysis. The existing breaker rating is too low requiring an upgrade. A spare breaker shall be used and will need to be replaced quickly. To expedite the replacement of the breaker, Mitsubishi agreed to honor the pricing on their current purchase order with the city resulting in the need for a change order to the current Purchase Order.						
<b>Cost Basis (Firm, T&amp;M, Estimate):</b>		Firm				
<b>Justification:</b>						
To replace the breaker at the Ben Davis Substation per Black & Veatch study analysis.						
<b>Time/Schedule Impact:</b>						
<b>A/E Fee Impact:</b>						
Department Head					Date:	5-23-13
GP&L T&D Director Tommy Weathersbee					Date:	5/23/13
Managing Dir. of Electric Jeff Janke					Date:	
City Manager, William E. Dollar					Date:	



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## ATMOS Energy Rate Review Mechanism

### Summary of Request/Problem

The City, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism ("RRM"), as a temporary replacement for the statutory mechanism known as GRIP (the "Gas Reliability Infrastructure Program"). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process.

This item was considered by Council at the June 4, 2013 Work Session.

### Recommendation/Action Requested and Justification

It is recommended that Council approve an Ordinance adopting the rate schedule "RRM – Rate Review Mechanism" for Atmos Energy Corporation to be in force for the period of time specified in the rate schedule. The purpose of the Ordinance is to approve the RRM tariff ("Attachment A") that reflects the negotiated RRM process.

**Submitted By:**

**David Schuler**  
**Finance Director**

**Approved By:**

**William E. Dollar**  
**City Manager**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE LEGAL COUNSEL TO THE ATMOS CITIES STEERING COMMITTEE; AND PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism ("RRM") Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program ("GRIP"); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC's representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC's Executive Committee and ACSC's legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

**WHEREAS,** the attached Rate Schedule "RRM - Rate Review Mechanism" ("RRM Tariff") provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

**WHEREAS,** the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

**WHEREAS,** the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

**WHEREAS,** the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

**WHEREAS,** the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

**WHEREAS,** the attached RRM Tariff as a whole is in the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

#### **Section 1**

That the findings set forth in this Ordinance are hereby in all things approved.

#### **Section 2**

That the City Council finds that the RRM Tariff, which is attached hereto and incorporated herein as Attachment A, is in the public interest and is hereby adopted.

#### **Section 3**

That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.

**Section 4**

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 5**

That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

**Section 6**

That this Ordinance shall become effective from and after its passage.

**Section 7**

That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 1 OF 6</b>

## I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

## II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

## III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the

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Test Period adjusted for known and measurable items and prepared consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

**DEP** = depreciation expense calculated at depreciation rates approved by the Final Order.

**RI** = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

**TAX** = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

**CD** = interest on customer deposits.

**ADJ** = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

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<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 3 OF 6</b>

#### **IV. Annual Rate Adjustment**

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

#### **V. Filing**

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

#### **VI. Evaluation Procedures**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
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The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

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To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

## **VII. Reconsideration, Appeal and Unresolved Items**

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

## **VIII. Notice**

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;

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- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## Bank Depository Signatures

### Summary of Request/Problem

The signature of the Mayor and the City Manager appear on all checks and drafts drawn on the City's bank depository accounts. The City's depository bank requires the City to adopt a Resolution that authorizes the Mayor and the City Manager to sign checks and drafts on behalf of the City of Garland.

This item was considered by Council at the June 4, 2013 Work Session.

### Recommendation/Action Requested and Justification

By Resolution authorize Douglas Athas, Mayor and William E. Dollar, City Manager to sign checks and drafts on behalf of the City of Garland.

**Submitted By:**

**David Schuler  
Finance Director**

**Approved By:**

**William E. Dollar  
City Manager**

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO SIGN CHECKS AND DRAFTS DRAWN ON CITY ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

**Section 1**

That Douglas Athas, Mayor, and William E. Dollar, City Manager, are hereby authorized to sign, on behalf of the City of Garland, Texas, checks and drafts drawn on any and all City accounts as otherwise authorized and proper.

**Section 2**

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



# City Council Item Summary Sheet

Work Session

Date: June 18, 2013

Agenda Item

## Boards and Commissions

### Summary of Request/Problem

Council is requested to consider appointments to Boards and Commissions.

### Recommendation/Action Requested and Justification

Submitted By:

Approved By:

William E. Dollar  
City Manager

District 4  
2012-13 Appointee  
Reappointed for  
2013-14 on  
June 18, 2013



**GARLAND**  
GARLAND YOUTH COUNCIL

**Application 2013-14**

Name: Allen Capasgordo

Address: 341 Ivy Way Garland, TX 75043

City Council District: 4 Home Phone: 972-840-3424

Cell Phone: 214-901-1019

Parent/Guardian Cell Phone: 214-577-9060

Email: allenrcap@gmail.com

Parent/Guardian Email: solkulits@yahoo.com

Grade level in 2013-14 school year: 12<sup>th</sup> School: SGHS

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

How did you hear about the Garland Youth Council?

Why do you want to serve on the Garland Youth Council?

What are some challenges you feel Garland youth face in our community?

What do you see as positives for youth living in Garland?