

AGENDA

**CITY COUNCIL WORK SESSION
City of Garland
Work Session Room, City Hall
200 North Fifth Street, Garland, Texas
June 5, 2012
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.

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

**[Public comment will not be accepted during Work Session
unless Council determines otherwise.]**

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

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

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

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

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

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

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

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

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

(6:00) 1. Written Briefings:

a. Walnut Street Verizon and Oncor Overhead Utility Easement Dedication

In an effort to reduce the number of overhead utility lines in the downtown area in anticipation of the City's proposed improvements on the former DGNO and DART right-of-way, the City developed a project to relocate the existing overhead lines for Oncor and Verizon to an underground duct bank. This project requires placing the duct bank in service prior to removing the overhead facilities. With limited right-of-way, the duct bank location is outside of the Walnut Street right-of-way but within City property previously owned by DART. In order to define a specific corridor for the duct bank, a utility easement dedicated to Oncor and Verizon is required. Council is requested to consider authorizing the Mayor to sign the utility easement to dedicate Oncor and Verizon a defined corridor for their facilities. If Council concurs, this item will be scheduled for formal consideration at the June 19, 2012 Regular Meeting.

b. Appointments to Dallas Area Rapid Transit Board of Directors

The terms of office for Mark Enoch and Michael Cheney as the City of Garland's representatives on the DART Board of Directors will expire on June 30, 2012. Both Mr. Enoch and Mr. Cheney have expressed a desire to be reappointed for another two-year term. Information was posted on the City's website for a 14-day period in order to provide an opportunity for citizens to apply for the positions. Mark Enoch and Michael Cheney were the only citizens to respond. Council is requested to consider reappointing Mark Enoch and Michael Cheney to the DART Board of Directors to serve a two-year term from July 1, 2012 to June 30, 2014. If Council concurs, this item will be scheduled for formal consideration at the June 19, 2012 Regular Meeting.

Item	Key Person
2. Discuss Appointments to Boards and Commissions	Council
<i>Guy W. Hull II – Board of Adjustment (Willis)</i>	

3. Consider the Consent Agenda **Council**

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

4. Announce Future Agenda Items **Council**

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

(6:30) 5. Adjourn **Council**

(Estimated time to consider)



Meeting: Work Session

Date: June 5, 2012

Policy Report

WALNUT STREET VERIZON AND ONCOR OVERHEAD UTILITY EASEMENT DEDICATION

ISSUE

In an effort to reduce the number of overhead utility lines in the downtown area in anticipation of the City's proposed improvements on the former DGNO and DART ROW, the City developed a project to relocate the existing overhead lines for Oncor and Verizon to an underground duct bank. This project requires placing the duct bank in service prior to removing the overhead facilities. With limited Right-of-Way the duct bank location is outside of the Walnut Street right-of-way but within City property previously owned by DART. In order to define a specific corridor for the duct bank a utility easement dedicated to Oncor and Verizon is required.

OPTIONS

- A. Authorize the Mayor to sign the utility easement to dedicate Oncor and Verizon a defined corridor for their facilities.
- B. Allow Oncor and Verizon blanket use of the City property and Walnut Right-of-way by City permit only.
- C. Choose to allow overhead utilities to remain and suspend request to relocate to an underground duct bank.

RECOMMENDATION:

Option A – Authorize the Mayor to sign the utility easement to dedicate Oncor and Verizon a defined corridor for their facilities. If Council concurs, this item will be scheduled for formal consideration at the June 19, 2012 Regular Meeting.

COUNCIL GOAL

Sustainable Quality Development and Redevelopment
Defends Rightful Powers of Municipalities
Fully Informed and Engaged Citizenry

BACKGROUND

The City requested Oncor and Verizon remove their overhead utilities along the south right-of-way of Walnut Street between Glenbrook Drive and the KCS Railroad. Since

WALNUT STREET VERIZON AND ONCOR OVERHEAD UTILITY EASEMENT
DEDICATION

Page 2

the relocation from overhead to underground was an aesthetic improvement the City is responsible for costs to make such improvements. The City has recently swapped land with DART which has provided a corridor to contain the proposed underground duct bank for Verizon. This corridor is owned by the City but is not City right-of-way. Therefore, dedicating this corridor as an easement for Verizon and Oncor would provide a specific alignment for these utilities.

CONSIDERATION

There is no monetary gain to dedicate this joint use easement to Oncor and Verizon because the request to relocate the overhead line to an underground duct bank was initiated by the City of Garland. The relocation of the existing overhead line will clear the City owned property between Walnut Street and the DART rail of the overhead lines and poles from the proposed Sixth Street Crossing. This relocation will improve the appearance of the future Walnut Street Green Space and the entrance to the downtown area.

ATTACHMENTS

A copy of the easement and dedication language along with the overall location of the easement is attached.

Submitted By:

Michael C. Polocek, P.E.
Engineering Department

Date: May 29, 2012

Approved By:

William E. Dollar
City Manager

Date: May 29, 2012

UTILITY EASEMENT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

§

§

That **The City of Garland, a Texas home-rule municipality**, hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, and **Verizon Communications, Inc., a Delaware Corporation**, hereinafter referred to as "Grantees", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantees, their successors and assigns, a non-exclusive easement for underground electric supply and communications facilities (the "Easement"), consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary appurtenances (collectively, the "Facilities") over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBITS "A AND B" (ATTACHED)

Together with the right of ingress and egress along and upon the Easement Area for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of the underground Facilities; the right to trim or remove trees or shrubbery within, but not limited to, Easement Area, to the extent as may be necessary to prevent possible interference with the operation of the Facilities or to remove possible hazard thereto.

It is expressly understood that the Easement is for underground utilities only and that no overhead poles, supporting structures, conduit, wires, cables, lines, appurtenances, or other facilities shall be located or constructed within the Easement except as is necessary to connect the underground utilities to existing overhead poles, conduit, lines or appurtenances near the origin or terminus of same.

Grantor reserves the right to use the Easement area for purposes not inconsistent with Grantees' use of the land, provided such use shall not interfere with the exercise by Grantees of the rights hereby granted.

THE EASEMENT IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING—WITHOUT LIMITATION—ANY WARRANTIES ARISING UNDER COMMON LAW OR UNDER SECTION 5.023 OF THE TEXAS PROPERTY CODE OR OTHER STATUTE. BY ACCEPTANCE OF THE EASEMENT, GRANTEE ACKNOWLEDGES THAT THE LAND INTEREST IS CONVEYED "AS IS—WHERE IS, WITH ALL FAULTS".

TO HAVE AND TO HOLD the Easement unto Grantees, their successors and assigns, until Grantees' utility lines and facilities are abandoned, and in that event the Easement shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives.

EXECUTED this _____ day of _____, 2012.

The City of Garland,
A Texas home-rule municipality

By: _____

Name: Ronald E. Jones
Title: Mayor

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as the act and deed of The City of Garland, a Texas home-rule municipality, as the _____ thereof, for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D. 2012.

Notary Public in and for the State of Texas

EXHIBIT A
11,571-SQUARE FOOT TRACT
PART OF THE JOEL CRUMPACKER SURVEY, ABST. No. 328
CITY OF GARLAND, DALLAS COUNTY, TEXAS

BEING an 11,571 square-foot tract of land in the City of Garland, Dallas County, Texas, in the Joel Crumpacker Survey, Abstract No. 328 and also being part of a called 4,673.54-square-foot tract of land described in a deed from Don Rains & W.G. Lyons to The City of Garland, Texas, dated the 18th day of April, 1989, and recorded in Volume 89087, at Page 1058 of the Deed Records of Dallas County, Texas, and part of a 49,054-square-foot tract of land described in a deed from Dallas Area Rapid Transit to The City of Garland, Texas, dated the 21st day of December, 2011, and recorded in County Clerk Number 201200018349 of the Official Public Records of Dallas County, Texas, said tract being more particularly described as follows:

COMMENCING at a 1/2-inch capped steel rod stamped "PACHECO-KOCH" found for the southwesterly corner of said 4,673.54-square-foot City of Garland tract and an easterly corner of Lot 1, Block 1 of Garland Heights Commercial according to the plat thereof recorded in Volume 86108, at Page 2773 of the Deed Records of Dallas County, Texas, said commencing point having coordinates of X=2,539,367.10 feet, Y=7,021,217.99 feet;

THENCE N 17°52'48" E with the common line between said 4,673.54-square-foot tract and the said Lot 1, Block 1 for a distance of 36.78 feet to the PLACE OF BEGINNING of the tract herein described, and having coordinates of X=2,539,378.40 feet, Y=7,021,252.99 feet;

THENCE N 17°52'48" E continuing with said common line for a distance of 15.09 feet to a point on the southerly right-of-way line of Walnut Street (a variable width right-of-way) for the north corner of said Lot 1, Block 1, Garland Heights Commercial and the north corner of said 4,673.54-square-foot City of Garland tract;

THENCE with the southerly right-of-way line of Walnut Street for the following nine (9) courses and distances:

- (1) S 89°56'49" E for a distance of 216.67 feet;
- (2) N 89°25'48" E for a distance of 218.18 feet;
- (3) N 78°03'48" E for a distance of 109.22 feet;
- (4) N 11°56'12" W for a distance of 3.93 feet;
- (5) N 79°50'38" E for a distance of 12.01 feet;
- (6) S 11°56'12" E for a distance of 3.56 feet;
- (7) N 78°03'48" E for a distance of 114.51 feet;
- (8) N 79°50'38" E for a distance of 160.93 feet to an X recovered;
- (9) N 78°03'48" E for a distance of 9.91 feet from which an X recovered on the westerly right-of-way line of Fifth Street bears N 78°03'48" E a distance of 35.28 feet;

THENCE departing the southerly right-of-way line of Walnut Street and across the two aforementioned City of Garland tracts the following eight (8) courses and distances:

- (1) S 30°08'42" W for a distance of 20.16 feet;
- (2) S 82°20'48" W for a distance of 116.75 feet;
- (3) S 77°20'48" W for a distance of 100.60 feet;
- (4) S 78°03'48" W for a distance of 187.55 feet
- (5) S 89°44'35" W for a distance of 247.46 feet;
- (6) S 84°41'27" W for a distance of 45.42 feet;
- (7) S 89°44'35" W for a distance of 57.86 feet;
- (8) N 87°14'21" W for a distance of 80.26 feet to the PLACE OF BEGINNING and containing 11,571 square feet or 0.266 acres of land.

A graphical exhibit of even date accompanies this description.

The coordinates and bearings shown hereon are NAD83 (CORS 96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202), established from conventional survey methods at City of Garland GPS-62 (X. 2,538,847.85 Y. 7,021,334.18).

The ties to the published control monuments were made using conventional survey methods. The convergence angle at City of Garland GPS-62 is +1 degree 00 minutes 50 seconds. All distances are reported as horizontal surface measurements. To convert reported distances to the projection plane apply the combined scale factor of 0.999852916.



PAGE 1 OF 3

AUGUST 2011

1947-10

R-DELTA ENGINEERS, INC.

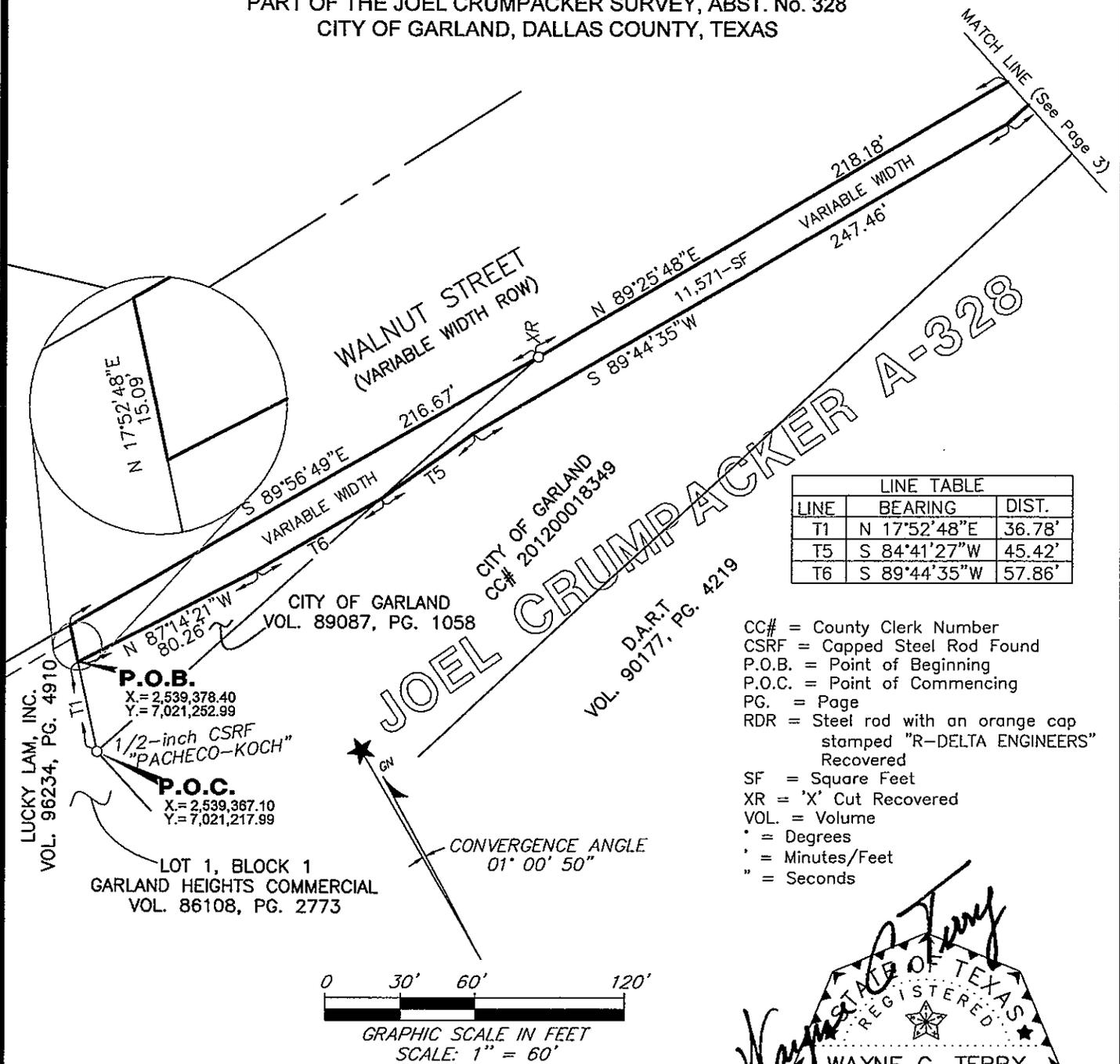
ENGINEERS • LAND PLANNERS • LAND SURVEYORS

618 MAIN STREET GARLAND, TEXAS 75040

Tel (972) 494-5081 On the Web at www.rdelta.com

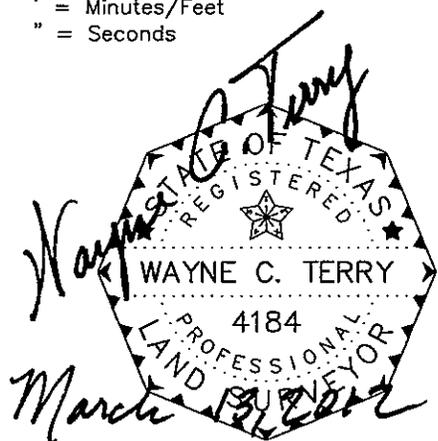
EXHIBIT B

11,571-SQUARE FOOT TRACT
 PART OF THE JOEL CRUMPACKER SURVEY, ABST. No. 328
 CITY OF GARLAND, DALLAS COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	DIST.
T1	N 17°52'48"E	36.78'
T5	S 84°41'27"W	45.42'
T6	S 89°44'35"W	57.86'

- CC# = County Clerk Number
- CSRF = Capped Steel Rod Found
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencing
- PG. = Page
- RDR = Steel rod with an orange cap stamped "R-DELTA ENGINEERS" Recovered
- SF = Square Feet
- XR = 'X' Cut Recovered
- VOL. = Volume
- ' = Degrees
- " = Minutes/Feet
- " = Seconds



A description of even date accompanies this exhibit.

The coordinates and bearings shown hereon are NAD83 (CORS 96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202), established from conventional survey methods at City of Garland GPS-62 (X. 2,538,847.85 Y. 7,021,334.18).

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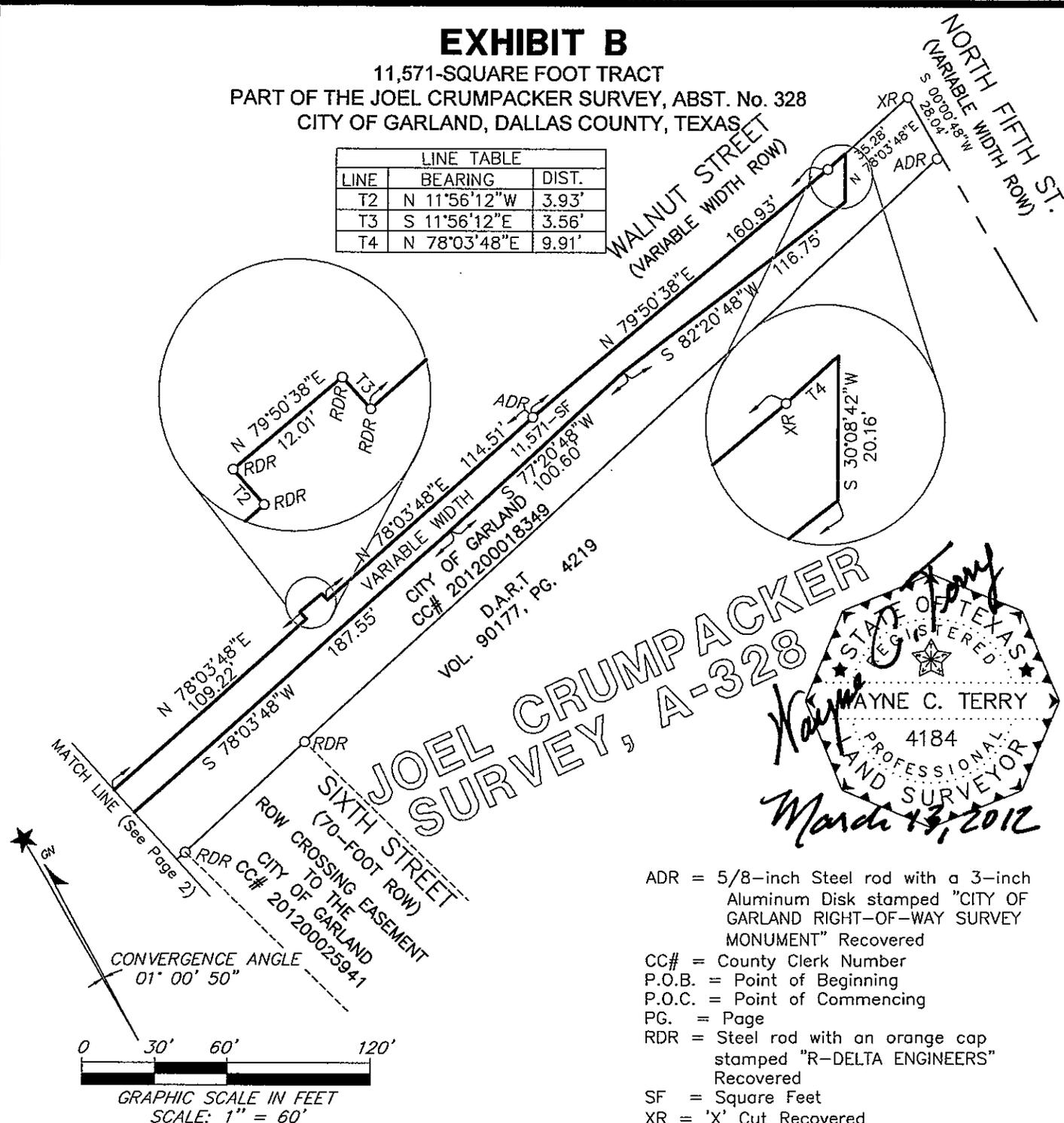
PAGE 2 OF 3

NOV 2011	1947-10
R-DELTA ENGINEERS, INC.	
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618 MAIN STREET GARLAND, TEXAS 75040	
Tel (972) 494-5031 On the Web at www.rdelta.com	

EXHIBIT B

11,571-SQUARE FOOT TRACT
 PART OF THE JOEL CRUMPACKER SURVEY, ABST. No. 328
 CITY OF GARLAND, DALLAS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DIST.
T2	N 11°56'12"W	3.93'
T3	S 11°56'12"E	3.56'
T4	N 78°03'48"E	9.91'



JOEL CRUMPACKER SURVEY, A-328

STATE OF TEXAS
 REGISTERED
 WAYNE C. TERRY
 4184
 PROFESSIONAL
 LAND SURVEYOR
 March 13, 2012

- ADR = 5/8-inch Steel rod with a 3-inch Aluminum Disk stamped "CITY OF GARLAND RIGHT-OF-WAY SURVEY MONUMENT" Recovered
- CC# = County Clerk Number
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencing
- PG. = Page
- RDR = Steel rod with an orange cap stamped "R-DELTA ENGINEERS" Recovered
- SF = Square Feet
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PAGE 3 OF 3

NOV 2011	1947-10
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Meeting: Work Session

Date: June 5, 2012

Policy Report

DALLAS AREA RAPID TRANSIT BOARD OF DIRECTORS

ISSUE

The terms of office for Mark Enoch and Michael Cheney as the City of Garland's representatives on the DART Board of Directors will expire on June 30, 2012. Both Mr. Enoch and Mr. Cheney have expressed a desire to be reappointed for another two-year term.

Information was posted on the City's website beginning April 30, 2012 for 14 days in order to provide an opportunity for citizens to apply for the positions. Qualified applicants were requested to submit a letter of interest and resume to the City Manager's Office. Mark Enoch and Michael Cheney were the only citizens to respond.

Council is requested to consider reappointing Mark Enoch and Michael Cheney to serve a two-year term from July 1, 2012 to June 30, 2014 as the City of Garland's representatives on the DART Board of Directors.

OPTIONS

1. Reappoint Mark Enoch and Michael Cheney for another two-year term as the City of Garland's representatives to the DART Board of Directors.
2. Do not reappoint Mark Enoch and/or Michael Cheney.

RECOMMENDATION

Option 1 – Reappoint Mark Enoch and Michael Cheney to serve another two-year term from July 1, 2012 to June 30, 2014. If Council concurs, this item will be scheduled for formal consideration at the June 19, 2012 Regular Meeting.

BACKGROUND

Council initially appointed Mark Enoch to serve as one of the City of Garland's two representatives to the DART Board of Directors on October 7, 1997. Mr. Enoch has continued to serve on the DART Board since that time. On May 3, 2011, Council appointed Michael Cheney to complete the term of a previous representative. At the end of that term, Mr. Cheney was reappointed to serve a two-year term.

In accordance with City Council Policy GOV-01, "Council Appointments to and Communications with Outside Agencies/Authorities", notice was placed on the City's website at least 45 days prior to the board member's expiring term for a minimum of 14 days in order to provide citizens the opportunity to apply for the position.

CONSIDERATION

At the close of the 14-day notice period, Mark Enoch and Michael Cheney were the only citizens to respond. Mr. Enoch and Mr. Cheney have submitted requests that Council consider reappointing them to the DART Board for another two-year term.

ATTACHMENTS

Letters of Interest from Mark Enoch and Michael Cheney

Submitted By:

William E. Dollar
City Manager

Date: May 30, 2012

From: Mark Enoch <fly63rc@verizon.net>
Sent: Monday, May 14, 2012 12:48 PM
To: Smith, Cindy
Subject: Dart Board position

Dear Mayor Jones and Councilmembers,

I would very much like to be reappointed to serve Garland on the board of DART.

Many issues are now surfacing with regard to if, when and under what terms, DART allows non-member cities to connect with the existing system. As you know, I have a keen interest in this subject and would like to stay on the board to allow my input and ideas. Having served on the RTC for the past several years, I have a perspective on this issue that others might not.

Please forgive the lack of formality in my application. I am a defense trial lawyer and have been under tight deadlines for the past 2 weeks and now am preparing for this 3 week trial which will begin on Thursday of this week.

I am anxious to continue and would appreciate your support and reappointment.

Sincerely,

Mark C. Enoch

From: Michael T. Cheney [mailto:mtcheney@earthlink.net]
Sent: Wednesday, May 02, 2012 11:42 AM
To: Smith, Cindy
Subject: DART Board

Thank you for your email advising of the notice for the appointment of the DART Board representative for Garland for the term July 1, 2012 to June, 30, 2014.

I am pleased and privileged to offer myself as a candidate for the next term of Director on the DART Board of Directors to represent the City of Garland. I believe that I have served the interests of the citizens of Garland well and I am still learning the business of public transportation in the DFW service area and specifically the 13 member cities. As the Chairman of the Audit Committee I have the opportunity to see that the Internal Audit function within DART is performing its role in the oversight of the DART business operations.

Thank you for allowing me the opportunity to serve the City of Garland.

Michael T. Cheney