

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 7, 2013, in the Council Chambers at City Hall with the following members present:

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

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

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Mayor Pro Tem John Willis led the Invocation. Girl Scout Troop No. 8724 led the Pledge of Allegiance. Mayor Jones also recognized visiting Boy Scout Troop No. 440.

CEREMONIALS: Mayor Jones introduced Brad Griggs, President of the Texas Recreation & Park Society recognizing the City of Garland Parks Recreation & Cultural Arts Departments for state-wide awards received at the recent Texas Recreation & Park Society Annual Institute. Mayor Jones provided special recognition to City of Garland Neighborhood Vitality Manager Felisa Conner for providing excellent service to Garland Neighborhoods. Mayor Jones offered a proclamation declaring May as Asian American Heritage Month in the City of Garland

CONSENT AGENDA: The following items were pulled from the Consent Agenda: 2b; 9; and 13.

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 Mayor Pro Tem Willis, seconded by Councilwoman Dodson, to approve Items: 1; 2a; 2c; 2d; 2e; 2f; 2g; 2h; 2i; 2j; 2k; 2l; 3a; 3b; 3c; 3d; 4; 5; 6a; 6b; 6c; 7; 8; 10; 11; and 12 as presented. A vote was cast and the motion carried with 9 Ayes; 0 Nays.

1. Approved** City Council Meeting minutes of the April 16, 2013 Regular Meeting.

- 2a. Approved** Award of Bid No. 3233-13 to MPI Architects in the amount of \$186,800.00 for a professional services contract for the design of renovations and expansion to the Rowlett Creek Wastewater Treatment Plan Operations Center.
- 2c. Approved** Award of Bid No. 2715-12 to Cascade Engineering in the amount of \$625,946.60 for the purchase of 12,500 automated recycling containers for Phase II of the Environmental Waste Services Residential Automated Collection Single Stream Recycling Program.
- 2d. Approved** Award of Bid No. 3342-13 to L.D. Kemp, Inc. in the amount of \$2,378,667.58 with a contingency amount of \$356,800.14 for a total amount of \$2,735,467.72 for the excavation and construction of the 17-acre cell #6 for waste disposal at the Hinton Landfill.
- 2e. Approved** Award of Bid No. 3351-13 to United Mechanical (Primary) in the amount of \$250,000.00 and Berger Engineering (Secondary) in the amount of \$150,000.00 for a total amount of \$400,000.00 to provide HVAC maintenance, repair, and replacement services throughout the City on an as-needed basis.
- 2f. Approved** Award of Bid No. 3429-13 to Concord Commercial Services, Inc. in the amount of \$250,000.00 to provide plumbing maintenance, repair, and replacement services throughout the City on an as-needed bases.
- 2g. Approved** Award of Bid No. 3465-13 to John Burns Construction Co., Inc. in the amount of \$897,019.00 for the removal of the Club Creek Lift Station and construction of approximately 4,211 linear feet of sanitary sewer to connect to the Windridge Lift Station. Lyons II improvements consist of upgrading approximately 2,940 linear feet of existing sanitary sewer mains.
- 2h. Approved** Award of Bid No. 3474-13 to Techline, Inc. in the amount of \$214,612.23 with a contingency amount of \$25,000.00 for a total amount of \$239,612.23 for the purchase of three galvanized steel transmission monopoles and associated apparatus required for the 138kV transmission line connection to the Nevada Substation.
- 2i. Approved** Award of bid No. 3534-13 to Williams Scotsman, Inc. in the amount of \$112,000.00 for the purchase of a modular office

system for the GIS and Workforce Management groups of Garland Power & Light.

2j.Approved**

Award of Bid No. 3546-13 to Dell Marketing, LP in the amount of \$393,117.02 for the renewal of the ongoing Microsoft Enterprise Agreement as required for the City's use of Microsoft products.

2k.Approved**

Award of Bid No. 3553-13 to Dell Marketing in the amount of \$135,502.20 for the replacement of aged computers that are used by Garland Power & Light's mobile workforce.

2l.Approved**

Award of Bid No. 3483-13 to System 3, Inc. in the amount of \$1,453,757.83 with a contingency fee of \$220,000.00 for a total amount of \$1,673,757.83 to provide the necessary labor, equipment, and materials for the construction of the Nevada 138kV Switchyard Upgrade.

3a.Approved**

Ordinance No. 6604 amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail and Townhomes to a Planned Development (PD) District for Single Family Uses and a Concept Plan on a 38.34-acre tract of land located north of East Miller Road and east of East Centerville Road. (Zoning File No. 13-01, Douglas Properties, Inc.)

3b.Approved**

Ordinance No. 6605 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Contractor Equipment and Storage on a 0.278-acre tract of land zoned Commercial 2 (C-2) District located at 3120 Denton Drive. (Zoning File No. 13-11, Vincent de Jesus)

3c.Approved**

Ordinance No. 6606 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Medical Office/Clinic on a 2.40-acre of land zoned Industrial 1 (I-1) District located at 900 North Shiloh Road. (Zoning File No. 13-12, CBRE Healthcare Services)

3d.Approved**

Ordinance No. 6607 amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development for Multi-family Uses (Independent Living Facility) and a Concept Plan on a 4.00-acre tract of land located within the 5100 block of North George Bush Highway, west of 5101 North George Bush Highway. (Zoning File No. 13-14, Firewheel Welcome, Ltd.)

4. Approved** Resolution No. 10101 adopting the Forest Jupiter Transit-Oriented Redevelopment Plan.
5. Approved** Resolution No. 10102 authorizing the Mayor to execute deeds without warranty, bills of sale, assignments of easements and other documents necessary to the conveyance of certain electric transmission facilities to the City of Bryan, Texas and Brazos Electric Power Cooperative.
- 6a. Approved** Ordinance No. 6608 authorizing the issuance of “City of Garland, Texas Water and Sewer System Revenue Refunding and Improvement Bonds, Series 2013”, pledging net revenues of the City’s Water and Sewer System to the security of and the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Special Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.
- 6b. Approved** Ordinance No. 6609 authorizing the issuance of “City of Garland, Texas, General Obligation Refunding Bonds, Series 2013”; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement.
- 6c. Approved** Ordinance No. 6610 authorizing the issuance of “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Series 2013”, pledging the net revenues of the City’s electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Special Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.

7. Approved**
Ordinance No. 6611 authorizing the issuance of “City of Garland, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013”; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City’s Water and Sewer System; providing the terms and conditions of such payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Payment Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto.
8. Approved**
Approve by minute action authorizing the City Manager to execute an earnest money contract Funding for a new water storage tower was included in the approved 2013 Capital Improvement Program as part of the West Pressure Plane project. Acquisition of the property at 2200 McCree Road is required before the design can be started for the tank construction. After preliminary negotiations, the City and property owner agreed to a land value of \$4.94 per square foot of property. The exact size of parcel is yet to be determined, but is expected to be approximately 54,000 square feet for a total of \$266,700.
10. Approved**
Approve by minute action authorizing the City Manager to execute a change order to VAI Architects, Inc. At the April 15, 2013 Work Session, Council considered authorizing a change order in the amount of \$261,800 for additional services with VAI Architects, Inc. for the design of additional site improvements for the City Center Project.
11. Approved**
Resolution No. 10103 adopting and approving the Consolidated Plan – One Year Plan of Action including a revised Statement of Uses of Funds for the 2013-14 Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs.
12. Approved **
Resolution No. 10104 authorizing the acceptance of a Texas Department of Transportation Selective Traffic Enforcement Program – Click It or Ticket It Grant in the amount of \$8,999.92.

ITEMS FOR INDIVIDUAL CONSIDERATION:

2b. Approved

Approve Award of Bid No. 3537-13 to Hill & Wilkinson General Contractors in the amount of \$1,528,308.80 for a guaranteed maximum price contract for Construction Manager at Risk services for Heritage Park relocation and the southwest quadrant of Walnut pedestrian corridor as part of the Downtown redevelopment project.

Martin Glenn provided background information regarding the proposed bid award.

The following persons registered a position related to the item: Brenda Gardner; David Gardner; Jackie Mumaw; Ron Leslie; Barb Stauffer; Betty Edwards; Ann McCuen; Margaret Lancaster; Kay Moore; Scala Byers; Joann Nelson; Paul Nelson; and Janice Black. The following persons provided public comment: Roberts Smith; Jessica Acosta; Ted Mumaw; Jerry Flook; Louis Moore; Annie Dickson; Cleo Holdon; and Mike Hayslip.

Recess

City Council recessed at 9:12 p.m.

Reconvene

City council reconvened at 9:26 p.m.

Councilwoman Goebel made a motion, seconded by Mayor Pro Tem Edwards, to approve the contract as presented. Discussion was held among Councilmembers. Councilman Campbell moved to amend the motion to approve the contract and direct the City Manager to deliver a change order with a plan for salvage of the Pace and Lyles historic homes at the next City Council meeting. Councilman Campbell withdrew the motion to amend. Councilman Cahill, seconded by Councilwoman Dodson, made a motion to approve the award of Bid No. 3537-13 to Hill & Wilkinson General Contractors in the amount of \$1,528,308.80 for a Guaranteed Maximum Price contract for Construction Manager at Risk services for the Heritage Park relocation and the quadrant of Walnut pedestrian corridor as part of the Downtown redevelopment project with the stipulation that the City Manager not permit demolition of the Lyles and Pace homes houses but instead make arrangements for the salvage and temporary storage of the homes until a future change order is approved and arrangements for the homes are finalized. A vote was cast and the motion carried with 9 ayes, 0 nays.

9. Approved

Councilwoman Dodson made a motion, seconded by Councilman Cahill, to establish a penalty of \$75 for each

violation for proposed ordinance No. 6612. A vote was cast and the motion carried with 9 ayes, 0 nays.

Approved 2nd Motion

Mayor Pro Tem Willis made a motion, seconded by Councilwoman Dodson, to approve Ordinance No. 6612 amending Chapter 33, "Transportation," and Chapter 24, "Municipal Court and Administrative Adjudication" 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

13. Approved

Councilman R. Williams made a motion, seconded by Mayor Pro Tem Edwards, to not authorize the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services. A vote was cast. The motion failed with 1 aye, 8 nays (Jones; Willis; Edwards; Campbell; Goebel; B.J. Williams; Dodson; and Cahill).

The following persons spoke regarding the item: Gail Belton; and Claud George. The following person registered a position: Lucian Giambasu.

Mayor Pro Tem Willis made a motion, seconded by Councilwoman Lori Dodson, to approve by minute action authorizing the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services as clarified by the City Attorney.

Councilman B.J. Williams offered a motion to amend as reflected the changes noted in paragraph five on the handout. The motion to amend died on the floor due to lack of a second. A vote was cast on the original motion. The motion to approve by minute action authorizing the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services as clarified by the City Attorney carried with 8 ayes, 0 nays (R.Williams).

14. Appointment

Councilman R. Williams nominated Don Gordon to represent Garland on the North Texas Municipal Water District Board of Directors for reappointment of a two-year term from June 1, 2013 – May 31, 2015. A vote was cast and the motion carried with 9 ayes and 0 nays.

15. Held & Approved

Mayor Jones opened the public hearing to hear the application of Atlantic Hotels, Ltd, requesting approval of 1) amendments to Planned Development (PD) District 08-26) an amended Detail Plan, and 3) a shared offsite parking agreement. The property is located at 4412 Bass Pro Drive (Zoning File-13-16)

Assistant Director of Planning Anita Russelmann provided background information regarding the application. The following persons spoke during the public hearing: Richard King, Applicant; and Shannon Phillips.

Mayor Pro Tem Edwards made a motion, seconded by Councilwoman Anita Goebel, to approve the application as recommended by the Plan Commission at the April 8, 2013 Meeting and direct staff to bring forth an ordinance for formal consideration with a provision for a variance for 5 parking spaces. A vote was cast and the motion carried with 9 ayes, 0 nays.

16. Citizen Comments

None.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 11:03 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald Jones

Attest:

Lisa Palomba, City Secretary