



# City of Grand Prairie

City Hall  
317 College Street  
Grand Prairie, Texas

## Minutes - Final City Council

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Tuesday, July 14, 2015

4:30 PM

City Hall - Briefing Room  
317 College Street

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### Call to Order

Mayor Jensen called the meeting to order at 4:30 p.m.

**Present** 8 - Mayor Ron Jensen  
Mayor Pro Tem Jim Swafford  
Deputy Mayor Pro Tem Jorja Clemson  
Council Member Richard Fregoe  
Council Member Greg Giessner  
Council Member Tony Shotwell  
Council Member Lila Thorn  
Council Member Jeff Wooldridge  
**Absent** 1 - Council Member Jeff Copeland

### Staff Presentations

1                      2016 Street Sales Tax Discussion - Presented by Ron McCuller, Public Works Director

*Ron McCuller, Public Works Director, stated that in the past most of these funds have been going into rehabilitating streets but it has fallen short in preventative maintenance to extend the life of streets (crack sealing and seal coating). Mr. McCuller showed the proposed street rehab projects. He projected \$7,956,100 for the 2016 street sales tax budget. There is \$1.9 million in residual funds for a \$9.8 million total budget. He said \$1.6 would be left for miscellaneous projects for preventative maintenance. Mr. McCuller will provide the list of proposed streets and suggested substitutes to Council Members.*

*Mayor Jensen noted that 7th Street off of Main Street must be worse than some of the suggested streets. Mr. McCuller stated he would like suggestions from Council for substitutes. Mayor Jensen asked for a ranking of the worst streets. Mr. McCuller stated the sheet he provided has proposed streets ranked. Council Member Wooldridge asked if Lake Ridge was a participation project with Cedar Hill. Mr. McCuller said Cedar Hill will be redoing Mansfield Road that connects to Lake Ridge but they will not be participating in the portion of Lake Ridge from England Parkway to the south city limits. Mr. Hart stated that the city has an unfunded liability in old thoroughfares. Mayor Jensen asked if some of those could be done with the street sales tax. Mr. Hart said they will have to be worked into a future debt program. Council Member Shotwell asked Mr. McCuller why the streets were not A,B,C, D as in the past. Mr. McCuller stated there will be a ranking on arterials and collectors from 1-100, but he was not doing that on residential streets because he does not have the personnel to do the rankings on every street.*

**Presented****Agenda Review**

*Mayor Pro Tem Swafford asked to table Item 17 (KSA Contract for the Airport terminal) for further discussion with the Finance and Government Committee. Council Member Shotwell referred to Item 20 (COPS Grant application) and asked what would be done in year four. Mayor Pro Tem Swafford said the city budget would need to cover the cost in year four. Chief Dye said we would use Crime Tax funds and these would be three of the 39 authorized positions.*

**Executive Session**

*Mayor Jensen convened a closed session at 4:45 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.071 "Consultation with Attorney" CH Realty VII-Ascendant 1 Dallas s360 Global Logistics Park v. City of Grand Prairie et al; Case 3:15-cv-00718-M Rodriguez v. the City of Grand Prairie; Watson v. City of Allen, et al; Cause No. 4:15-cv-00335-A; Grand Prairie Professional Baseball, LP v City of Grand Prairie; Section 551.072 "Deliberation Regarding Real Property"; and Section 551.087 "Deliberations Regarding Economic Development Negotiations." The closed session was recessed at 5:52 p.m. and was reconvened at 7:23 p.m. The closed session was adjourned at 7:48 p.m.*

**Recess Meeting**

**Mayor Jensen recessed the meeting at 5:52 p.m.**

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**6:30 PM Council Chambers**

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**Mayor Jensen reconvened the meeting at 6:30 p.m.**

**The invocation was given by Chaplain Glenn Cato, Grand Prairie Chapter Director for Victim Relief Ministries. The Pledge of Allegiance to the US Flag and to the Texas Flag were led by Council Member Giessner.**

**Presentations****2**

Recognition of those who assisted flood victims (Grand Prairie United Charities, WalMart, and Kids, INC)

*Mayor Jensen presented a gift bag to Barbara Levitz and Martha Ray, KIDS, INC., Debra Blubaugh, Grand Prairie United Charities, and WalMart representatives and thanked them for their generous donations and service to the flood victims in the city.*

**Presented**

- 3** Carter Blood Care Challenge - Grand Prairie vs. Irving - Presented by Carter Blood Care

*Linda Goelzer from Carter Blood Care announced the challenge between the cities of Grand Prairie vs. Irving Challenge.*

**Presented**

### **Consent Agenda**

**Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Clemson, to approve items 4 through 16, table item 17, and approve Items 18-21 on the Consent Agenda. The motion carried unanimously.**

- 4** Minutes of the June 11, 2015 Special Meeting and the June 16, 2015 Meeting

**Approved on the Consent Agenda**

- 5** Price agreement with Consolidated Traffic Controls, Inc. for traffic control and signal preemption equipment through a national inter-local agreement with H-GAC at an estimated annual cost of \$215,000 for one year with the option to renew for ----one additional one year periods totaling \$430,000.00 if all extensions are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms

**Approved on the Consent Agenda**

- 6** Price agreement for vehicle leasing from Acme Auto Leasing (\$75,000 annually) through a Master Interlocal Agreement with the City of Plano for one (1) year, as the City of Plano is currently exercising the final renewal option on their agreement

**Approved on the Consent Agenda**

- 7** Price agreement for fleet collision repairs and painting services from Grand Prairie Ford in the amount of \$300,000 annually, for one year with the option to renew four, additional one-year periods totaling \$1,500,000 if all extensions are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms.

**Approved on the Consent Agenda**

- 8** Price agreement for mowing and grounds maintenance services supplied by Gardner's Lawn Care up to \$122,915 annually for one (1) year with the option to renew for four (4) additional year periods totaling \$614,575 if all extensions

are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms

**Approved on the Consent Agenda**

- 9** Purchase of a "Diagnost Over-the-Air Wave" analyzer, related parts, and the installation cost from Motorola Solutions, Inc. through an Interlocal Agreement with the Houston-Galveston Area Council (HGAC #RA05-15) in the amount of \$64,970

**Approved on the Consent Agenda**

- 10** Purchase of up to 20 Motorola APX Radios and related equipment from Motorola Solutions, Inc. through an Interlocal Agreement with Houston-Galveston Area Council (HGAC #RA05-15) in the amount up to \$120,159

**Approved on the Consent Agenda**

- 11** Ratification of an emergency purchase to Xylem Water Solutions USA, Inc. for two pumps for the Lake Ridge Lift Station facility in the amount of \$70,788

**Approved on the Consent Agenda**

- 12** Construction contract with Itron, Inc. in the not to exceed amount of \$5,250,000 for the provision of a fully functioning Automated Metering Infrastructure (AMI) System

**Approved on the Consent Agenda**

- 13** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget for the purchase of a 2016 Ford Taurus SEL full-size sedan from Caldwell Country, in the amount of \$25,240 through a national inter-local agreement with TXMAS SmartBuy

**Adopted**

Enactment No: ORD 9880-2015

- 14** Ordinance amending Schedule III of the Traffic Register by revising seven existing school zones for four elementary schools (Spencer Elementary; Advantage Academy; Bowie Elementary; and Zavala Elementary), and establishing three 20 mph reduced speed school zones for the new Diane Patrick Elementary School and Spencer Elementary School

**Adopted**

Enactment No: ORD 9881-2015

- 15** Ordinance amending the FY 2014/2015 IT Acquisition Fund for Lawson version 10 Upgrade, Video Cameras for the Public Safety Building and to replace computer equipment for a total amount of \$130,000
- Adopted**
- Enactment No: ORD 9882-2015
- 16** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget for the purchase 2015 Chevrolet 2500 Express Cargo Van from BuyBoard
- Adopted**
- Enactment No: ORD 9883-2015
- 17** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget; Amendment 3 to the KSA contract to design additional parking and electrical improvements in the terminal area for \$7,750 for unanticipated expenses associated with the need to rebid the project; Amendment 4 to the KSA contract to parking and design electrical improvements in the terminal area for \$91,420.00 for project management; Award of Contract to Mart, Inc. for \$736,798.48 for a total amount \$835,968.48 (Bid # 15138); and Reject Bid 15116
- Tabled**
- Enactment No: ORD 9884-2015
- 18** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget to partially fund in the amount of \$31,335 an existing engineering contract with The Rios Group for subsurface engineering for the Clean Water State Revolving Fund (CWSRF) 2013 Wastewater Replacements Project
- Adopted**
- Enactment No: ORD 9885-2015
- 19** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget; authorizing the City Manager to enter into a purchase agreement with In-Time Solutions (ISE), for the purchase of Automated Payroll Leave Request and Lawson Integration software modules at a cost of \$24,750
- Adopted**
- Enactment No: ORD 9886-2015
- 20** Resolution supporting a Department of Justice, Community Oriented Policing Services (COPS Office) grant application to fund six (6) six sworn police officer positions for three years in the amount of \$1,490,162. Cash match totals \$740,162 (\$207,245 in year one, \$244,253 in year two, \$288,664 in year three). The city will be responsible for full funding of the six requested positions beginning in year four.

**Adopted**

Enactment No: RES 4760-2015

- 21** Resolution authorizing the City Manager to enter into Supplemental Agreement #1 with TxDOT to increase the existing Local Project Advanced Funding Agreement (LPAFA) by \$10,716, from \$140,155 to \$150,871, for the installation of LED flashing chevron signs and high friction surface treatments on West Tarrant Road at curve at Hawaii Drive

**Adopted**

Enactment No: RES 4761-2015

### **Public Hearing Consent Agenda**

**Council Member Thorn moved, seconded by Council Member Wooldridge, to table Items 22 and 23 to the August 14 Council Meeting and approve Items 24 and 25 on the Public Hearing Consent Agenda. The motion carried unanimously.**

- 22** Z150703/CP150702 - Zoning Change/Concept Plan - Polo Residential (City Council District 3). Consider a request to amend the concept plan for Tract Number 20 of Planned Development-136 (PD-136) District. The 8.98-acre property, located at 4603 S. Carrier Parkway, 4607 S. Carrier Parkway, and 4611 S. Carrier Parkway, is zoned PD-136. The owner/applicant is William Pohl. (On July 6, 2015, the Planning and Zoning Commission tabled this case by a vote of 9 to 0)

**Tabled**

- 23** Z150702/CP150701 - Zoning Change/Concept Plan - Lake Ridge Mixed-Use Development (City Council District 6). Consider a request to amend the Planned Development-297A (PD-297A) District concept plan. The 16.57-acre property, located at 7500 Lake Ridge Parkway, is zoned PD-297A and is within the Lake Ridge Corridor Overlay District. The agent is Rob Baldwin, Baldwin Associates, the applicant is Richard LeBlanc, Mozley Acquisition & Development, and the owner is Dennis Davis, Tenairs Partners LTD. (On July 6, 2015, the Planning and Zoning Commission tabled this case by a vote of 9 to 0)

**Tabled**

- 24** SU970701D - Specific Use Permit Renewal - Excavation (City Council District 5). Renew and amend Specific Use Permit 671A (SUP-671A) for sand and gravel mining and land reclamation for approximately 63 acres. This site is currently zoned Light Industrial (LI) District and is generally located east of MacArthur Boulevard and south of east bound Interstate Highway 30. The owner/applicant is James Cornelius, South IH 30 LTD. (On July 6, 2015, the Planning and Zoning Commission recommended approval of this request

by a vote of 9-0.)

**Adopted**

Enactment No: ORD 9887-2015

**25**

TA150701 - Text Amendment - Article 2: Authority. Approval of a Text Amendment to Section 2.4.1 and Section 2.5.1 of Article 2, "Authority" of the Unified Development Code amending, as originally approved by action of the Council on August 2, 2011 and codified in Ordinance No. 9637-2011, the term duration of a Planning and Zoning Commission member and a Zoning Board of Adjustments and Appeals member from a two (2) year term to no more than two (2) consecutive three (3) year terms, not more than six (6) consecutive years, unless the City Council by a three-fourths vote of all Council members shall waive this limitation for a specific appointment. The owner/applicant is Jim Hinderaker, City of Grand Prairie, Planning Division. (On July 6, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

**Adopted**

Enactment No: ORD 9888-2015

### **Public Hearing on Zoning Applications**

**26**

S150701 - Site Plan - Aldi's (City Council District 4). Approval of a site plan for the purpose of constructing an Aldi's Grocery Store on 2.18 acres. The property is zoned Planned Development 45 (PD-45) within the IH 20 Corridor Overlay District and is generally located at the southwest corner of Great Southwest Pkwy. and Bardin Rd.; currently addressed as 4100 S Great Southwest Pkwy. The agent is Bryan Burger, Burger Engineering, LLC, the applicant is Steve Bowman, Aldi, Inc., and the owner is Bill Milam, Racetrac Petroleum, Inc. (On July 6, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

*Jim Hinderaker, Chief City Planner, stated that Case S150701 was a site plan for a new Aldi's. He said the store will be 17,000 sq. ft. and is set back on the southwest corner of the property. There will be a driveway off Bardin and Great Southwest Parkway with a right in and right out. There will be an access onto Great Southwest Parkway. Loading docks will be at the back of the store which are downhill. There will be landscaping on Bardin to provide buffering from the loading docks. He said the applicant has met all masonry requirements. The applicant has requested an appeal with awning (required 50% of building). Also, they will have carts on the outside of the building and staff has asked them to provide a band of stone to screen the carts. Mr. Hinderaker stated that the Planning and Zoning Commission and staff recommended approval.*

*Brian Burger, Burger Engineering, 17103 Preston Road #180, Dallas, stated he was the civil engineer for Aldi and was present to answer questions.*

*William Horton, 2650 Winslow, said he was concerned with traffic flow on this corridor. Concerned about the buffer behind his home; lighting; and noise from big*

*rigs. He also expressed concern regarding the entrance and how the customers would turn in. He said when you come across I-20 going south there is a traffic jam.*

*Mr. Hinderaker said the actual property is in the hard corner off Bardin and Great Southwest Parkway and is 350' from any residential property line. There is also a noise ordinance at 300'. He said there will be down-focused cutoff lights and the Transportation Department found that a traffic study was not required. Mr. Hinderaker said there is commercial property between this and residential property and a masonry fence will be required when this adjacent property is developed.*

**Council Member Fregoe moved, seconded by Council Member Giessner to close the public hearing and approve Case S150701. The motion carried unanimously.**

**Ayes:** 8 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

**27**

SU150602/S150604 - Specific Use Permit/Site Plan - 2305 Fort Worth Street (City Council District 1). Approval of a specific use permit and site plan for the purposed of developing 0.7 acres for a plumbing contractor site. The site's current addresses are 2305 Fort Worth St. and 2304 Doreen St. The property is zoned Light Industrial (LI) within Central Business District 1 (CBD 1). The owner is Charles Burten and the surveyor is Steve Keeton, Keeton Surveying. (On July 6, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

*Mr. Hinderaker said the applicant is a plumbing contractor who wishes to move onto this site. The existing 5200 sq. ft. building will be used for storage. The applicant will be constructing a 2600 sq ft office expansion. Mr. Hinderaker showed adjacent residential and industrial uses. There will also be a vehicle storage lot. The adjacent homeowner does not object to this case as long as the property is kept clean and neat. Mr. Hinderaker pointed out some site issues including several access points. However, some of these access sites will be curbed to prevent access. The applicant has requested two appeals: Type 1 masonry is required, but the applicant has proposed a wood screening fence. The second appeal is for a setback of 15 ft. instead of the required 25'. The applicant is proposing a combination of metal fence with wood slats between this site and the adjacent single family home. Mr. Hinderaker said staff is in support of both appeals. He said the Planning and Zoning Commission approved this case with the appeals and staff supports the case.*

**Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Shotwell to close the public hearing and approve Case SU150602/S150604 as presented. The motion carried unanimously.**

**Ayes:** 8 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9889-2015

**28**

Z150701 - Zoning Change - Meadow Park Addition (City Council District 2). A zone change from Single Family-Two (SF-2) to a Planned Development for single family residential development. The property is located in the SH 161



Corridor Overlay District at the southwest corner of Robinson Rd and W Warrior Trail, currently address as 3102 Robinson Rd. The agent is E.D. Hill, the applicant is Hal Thorne, Hillstone Construction, LLC, and the owners are Ronald Hopkins, N.D. Hopkins Estate and Veronica Hopkins, N.D. Hopkins Estate. (On July 6, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-1).

*Mr. Hinderaker stated the developer had asked to table Case Z150701 to the August 4 meeting.*

**Council Member Fregoe moved, seconded by Council Member Wooldridge, to close the public hearing and table Case Z150701 to the August 4 meeting. The motion carried unanimously.**

**Ayes:** 8 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

## Items for Individual Consideration

29

Public hearing and an ordinance adopting the 2015-2019 Consolidated Plan and PY2015 CDBG and HOME budgets

*Bill Hills, Housing and Neighborhood Services Director, stated that the Consolidated Plan is the city's strategic plan to identify city's housing needs. He said the five-year plan had been submitted and is consistent with the past 5-year plan which focuses on redevelopment in housing and public service areas. He said allocations were down by \$10,000, but there was a \$52,000 HOME reduction. Program Administration Funds have been reduced to \$217,940 in order to apply those funds to city projects.*

*Mayor Pro Tem Swafford said Mr. Hills had presented the budgets to the Finance and Government Committee and the committee recommended approval. Mayor Jensen noted this was a public hearing and called for speakers, but no one wished to speak.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Fregoe, to close the public hearing and adopt an ordinance adopting the 2015-2019 Consolidated Plan and PY2015 CDBG and HOME budgets. The motion carried unanimously.**

**Ayes:** 8 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9890-2015

**Mayor Pro Tem Swafford moved, seconded by Council Member Thorn, to approve the following Items 30, 31, and 32. The motion carried unanimously.**

30

Ordinance authorizing a contingency transfer of \$130,000 for outside legal fees and costs pertaining to voting rights litigation in the matter of Rodriguez v. City of Grand Prairie

*Don Postell, City Attorney, stated that earlier this year the city was sued (Case 3:15-CV-00718-M Rodriguez v. the City of Grand Prairie) in an attempt to increase representation in the Hispanic Community. The plaintiff sought to eliminate two at large seats with single member seats; end staggered terms; and institute plurality rather than majority vote. Bickerstaff law firm represented the city and negotiated on the city's behalf. Experts were hired to determine if Hispanic representation could be increased. Since the 2010 census, there was an increase in the Hispanic population and it was determined that it was possible to have two Hispanic majority districts. The proposed settlement would keep two at large seats; keep staggered terms; continue majority vote; and redraw boundaries of all six districts to create a second predominantly Hispanic voting district (Districts 3 and 5). Mr. Postell said that staff recommended adoption of the map labeled A+. He stated that Item 30 (contingency transfer for legal fees in the matter of Rodriguez v. City of Grand Prairie), Item 31 (settlement of litigation), and Item 32 (ordinance amending city council districts) could be voted on in one motion.*

**Adopted**

Enactment No: ORD 9891-2015

- 31** Resolution approving the settlement of litigation styled *Victor Rodriguez v. The City of Grand Prairie, et al.*, No. 3:15-CV-0718-D, in the United States District Court for the Northern District of Texas.

**Adopted**

Enactment No: RES 4762-2015

- 32** Ordinance amending the boundaries of city council districts

**Adopted**

Enactment No: ORD 9892-2015

- 33** Annual Board and Commission Appointments

*Cathy DiMaggio, City Secretary, read the nominations for boards and commissions as follows:*

*Airport Advisory Board:*

*Jim Holland  
Dennis Graham*

*Animal Shelter Advisory Board*

*Roscoe McCuller*

*Building Advisory and Appeals Board*

*David Kasten  
Gloria Carillo*

*Civil Service Commission*

*Reg Crump*

*Commission on Aging*

*Marty Brownlie  
Clint Rusch*

*Gary Hill*

*Housing and Community Improvement Commission*  
*Antonial Irvin*  
*Burke Hall*  
*Coretta Richardson*

*Housing Finance Corporation*  
*Larry Owings*  
*Lila Thorn*

*Keep Grand Prairie Beautiful Commission*  
*Marion Dickens*  
*Malcom Chakery*

*Library Board*  
*Warren Landrum*

*Park Board*  
*Jerry Partain*  
*VanDella Meniffee*  
*Emita Garcia*

*Planning and Zoning Commission*  
*Juan Perez*  
*Joshua Spare*  
*John Lopez*

*Public Health Advisory Committee*  
*Alicia Coleman*  
*Eddie Sigala*  
*Crystee Cooper*

*Sports Facilities Development Corporation*  
*Eddie Freeman*

*Zoning Board of Adjustments*  
*Heather Mazac*  
*Ed Gray*

*Dallas County Flood Control District No. 5*  
*Charles Koerth*

**Council Member Shotwell moved, seconded by Council Member Giessner, to appoint those nominated to boards as read into the record. The motion was approved unanimously.**

**Ayes:** 8 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

## **Citizen Comments**

*There were no citizen comments.*

## **Adjournment**

**Mayor Jensen adjourned the meeting at 7:49 p.m.**

*The foregoing minutes were approved at the August 4, 2015 Council Meeting.*

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*Catherine E. DiMaggio, City Secretary*