



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

Monday, December 16, 2019

6:00 p.m.

DEFINITIONS:

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

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

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

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

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

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

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

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

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

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

1. Public Comments on Work Session Items

Persons who desire to address the City Council on any item on the Work Session agenda are allowed three minutes to speak. Speakers are taken only at the beginning of the meeting, other than invited testimony.

Speakers are grouped by Work Session item and will be taken in the order of the Work Session agenda. Speakers must submit to the City Secretary a completed speaker's card before the beginning of the meeting. Speaker cards will not be accepted after the Mayor calls the meeting to order. Speaker cards are available in the lobby, at the visitor's side of the Work Session Room, and from members of staff.

Speakers are limited to addressing items on the Work Session agenda – any item relating to a Regular Session agenda item should be addressed at the Regular Session and any item not on an agenda may be addressed during the open microphone at the end of the Regular Session.

2. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

3. Written Briefings:

a. Authorize Acquisition of Transmission Right-of-Way

Council is requested to approve the authorization for the acquisition of the transmission right-of-way. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 7, 2020 Regular Meeting.

4. Verbal Briefings:

a. Rick Oden Park Master Plan Options

At the November 19, 2019 Regular Meeting, City staff was directed to return to Council with options for the Rick Oden Master Plan that incorporates the feedback and input that was received during the citizen comment portion of the November 18, 2019 Work Session and the public hearing held on the November 19, 2019 Regular Meeting. Staff, and the consultant Kimley Horn, will present the options to Council for consideration of the proposed concept plans for Rick Oden Park. Staff is seeking direction on the concept plan in order to advance design efforts for preparation of construction documents.

b. Consideration of Alternative Locations for Day Labor Center

The status and possible relocation of the current Day Labor Center was discussed during the 2019-20 Budget process. At that time, the Council decided to fund the Day Labor Center for a period of six months and have staff explore alternative locations.

5. Discuss Appointments to Boards and Commissions

Council Member Jerry Nickerson

- David Perry TIF 3 Medical Board

6. Announce Future Agenda Items

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

7. Council will move into Executive Session

**EXECUTIVE SESSION
AGENDA**

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

a. The City Council will adjourn into executive session pursuant to Sections 551.074, 551.087, and 551.072 of the Texas Government Code to deliberate or discuss:

1. Personnel matters related to the appointment of municipal court judges (551.074);
2. Economic development matters related to commercial or financial information that the City has received from one or more business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect (551.087) relating to:
 - a. A commercial project located generally northwest of the intersection of South Garland Avenue and West Avenue B;
 - b. A commercial project located generally northeast of the intersection of West Interstate 30 and Zion Road; and
3. The purchase, exchange, lease or value of several tracts of real property located:

- a. In central Garland, generally within the vicinity of the Dart Blue Line and the following points: east of State Hwy 78, near the intersection of Forest and Shiloh, and near the intersection of Forest and Jupiter (551.072).

8. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

3. a.

Meeting Date: December 16, 2019
Item Title: Authorize Acquisition of Transmission Right-Of-Way
Submitted By: Brad Neighbor, City Attorney
Strategic Focus Areas: Reliable, Cost Efficient Utility Services

ISSUE

Garland Power and Light is upgrading the College Substation to Jupiter Substation transmission line from 69kV to 138kV in recognition of increased load across GP&L's transmission system.

A portion of the existing 69kV transmission line is located in an alley, which does not provide for accommodation of the new 138kV transmission line. This portion of the line will be rerouted along Walnut Street and Jupiter Road. As part of this rerouting, right-of-way acquisition is needed to accommodate the transmission line.

OPTIONS

- A. Approve the authorization for the acquisition of the transmission right-of-way.
- B. Do not approve the authorization for the acquisition of the transmission right-of-way.

RECOMMENDATION

Option (A) – Approve the authorization for the acquisition of the transmission right-of-way. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the January 7, 2020 Regular Meeting.

BACKGROUND

The Texas Constitution and state law govern condemnation proceedings. State law requires that, before a condemnor (the City, here) may initiate condemnation proceedings, we are required to post an item on a public agenda with specific wording and obtain the authorization of the City Council evidenced by an ordinance or resolution. Approval of the City Council must be made by way of a particular form of motion. Approval may be given in one motion and through a single resolution for multiple owners and tracts of land for transmission projects of this sort.

CONSIDERATION

Staff seeks the Council's concurrence for authorizing the acquisition of the transmission right-of-way for the College to Jupiter Transmission Line.

Resolution Authorizing Condemnation - Walnut and Shiloh

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF VARIOUS PERMANENT EASEMENTS ALONG A PORTION OF SHILOH ROAD, WALNUT STREET AND JUPITER ROAD, SITUATED IN THE J.W. KEEN SURVEY, ABSTRACT NO. 744, IN THE CITY OF GARLAND, COUNTY OF DALLAS, TEXAS, SAID EASEMENTS BEING MORE PARTICULARLY DESCRIBED BELOW AS THE "EASEMENT PROPERTIES"; PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland, by and through its municipally owned utility, Garland Power & Light ("Garland"), has found and determined the need to acquire property rights necessary to upgrade an existing College Substation to Jupiter Substation transmission line from 69kV to 138kV, which will require the rerouting of the transmission line and necessitate the acquisition of transmission right-of-way along portions of Shiloh Road, West Walnut Street, and Jupiter Road ("Project");

WHEREAS, public convenience and necessity requires acquisition of easement rights over the properties described below (referred to collectively as the "Easement Properties"), which exhibits are attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

WHEREAS, Garland is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer, as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Easement Properties for public use from the Property Owners (as hereinafter defined) voluntarily before beginning the acquisition of the Easement Properties through a condemnation proceeding;

WHEREAS, the Easement Properties are located in the City of Garland, Dallas County, Texas as described below, and the fee owners of the Easement Properties are as follows:

- **Amar, LLC, Narches 3, LLC and Alexandria 3, LLC:** a 1,826 square foot tract of land in the J.W. Keen Survey, Abstract No. 744, City of Garland, Dallas County, Texas, and being part of a 49,517 square foot tract of land conveyed to Amar, LLC, Narches 3, LLC and Alexandria 3, LLC by deed recorded as Document No. 201800266150, Deed Records of Dallas County, Texas ("DRDCT"),

Amount Offered: **\$4,100.00;**

- **Maple Marketing, LLC:** a 2,472 square foot tract of land in the J.W. Keen Survey, Abstract No. 744, City of Garland, Dallas County, Texas. and being part of Lot 1, Block 3 of Garland Hospital & Clinic No.2, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 81191, at Page 1052, DDRDCT,

Amount Offered: **\$8,300.00;** and

- **AN@Oak Creek, LLC:** a 2,293- square-foot tract of land in the J.W. Keen Survey, Abstract No. 744, City of Garland, Dallas County, Texas, and being part of a 3.92 acre tract of land conveyed to AN@Oak Creek, LLC by deed recorded as Document No. 201600231784, DRDCT,

Amount Offered: **\$5,200.00;**

(collectively, "Property Owners")

WHEREAS, an independent professional appraisal report of the Easement Properties has been submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or his designee has established a certain amount determined to be just compensation for the Easement Properties based on the appraisal and fair market value of the Easement Properties and any applicable fees necessary to acquire the Easement Properties;

WHEREAS, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owners of the Easement Properties in order to acquire necessary property rights on the Easement Properties for the Project, and has been unsuccessful in acquiring the necessary property rights on the Easement Properties; and

WHEREAS, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire easement rights on the Easement Properties at a public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

Section 1

That Garland, its staff, and its attorneys are specifically authorized to purchase easement rights on the Easement Properties; that the public convenience and necessity requires the acquisition of easement rights on the Easement Properties for the public purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of easement rights on the Easement Properties; that it appears to Garland that further negotiations to purchase easement rights on the Easement Properties voluntarily would be futile; that the public necessity requires the condemnation of easement rights on the Easement Properties for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owners of the Easement Properties, and against all other owners, lienholders, or holders of an interest in the Easement Properties, in order to acquire easement rights on the Easement Properties.

Section 2

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

Section 3

It is the intent of the City Council that this Resolution authorize the City Manager and City Attorney, or their designees, to perform all steps necessary to obtain the Easement Properties necessary for the Project, whether through negotiation or condemnation, including the expenditure of funds.

Section 4

It is the intent of the City Council that this Resolution authorize the condemnation of all property required for the construction, improvement, maintenance and reconstruction of a municipal utilities relating to GP&L's College to Jupiter 138kV transmission line located in the City, to serve the public and citizens of the City; generally located along a portion of Shiloh Road, West Walnut Street, and Jupiter Road.

Section 5

If it is determined that there are scrivener errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney or his designee is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing condemnation of the corrected or revised property.

Section 6

Following an award by the Special Commissioners or a judgment of a court of competent jurisdiction on appeal from a Special Commissioners' award, the City Manager or his designee, is hereby authorized to make payment in an amount not to exceed the Special Commissioners' award or the judgment of a court of competent jurisdiction, to enable the City to take possession of the Easement Properties without further action of the City Council. However, nothing contained herein shall be interpreted to limit the spending authority of the City Manager granted by Council Resolution or Policy. It is the intent of the City Council that this Resolution grants the City Manager the authority, in addition to the authority granted by Council policy, to settle disputes related to the value of the Easement Properties.

Section 7

That this Resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. a.

Meeting Date: December 16, 2019

Item Title: Rick Oden Park Master Plan Options

Submitted By: Andy Hesser, Managing Director

Summary of Request/Problem

At the November 19, 2019 Regular Meeting, City staff was directed to return to Council with options for the Rick Oden Master Plan that incorporates the feedback and input that was received during the citizen comment portion of the November 18, 2019 Work Session and the public hearing held on the November 19, 2019 Regular Meeting. Staff, and the consultant Kimley Horn, will present the options to Council for the proposed concept plans for Rick Oden Park. Staff is seeking direction on the concept plan in order to advance design efforts for preparation of construction documents.

Additional Council consideration is requested regarding the possible relocation of the tennis complex.

Recommendation/Action Requested and Justification

Approve the Rick Oden Master Plan with the following options or as directed by Council:

- Option A - As originally presented.
- Option B - With modifications to accommodate future tennis.
- Option C - Investigate relocation of the tennis center.

Attachments

Option A

Option B





GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. b.

Meeting Date: December 16, 2019

Item Title: Consideration of Alternative Locations for Day Labor Center

Submitted By: David Gwin, Economic Development Director

Summary of Request/Problem

The status and possible relocation of the current Day Labor Center was discussed during the 2019-20 Budget process. At that time, the Council decided to fund the Day Labor Center for a period of six months and have staff explore alternative locations.

Recommendation/Action Requested and Justification

Council is asked to provide further direction.



GARLAND

City Council Work Session Agenda

Meeting Date: December 16, 2019

Item Title: Board and Commission Appointment

Submitted By: Courtney Vanover, Department Coordinator I, City Secretary

Summary:

Council Member Jerry Nickerson

- David Perry TIF 3 Medical Board
-

Attachments

David Perry - TIF 3



GARLAND

TEXAS MADE HERE

**CITY OF GARLAND
RECEIVED
JUN 03 2019**

CITY SECRETARY

Board & Commission Application

Please Print or Type: **PLEASE DO NOT SEND RESUME.**

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Board or Commission of first, second, and third choice:

☐ Board of Adjustment	☐ Garland Cultural Arts Commission	☐ Parks and Recreation Board
☐ Building and Fire Codes Board	☐ Garland Youth Council**	☐ 2 Plan Commission*
☐ Citizens Environmental Advisory Committee	☒ 1 Property Standards Board	☐ Plumbing and Mechanical Board
☐ Community Development Advisory Committee	☐ Library Board	☐ Senior Citizens Advisory Committee
☐ Electrical Board		

TIF3

Full Name: **David Perry**

Home Address: **4010 Wallingford Dr.**

City, State, Zip: **Garland, Texas 75043**

Phone: [REDACTED]

E-mail Address: [REDACTED]

Resident of Garland for: **(22)** years

Bus. Address: [REDACTED]

City, State, Zip: [REDACTED]

Phone: [REDACTED]

E-mail Address: [REDACTED]

Resident of Texas for **55** years

✓ Are you a registered voter in Dallas County? ☒ Yes ☐ No

✓ Voter Registration No. [REDACTED] Precinct No. **3700** City Council District No. **3** ✓

Have you ever been convicted of a felony?

☐ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor?

☐ Yes ☒ No

Please list any experience that qualifies you to serve in the areas you have indicated.

Leadership: **Garland Graduate (Class XVIII); Board Member-Garland's Property Standards Board (Chairman); City of Garland 2018 Bond Study Committee Member; Board Member -Union Gospel Mission; Internal Auditor (20 plus years); DART Bus Operations Department - Business Manager (Currently).**

If you have served on a City Board or Commission, please specify and list dates of service. **7/98 - 12/08 (South Area Implementation Committee). 8/99-Present (Garland's Property Standards Board); 2018 Bond Study Committee.**

List civic or community endeavors with which you have been involved.

Leadership: **Garland Graduate (Class XVIII); Board Member-Garland's Property Standards Board; City of Garland 2018 Bond Study Committee; Board Member/Treasurer- Coalition for a Better South Garland; Board Member -Union Gospel Mission.**

What is your educational background? **(BS) Accounting**

What is your occupational experience? **Internal Auditor (20 plus years); Business Manager (10 years)**

*Plan Commission members must own property within the city.

I hereby affirm that all statements herein are true and correct.

David Perry
Signature of Applicant

6-03-19

FOR OFFICE USE ONLY

Ad Valorem Tax Status ☒ Current ☐ Past Due

Status of Utility Accounts ☒ Current ☐ Past Due

Suit/Claim Against City Yes ☐ No ☒

Carolea Benfleur 6/3/19

Date Appointed _____

Appointed By _____

Date Notified _____

Date Disclosure Form Filed _____

Signatures

Tax Clerk

Accounting Clerk

City Attorney

City Manager

Revised 10/2011

DEMOCRACY IN ACTION

The American democratic experience is built upon the foundation of concerned and caring citizens becoming actively involved in local government. Consistent with this principle, Garland's Charter provides for the City Council to utilize citizen volunteers to assist in carrying out the many functions of municipal government by serving on the City's Advisory Boards and Commissions. Please give serious consideration to becoming more involved in helping make Garland the best city possible by applying to serve on a board or commission of your choice. For further information, call 972-205-2403.

Process For Selection

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. All applicants and incumbents must submit a Board and Commission Application form by July 1. Members of some boards must possess certain technical skills as specified by ordinance. All board and commission members must file a Code of Ethics Disclosure Form with the City Secretary. Applicants will be notified of acceptance by mail after their appointment. Because vacancies may arise during the year, all applications are kept on file for one year.

Qualifications

The Garland Charter and Code of Ordinances establish certain qualifications that must be met by members of boards and commissions. In addition to special qualifications for service, a board member must:

- have been a resident of the state of Texas for one year and of Garland for six months prior to the date of appointment;
- be a qualified voter at time of appointment;
- not be in arrears on City taxes, utility service charges or other obligations owed the City;
- have not been convicted of a felony;
- have not been convicted of a Class A misdemeanor;