



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, November 6, 2012

4:30 PM

Council Chambers

Call to Order

Mayor England called the meeting to order at 4:33 p.m.

Present 9 -

Mayor Charles England; Mayor Pro Tem Ron Jensen; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Tony Shotwell; Council Member Jim Swafford and Council Member Bill Thorn

Staff Presentations

- 1** Update on Delinquent Tax Collection - Presented by Edward Lopez, Capital Partner, Linebarger Goggan Blair & Sampson, LLP

This presentation was postponed.

Postpone

- 2** Church Street Paving Update - Presented by Bill Crolley, Planning Director

Bill Crolley, Planning Director, updated council on the Church Street paving project adjacent to the Dallas County Sub-Courthouse which is currently being constructed. He said the County would be paying for construction of parking spaces and the sidewalk. The city has an on-call contractor who will do the paving at an estimated cost of \$162,000 (the contract will be brought before Council for consideration at the November 20 meeting). Mr. Crolley said he had discussed this project with the Finance and Government Committee. He said the water line is partially in and then the sewer line will be put in. Council Member Shotwell asked if they would be doing something with the water line under the street. Mr. Crolley said that line is what is being replaced at this time and it expected to be completed by Friday.

Presented

- 3** Public Safety Internship Program - Presented by Police Chief Steve Dye and Fire Chief Clif Nelson

Police Chief Steve Dye requested that this item be postponed to the November 20, 2012 Council Meeting.

Chief Dye stated that race promoter, Jack Wise, has asked to hold an Olympic triathlon next July. He said the race would be run on the shoulder on SH360 and on one lane of Lake Ridge Parkway. He said that by next July Lynn Creek and Lake Ridge will be finished. Traffic control will be paid by the race promoter. Chief Dye said this race would be a good opportunity for the city. Mayor England stated that he had received many complaints from people driving on Lake Ridge Parkway about

bicycles and runners. He said that most of those who would be competing in the triathlon do not live in Grand Prairie. He said there have been problems with those races on Lake Ridge in the past. Chief Dye said the lanes for the triathlon would be coned off for only two hours. Mayor Pro Tem Jensen said If Lynn Creek and Lake Ridge were not finished, he would be against holding the race. He said he was in favor of the race and would like to do an assessment after the race to determine any concerns that arose from the race. Mr. Jensen added that he liked the 8:00-10:00 a.m. time on a Saturday. Council Member Giessner asked how many participants were expected to take part in the race. Chief Dye said he did not know exact numbers but he expected more than the number for the Iron Man Triathlon.

Postpone

4

Street Sales Tax Program - Presented by Ronnie Bates

Ronnie Bates, Street Superintendent, presented the 2013 Street Sales Program which will be placed on the November 20, 2012 agenda for Council consideration. He pointed out the City Wide Grade Summary of A Rated Streets at 39.7%; B Rated Streets at 33.7%; C Rated Streets at 25.6%; and D Rated Streets at 1.0%. The funding for 2013 Proposed Streets to be repaired is estimated at \$6,435,316. Mr. Bates asked Council to carefully review the list of proposed streets and let him know in the next few weeks if they have questions. Mayor Pro Tem Jensen stated that SW 14th Street took a heavy toll from the SH161 traffic. Mr. Bates said that street is scheduled for an overlay in the next 3-4 weeks. He added that several streets would be getting an overlay until funds are available to repair them. Mayor England stated that Egyptian from Carrier to SH161 is C rated and Tarrant Road is also in bad shape. He asked Mr. Bates if restriping is included in this program. Mr. Bates stated there was \$200,000 included in the program to do a thermoplastic striping (as TXDOT used on Main Street).

Council Member Shotwell asked how decisions were made on which streets to repair. Ron McCuller, Public Works Director, said they try to do some streets in each Council District, City Council requests, citizen complaints and funds allocated. Anna Doll, Deputy City Manager, said that some C rated streets, if not repaired, would become D rated streets, especially those that have a lot of traffic. Mr. Shotwell said that perhaps if a street was D rated for two or three years, it should be moved to the top of the list.

Mr. Bates said that \$500,000 was allocated to alley repair; \$100,000 to pavement leveling; and \$200,000 for pavement striping.

Council Member Hepworth asked if there was any new technology that would help with road failure due to higher temperatures. Mr. Bates said if expansion joints were not put in properly, they can be fixed, but the drought is worse than heat. Also, heavy construction trucks took a toll on the streets around SH161.

Deputy Mayor Pro Tem Jackson asked Mr. Bates if he would add Council District numbers to the report on streets and alleys to be repaired. Mr. Bates said he would add Council District numbers to his report.

Presented

5

Amendments to Multi-Family Housing Standards - Presented by Bill Hills, Housing and Neighborhood Services Director

Bill Hills, Housing and Neighborhood Services Director, said he had presented these proposed changes to each of the Council Committees. He said staff had also met

with the Dallas County Apartment Association and have adopted some of their suggestions.

Mr. Hills went over the major changes to Section 28.18. He said the original proposal said "four or less dwelling units" but this has been revised "two or less dwelling units." In Section 28.19 the Housing and Neighborhood Services Director can direct staff to inspect 100% of units if the inspection of less than the total amount of units reveals numerous violations. Also, there is included in the ordinance a Tier Rating system based on a Summary Grading Score (i.e. code violations and outstanding violations) and Calls for Service. Inspectors may not need to inspect as many units in a Tier 1 as in a Tier 2 or 3 complex. In Section 28.20, as part of the Grand Prairie Police Crime Free Multi-Housing Program, the fee can be waived if the apartment complex is a certified participating member or if it is a Tier 1 property the previous year.

Section 28.23 states that tier appeals will be heard by the Housing and Neighborhood Services Director. He said that the Dallas County Apartment Association disputes this appeals process. The appeal would initially be taken to the Director, then the City Manager, to Municipal Court, then to District Court if necessary. He said the Inspection is not subjective. Mr. Hills said the word "medical" was removed from Calls for Service since this is included in Police and Fire Calls for Service. Mr. Hills said there will be no fee increases during the 2013 implementation period.

Presented

Agenda Review

Anna Doll, Deputy City Manager, asked to move Item 24 (Texas Transportation Enhancements Program Funds) to items for individual consideration.

Council Member Shotwell asked for clarification on Item 19 (Workforce Contract) and what the \$1.4 million is spent on. Ms. Doll said it is mostly used for employees in the Parks Department. She said this contract will be re-bid at the beginning of the year and this contract approval is really a ratification of a contract that is already in place. Rick Herold, Parks and Recreation Director, said these are contracted employees who cost the city less than if they are regular city employees.

Council Member Swafford said the Finance and Government Committee reviewed Consent Agenda Items 26, 27 and 29 and recommended these items for approval as submitted.

Executive Session

Mayor England convened a closed session at 5:19 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.087 "Deliberations Regarding Economic Development Negotiations." The executive session was adjourned at 5:52 p.m.

Recess Meeting

Mayor England recessed the meeting at 5:52 p.m.

6:30 PM Council Chambers

Mayor England reconvened the meeting at 6:40 p.m.

Pastor Charles Kendall, Lakeview Baptist Church, gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Council Member Mark Hepworth.

Presentations

- 6** Employee of the Month - Bob Michaels, Engineering Department
- Bill Crolley introduced Bob Michaels, Engineering Department, as Employee of the Month for November. Anna Doll, Deputy City Manager, presented Mr. Michaels with a certificate for a day off and an engraved clock and thanked him for his 35 years of service to the city and wished him well in his upcoming retirement.*
- Presented**
- 7** Presentation of the 2012 City Christmas Ornament - Presented by Grand Prairie First Lady Janice England
- First Lady Janice England presented the 2012 Christmas Ornament. Mrs. England stated that the ornament is \$15 and is available at City Hall and at the Tourist Information Center. Proceeds from the sale of the ornament go to the Lone Star Charitable Foundation and ultimately to Grand Prairie charities. She added that ornaments from 2004-2011 are available for \$10.*
- Presented**
- 8** Recognition of Officer Greg New - Texas Best Crime Stoppers Coordinator of the Year
- Police Chief Steve Dye recognized Office Greg New who was named the Crime Stoppers Coordinator of the Year at the Texas Best Crime Stoppers Conference.*
- Presented**
- 9** Proclamation honoring Darvis Patton - 2012 Olympic Silver Medal Winner - 4x100 Meter Relay
- Mayor Pro Tem Jensen read and presented a proclamation to Darvis "Doc" Patton recognizing him for his athletic pursuits at Texas Christian University as well as his Olympic Silver Medals in 2004 and 2012 in the Men's 4 x 100 Meter Relay.*
- Presented**

Consent Agenda

Deputy Mayor Pro Tem Ruthe Jackson moved, seconded by Council Member Mark Hepworth, to approve Items 6 through 23 on the Consent Agenda, remove

Item 24 for discussion, and approve Items 25 through 29. The motion carried unanimously.

10 Minutes of the October 16, 2012 Meeting

Approved on the Consent Agenda

11 Design change order to a consultant contract with JEA Hydrotech Engineering Inc. in the amount of \$12,510 for the Prairie Lakes Golf Course Maintenance Building

Approved on the Consent Agenda

12 Personal Services Contract for Public Works Director in the amount of \$179,660

Approved on the Consent Agenda

13 Consultant design contract with Halff Associates in the total amount of \$198,380 for the Miscellaneous Public Erosion at Cedar Creek and Prairie Creek and Wastewater Crossing protection; City Engineering Administration in the amount of \$9,919; a 5% contingency in the amount of \$9,919, for the total project amount of \$218,218

Approved on the Consent Agenda

14 Amendments to Airport Facilities Leases and Airport Rules and Regulations

Approved on the Consent Agenda

15 Price Agreement with Mann Farm and Ranch for annual fertilizer purchase, in the amount of \$72,797 annually, and secondary contract with Helena Chemical Company. This agreement will be for one year with the option to renew for up to (4) additional one year periods totaling \$291,188, 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

16 Purchase of Golf Maintenance Equipment through TASB Buy Board Cooperative Purchase Agreement:
a. Backhoe, in the amount of \$96,648, from Ardo Equipment Company
b. Two (2) truckster units, in the amount of \$50,094.38, from Luber Brothers Equipment Company

Approved on the Consent Agenda

- 17 Advertisiting Contract with Lone Star Race Park, LTD for Bowles Water Tower Advertising in the amount of \$600 per month
- Approved on the Consent Agenda**
- 18 Interlocal Agreement with Dallas County and the City of Irving for joint development of the Lone Star - Campion Trail Connector
- Approved on the Consent Agenda**
- 19 Amendment to extend the contract with The Bowles Group, Inc., D.B.A. WORKFORCE, for management of personnel services in accordance with the terms of the existing contract, with an estimated annual amount of \$1,349,081
- Approved on the Consent Agenda**
- 20 Amendments to the City of Grand Prairie Section 125 Plan Document required by the Federal Government effective January 1, 2013 resultant from the Health Care Reform Act.
- Approved on the Consent Agenda**
- 21 Second and final reading of an ordinance amending the Republic Waste Services Franchise Agreement and amending the Code of Ordinances, Chapter 26, "Utilities and Services" relating to residential and commercial solid waste collection rates.
- Adopted**
- 22 Ordinance authorizing the expenditure of \$500,000 for the purchase of additional homes as part of the 4-GOV and REO programs, and authorize the City Manager to enter into the associated contracts and agreements
- Adopted**
- 23 Ordinance authorizing the expenditure of \$117,500 for the construction of one single family dwelling at 1610 Avenue B; and award the construction bid to Jackson Construction in the amount of \$117,500
- Adopted**
- 24 Resolution approving an application for Texas Transportation Enhancement Program Funds for the I-20 @ Great Southwest Gateway Enhancement Project
- Tammy Chan, Special Projects Coordinator, stated the a design committee had decided upon three concepts for the Great Southwest Parkway and I-20 Gateway Enhancement Project. She stated that the TIF Board had approved \$1 million for the project. The Texas Department of Transportation issued a call for projects for the*

Texas Transportation Enhancement Program. Ms. Chan said that Initially the city intended to use TIF funds for the required cash match with the monument sign being the cash match and 80% reimbursable. However, she has since learned that the city can not use signage for this project. Ms. Chan presented the proposal for the application to the Finance and Government Committee and their direction is to continue using TIF funds as a cash match. She said she is looking at a 30% cash match which garners more points to the project than the 20% cash match. She said the application was due November 16.

Council Member Swafford said Ms. Chan had presented this earlier at the Finance and Government Committee meeting where the numbers were revised and are shown in the revised resolution which Ms. Chan had provided to each Council Member. He asked if the funding is approved by the State, how will it be temporarily funded. Ms. Chan said advance funding will be through the Capital Lending Reserve Fund to be reimbursed by the Transportation Enhancement Program.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to adopt a revised resolution from the city supporting funding for the I-20 @ Great Southwest Gateway project and application to the Texas Department of Transportation for the 2012 call for projects and in the event the city's application is approved, that approval will come back to Council for final ratification and additional consideration regarding funding. The motion carried unanimously.

- 25** Resolution approving the sale of tax foreclosure property at 3300 East Abram Street to Sargent Investments, LLC, for \$150,000

Adopted

- 26** Resolution to authorize the City Manager to accept the Sub-Recipient Agreement from the Texas Department of Public Safety / Texas Division of Emergency Management for \$64,768.26 to accept FY2012 Urban Area Security Initiative Law Enforcement Terrorism Prevention Activity Grant.

Adopted

- 27** Resolution to authorize City Manager to accept the Sub-Recipient Agreement from the Texas Department of Public Safety / Texas Division of Emergency Management for \$80,920 from a FY2012 Urban Area Security Initiative grant

Adopted

- 28** Resolution of support for a Municipal Setting Designation (MSD) at 401 E. Division Street and 305 N. East Street in Arlington, Texas

Adopted

- 29** Resolution accepting the FY2012 Emergency Management Performance Grant (EMPG) grant award for \$49,667.31 for grant period October 1, 2011 to March 31, 2013 from the State of Texas Department of Public Safety / Division of Emergency Management for the Grand Prairie Office of Emergency Management to receive reimbursement for emergency management program-related expenses such as salary, benefits, training,

vehicle-related expenses such as mileage, office supplies, postage, emergency management related travel for Emergency Management Conferences such as the IAEM Conference and the State of Texas Emergency Management / Homeland Security Conference, dues, etc.

Adopted

Items for Individual Consideration

30

An ordinance amending Chapter 28, "Housing Enforcement," of the city Code of Ordinances Article I, providing definitions, providing enforcement and penalties; and establishing Article III "Multi-Family Housing Standards" to establish standards, inspection procedures, and certification and decertification including a rating system and fees; and amending Chapter 29, "Code Enforcement," to remove all references to Apartment/Multi-Family Housing except where adopted by reference in Chapter 28

Mayor England stated that Council has been briefed on this item extensively earlier in the meeting.

Bill Hills, Housing and Neighborhood Services Director, said the staff in the Housing and Neighborhood Services Department, along with the Police, Fire, Planning and several other departments have had input into this ordinance which rewards those businesses that operate their business as they should and also gives the city the authority to address those business who are not operating their business the way they should. He recommending that during the first year of 2013 there would be no penalties. All complexes will be assumed to be Tier 1 in the initial year and subsequently would be placed in other tiers based on their condition and calls for service.

Kathy Carlton, Apartment Association of Greater Dallas, 226 Phoenix Drive, Trophy Club, thanked Mr. Hills for calling her early in the process and giving her an opportunity to provide input. Ms. Carlton stated that they had agreed on most changes in the ordinance. She said the most positive portion of the ordinance is the matrix to determine the number of complexes to be inspected. Also a positive is the waiver of the \$150 registration fee for those who ranked as Tier 1 during the previous period. Ms. Carlton said that a formalized appeal process should be added to Section 28.23. She said an appeal to the housing director is not the appropriate entity. She said that many other cities have a citizen group of some sort (i.e. the Zoning Board of Adjustment or something similar).

Doug Jackson, 1027 S. Beltline, President of Jackson Property Co., said he manages four apartment properties in Grand Prairie and he is 100% in favor of the proposed ordinance.

Council Member Swafford asked Ms. Carlton which section of the ordinance she had disagreed with. Ms. Carlton referred to the appeals process in Section 28-23(g). She said that initially there was no appeals process set up and she suggested to Mr. Hills that there should be and this section was recently added. Mr. Swafford said that the appeal is for the grading summary only, not for the final disposition of a case where there might be a problem. Ms. Carlton said because calls for service are combined with code enforcement, there is a tier rating and that is what would be appealed. Mr. Swafford said the grading process is only 1/3 of the score that an apartment complex would receive, then if you have a problem in the tier score that is

done at the municipal court level. He asked Mr. Hills for clarification. Mr. Hills said if the property had regressed further to a point where it needs further definitive action, there could be appeals to the municipal court. Or, if demolition proceedings had begun, that could be appealed to the Municipal Court. The calls for service category is a 15 point block that could be lost. Hypothetically, you could have a low score of 82 and lose 15 points, then you could go from a Tier 1 to a Tier 3. Conversely, if the condition score of your property was 100 and you lost the 15 point block in calls for service, you could still be Tier 1. Mr. Hills said this matrix is going to be fluid and will probably have to be tweaked during the first year. However, the matrix is not subjective in any way.

Ms. Carlton said when she was referring to the appeals process earlier, she was talking about properties that were in pretty good shape, not properties that might fall into the Tier 3 group. She said if a property scored between 80 and 100, you are in Tier 1, but if you get 15 points deducted because of calls for service, and Tier 2 is only a 10 point range, you could drop to a Tier 3. The cost for inspections for Tier 1 is \$12.60 a unit, but in Tier 3 the fee is \$25+. So in this situation, they most likely would appeal that tier rating. She reiterated her recommendation to have a third party for appeals.

Mr. Swafford said that someone like the HNS Director has more knowledge as to what the grading should be than a citizen would probably as far as the grading. Ms. Carlton said she would be surprised if anyone would contest the code score, it would be what criminal activities have been charged against them.

Police Chief Dye said he had studied the Carrollton, Dallas and Irving ordinances, and Grand Prairie's ordinance relies more on objective data rather than subjective. He said staff had spent a long time to determine what types of calls for service should be counted. Chief Dye said that any time there is an appeal it will go to Mr. Hills who will call him and together they have the expertise and objectivity to hear the appeal.

Council Member Swafford said when the Finance and Government Committee reviewed this ordinance, they wanted a fair appeal and he felt that this ordinance does that. He thanked Ms. Carlton for her input.

Council Member Swafford moved, seconded by Council Member Thorn to adopt an ordinance amending Chapter 28 of the Code of Ordinances. The motion carried unanimously.

Ayes: 9 -

Mayor Charles England; Mayor Pro Tem Ron Jensen; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Tony Shotwell; Council Member Jim Swafford and Council Member Bill Thorn

Citizen Comments

Nevada Hudson, 1402 S. Carrier Parkway #304, said she had won the 75 singles tennis tournament in San Antonio. Ms. Hudson said she was representing tennis players in Grand Prairie at the Summit and all those from Grand Prairie who are playing in other cities. She asked Council to provide tennis courts at the Summit (6 courts). She said that the Senior Games of Texas were played in Houston where there were 14,000 people participating (400 tennis players from all over the United States). She said in the late 1980's tennis declined so courts were removed from some city parks. In Grand Prairie there are two courts at Friendship Park and the courts at the high schools. She said the courts at the Country Club are not being used so the city may be able to partner with them to resurface the courts. She said

she would also like six courts at the Summit to have leagues and tournaments. She said she would like to involve the entire community in tennis.

Adjournment

Deputy Mayor Pro Tem Jensen stated that he appreciated the outpouring of love for Mr. Wayne Hanks (member of the Grand Prairie Sport Corporation who died on October 31, 2012). He said the city lost a great man who loved this city and he will be truly missed. Mayor England said Grand Prairie definitely lost a good man and we were blessed to know him.

Deputy Mayor Pro Tem Jackson invited everyone to stand and give applause to first lady, Janice England, for presenting the Christmas ornament year after year.

Mayor England adjourned the meeting at 7:38 p.m.

The foregoing minutes were approved at the November 20, 2012 Council Meeting.

Catherine E. DiMaggio, City Secretary