



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, January 15, 2013

4:30 PM

Council Chambers

Call to Order

Mayor England called the meeting to order at 4:34 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

Union Pacific Rail Replacement Project - Presented by Tonya Hunter, Emergency Management Coordinator

Tonya Hunter, Emergency Management Coordinator, briefed the Council on the upcoming Union Pacific (UP) rail replacement project starting in Grand Prairie on January 22 through February 4. UP will replace approximately 6-8 miles of track at a time to accommodate the Union Pacific Track Renewal Train which will pick up the existing rail, ties and materials and lay down new track and improve rail crossings. Each crossing will be closed between 3-6 days. The first set of closures will be at Great Southwest Parkway, NW 23rd and NW 19th to begin January 22. The next closures will be NW 2nd, Center, Beltline, NE 9th, NE 14th, and Bagdad. Ms. Hunter said there is a possibility that all rail crossings will be closed at one time. Detour routes will be the SH 360 frontage roads, SH161, Carrier Pkwy., Beltline Road and the Main Street underpass to Jefferson. She said various departments have met together to coordinate and collaborate with regard to communication and information to be disseminated and processes such as traffic plans, 911 call management and resource management.

Council Member Hepworth asked if this rail replacement project is the reason the SH161 overpass has not been opened. Jim Sparks, Transportation Director, replied that UP did not want to build it twice. He said the traffic signal work should be finished when this project is complete.

Council Member Shotwell noted that the project would begin on January 22 through February 4 for the first set of closures, and asked if the rest of the project would be completed from February 4 to the 15. Ms. Hunter said UP be be working 9 days on and 7 days off and it's difficult to say when the project will actually be completed because the city is not the contractor.

Council Member Giessner referred to the 9 days on and 7 days off work schedule and asked if they would stop in the middle of work on a crossing or would they complete work on that particular crossing. Ms. Hunter said they would stop after 9 days whether or not the work was completed.

Council Member Shotwell asked how much notice the eastern portion of the city would receive. Mr. Sparks said he has been in contact with the barricade company and they are working with UP and communicating on a daily basis so as soon as the city knows the schedule, message boards will be updated daily and will be moved as the project moves through the city.

Council Member Fregoe asked if 911 would have real time information on the closings. Ms. Hunter said they would and they will be working with the battalion chiefs who will be updated on a daily basis.

Presented

2

Update on Texas General Hospital - Presented by Fire Chief Robert Fite

Robert Fite, Fire Chief, updated Council on the Texas General Hospital. He said the hospital would have a negative impact on mileage because there will be less reimbursement from Medicaid, but there would also be savings from fuel costs and vehicle mileage. He said patients would be transported the Texas General if they requested and if the patient was presenting with abdominal pain; headaches; single system trauma; breathing difficulties; general sickness, diabetes; or seizures. Patients who exhibit signs of cardiac problems, stroke, multi-trauma; childbirth; or critical conditions, or are less than 12 years of age would not be taken to Texas General. He said the protocols would be monitored by EMS lieutenants, and paramedics are currently receiving training. He said the partnership with the hospital is key, but patient care is ultimate. He said this will relieve stress to the system during the day because they can now go local.

Council Member Fregoe asked if there was any more information regarding the Oncor message that Mr. Hart has sent to Council. Mr. Hart said the hospital has a new administrator, Bernie Kennedy, who came from Methodist Mansfield. He said Mr. Kennedy met with him and they were surprised about the Oncor turnoff message. Mr. Kennedy told Mr. Hart it was not the case the hospital was not paying the bill. The hospital is ramping up and they have social security and Medicaid billing now and are in the process of coming online with insurance (approved providers). They are doing 30 surgeries a month. Council Member Shotwell said he and Rita Heep, Economic Development, had met with him and took a tour and received a current list of doctors. At that time they were told the hospital expected it to be a year or so before they get on PPO's.

Chief Fite said February 5 is when they will be going live with transports. Mayor England said he thought it was great that we will be transporting people there, but before they are being transported they need to know the hospital is not accepting insurance. Chief Fite said they accept Medicare and Medicaid. Mr. Hart stated that city staff said the city made a change that we do not pay anything for out of network unless it is an emergency or out of territory. But, he did not know what would happen if, after the ambulance run, they were to be admitted. Lisa Norris, Human Resources Director, said that typically when the patient becomes stable and becomes transportable they would be moved to an accepted facility. Council Member Swafford said that if the hospital did not have people who can negotiate contracts for providers, they will have a problem. He asked if staff had asked Oncor where they are on the shutoff situation. Mr. Hart said Buddy Bridges, Oncor representative, did not know where it originated from. Council Member Swafford instructed Mr. Hart to ask Buddy if he can follow up on that because we need to get back to the source who called Buddy Bridges.

Mayor England said we should inform the transported patients they are not covered. Council Member Hepworth asked how the EMT's would know the patient is covered

at another hospital. Mr. Swafford said if the patients that come in can not pay, you charge it off. Mr. Shotwell said we may need to ask the hospital how they would charge people whose insurance carrier has not been accepted there yet. Chief Fite said when people request a certain hospital it is because their doctor is there. Mr. Giessner said a patient is going to know what they can afford and what they can not. Chief Fite said that no critical emergencies will go there.

Mr. Hart added that one issue that we have with the ambulance service is that many citizens use it as a doctor visit. We are tying up a huge amount of business that we do not get reimbursed for. Mr. Swafford said if you transport and Medicare decides that it is a non-emergency, they will not pay. Chief Fite said Medicare will pay the non-emergency rate.

Presented

3

Discussion of Race Partners Padsite Ordinance - Presented by Jim Cummings, Environmental Services Director

Jim Cummings, Environmental Services Director, briefed Council on a request from Newark E&P Operating for a gas drilling permit. He said that staff had received an application on December 10 from Newark for a new padsite and one well. He said all appropriate notices have been made for those within the radius of the proposed site. Mr. Cummings reviewed gas drilling setbacks in the current ordinance (700 ft. from a protected use or 1,000 ft. of a city park). If it requires city council approval it requires 2/3 of all council (6 votes). Mr. Cummings showed the location of the padsite on Lower Tarrant Road (a dead end road) near SH161. He said the the first issue with this site is that the padsite boundary is within 1,000 ft. of the Good Link Linear Park. The second issue is that the proposed padsite is within the Trinity River floodplain. The third issue is that the proposed wellbore will pass under a portion of the Dorchester Levee. Newark is requesting Council's authorization to proceed with the padsite construction while the floodplain and levee issues are resolved. The nearest home is outside 500' and it has a waiver. Mr. Cummings said there is an existing building in the middle of the proposed padsite which will be torn down and relocated. In addition, there are two residential structures which are vacant and will be restricted so that they cannot be used in the future.

Mr. Cummings said the proposed padsite is 606 ft. from the boundary of the park and 516 ft. on the south from the park. Parks department staff has indicated they have no issues with the location of the padsite. The proposed site is within the 100-year floodplain, and the city will require a valid Corps of Engineers permit, a Corridor Development Certificate, and a city floodplain development permit. Because of the proposed wellbore under the Dorchester Levee, the city will also require information about the depth of the bore under the levee to determine any negative effects it may have on the levee.

Mr. Cummings said that staff's recommendation is to give Newark authorization to initiate the padsite development conditional upon:

1. Obtaining Corps of Engineers permits; the Corridor Development Certificate; and the City Floodplain Development Permit; and
2. Obtaining a third party geologic and geophysical evaluation of any potential impact on the Dorchester Levee

Mr. Cummings said this Item would then come back to Council for authorization of the actual drilling permit issuance.

Council Member Swafford clarified that the Council was not being asked to approve

the well drilling, just the padsite construction. Mr. Swafford then asked Mr. Cummings if any of the stipulations placed on initiating the padsite construction came back negative, would Newark then not be able to proceed with the padsite. Mr. Cummings replied that was correct. Mr. Swafford asked Mr. Cummings if the permit would be for only one well and that it would take 2/3 vote of council to approve. Mr. Cummings replied that was correct. Mr. Swafford asked what would happen if Newark wanted to drill additional wells. Mr. Cummings replied that the only thing that requires additional approval is the park issue and staff would approve additional wells administratively. Mayor England said that makes sense but that is not what the ordinance says. Mr. Hart said the intention is that the park is a one-time issue with one well or for additional wells. He said we are just letting them build the padsite because we do not want them drilling until experts tell us the levee is or is not an issue. If the studies show the levee would not be impacted, staff would come back to Council with those studies, and Council could give staff the authority to approve additional wells.

Mayor England asked if the ordinance should be amended. Mr. Hart replied that it should be amended. Mr. Swafford commented that if we give staff the authority to approve future wells, we would be violating our own ordinance. Don Postell, City Attorney, said if Council amended the ordinance, you would not be violating the current ordinance. If Council approved the first well, you would approve staff to administratively approve additional wells. Mr. Cummings stated that approval authority could be included in a future ordinance.

Council Member Hepworth asked if Council had the authority to approve administratively stated in any other ordinance. Mr. Cummings replied that most things that drive bringing these to Council are safety issues and this case is because of the levee issues. Mayor England asked if the current ordinance allows staff to administratively approve a well without coming to Council. Mr. Cummings replied that it does. Mayor England said the current ordinance does not allow you to build a padsite without a wellsite permit and this proposed ordinance would allow them to do that.

Mr. Hart said if the only issue had been the park issue, he would have been comfortable authorizing administratively, but without the Corps permit, he was not comfortable doing that. If Newark had not agreed to these conditions, staff would not have asked Council to approve the padsite.

Presented

Agenda Review

There were no agenda items discussed.

Executive Session

There was no executive session.

Recess Meeting

Mayor England recessed the meeting at 5:42 p.m.

6:30 PM Council Chambers

Mayor England reconvened the meeting at 6:34 p.m.

Chaplain Glenn Cato gave the invocation, and the Pledge of Allegiance to the US Flag and to the Texas Flag were led by Deputy Mayor Pro Tem Ruthe Jackson.

Presentations

- 4** Employee of the Month - Franessa Chilton, Housing and Neighborhood Services - Presented by Bill Hills, Housing and Neighborhood Services Director
- Bill Hills, Housing and Neighborhood Services Director, introduced Franessa Chilton, Employee of the Month for January. Mr. Hart presented Ms. Chilton with a city shirt and thanked her and her department for their dedication to the city.*
- Presented**

Consent Agenda

Deputy Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe, to approve Items 5 through 34 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the December 11, 2012 Meeting
- Approved on the Consent Agenda**
- 6** Sale of Eleven Tax Foreclosure Properties and authorize the City Manager or his designee to execute quitclaim deeds to the successful bidders
- Approved on the Consent Agenda**
- 7** Purchase of excavator from Kirby-Smith Machinery in the amount of \$408,017 through a national inter-local agreement with HGACBuy
- Approved on the Consent Agenda**
- 8** FEMA CTP Mapping MAS#3 and Drainage Master Plans with AECOM in the amount of \$158,595
- Approved on the Consent Agenda**
- 9** FEMA CTP Mapping MAS#3 and Drainage Master Plans with Jacobs Engineering in the amount of \$266,400
- Approved on the Consent Agenda**

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- 10 FEMA CTP Mapping MAS#3 and Drainage Master Plans with Half Associates in the amount of \$448,100
- Approved on the Consent Agenda**
- 11 Renewal No. 2 of a price agreement for Preformed Speed Cushions, with Roadkare, at an estimated annual cost of \$25,000 for a total of \$125,000 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).
- Approved on the Consent Agenda**
- 12 Renewal No. 2 for a price agreement for Traffic Signs, with Vulcan, Inc., at an estimated annual cost of \$45,000 for a total of \$225,000 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).
- Approved on the Consent Agenda**
- 13 Renewal No. 2 for a price agreement for Signal Parts, with Naztec, Inc., at an estimated annual cost of \$31,645 for a total of \$158,225 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).
- Approved on the Consent Agenda**
- 14 Renewal No. 1 for a price agreement for Fleet Lubricants, with Felts Heavy Duty Oil, LLC at an estimated annual cost of \$49,045 for a total of 245,225 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).
- Approved on the Consent Agenda**
- 15 Renewal No. 3 of a price agreement for Installation of Inductive Loops, with Durable Specialties, at an estimated annual cost of \$28,700 for a total of \$143,500 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).

Approved on the Consent Agenda

- 16** Renewal No. 1 of a price agreement for First Aid Cabinets, with 1st Response, at an estimated annual cost of \$20,000 for a total of \$100,000 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s)

Approved on the Consent Agenda

- 17** Final Renewal of a price agreement for Mowing and Ground Maintenance, with Terry Rutland, at an estimated annual cost of \$35,970 for a total of \$179,850 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s)

Approved on the Consent Agenda

- 18** Renewal No. 1 of a price agreement for LED Lamps, with Leotek Electronics USA Corp., at an estimated annual cost of \$33,975 for a total of \$169,875 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).

Approved on the Consent Agenda

- 19** Final renewal of a price agreement for Fleet Tire Repairs, with Rick's Tire Service, Inc., at an estimated annual cost of \$40,000 for a total of \$200,000 if all renewal options are exercised; and authorize the City Manager to execute any additional 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 term(s).

Approved on the Consent Agenda

- 20** Engineering contract with Freese & Nichols, Inc. for the site study, preliminary design, and four separate design and construction administration packages entailing the pump station facility design, pump and electrical

design, S.H. 360 TransLine, Phase 2 and S.H. 360 Transline Phase 3 in the total amount of \$956,500

Approved on the Consent Agenda

- 21** Price Agreement for Best Value bid from McMahon for Small Concrete Pavement Repairs (\$3,475,345 annually); and authorize the City Manager to execute up to three future renewals as long as sufficient funding is appropriated by the City Council to satisfy the city's obligation during the renewal term and as long as the total cost of price agreement does not increase by twenty-five percent (25%) of the original contracted amount

Approved on the Consent Agenda

- 22** Engineering Services contract with Weaver Boos Consultants LLC Southwest (Weaver Boos) for improvement of the landfill gas collection and control system in the amount of \$56,800 plus a 5% contingency of \$2,840 for a total of \$59,640.

Approved on the Consent Agenda

- 23** Purchase of a mobile stage from Stageline Mobile Stage, Inc. in the amount of \$105,157

Approved on the Consent Agenda

- 24** Change Order No. 4 in the net amount of \$30,274.65 with ED Bell Construction for Lynn Creek Parkway Extension from Lake Ridge Parkway to SH 360

Approved on the Consent Agenda

- 25** Amendment/Change Order No. 7 to Engineering Services contract with Freese and Nichols in the amount of \$17,448 for additional services and design modifications to the Sara Jane Extension from east dead end to Forum Drive

Approved on the Consent Agenda

- 26** Resolution declaring expectation to reimburse expenditures with proceeds of future debt in the amount of \$50,000; and a Street Maintenance Division Guardrail Services Contract with Vann/Elli Inc, in the amount of \$100,000

Adopted

- 27** Resolution to adopt Grand Prairie Levee Operations and Maintenance Plan contained in the City of Grand Prairie Landfill Levee Certification Report prepared by Weaver Boos Consultants LLC Southwest

Adopted

- 28** Resolution for the City Manager to submit an application for FY2013 Emergency Management Performance Grant (EMPG) and accept grant award

(the grant award amount for FY2013 is unknown at this time as the Department of Homeland Security / Federal Emergency Management Agency passes the EMPG grant to the states and allocates dollar amounts to eligible jurisdictions for reimbursement for emergency management related expenses)

Adopted

- 29** Resolution adopting the “Cottonwood and Lakeview Watershed Internal Storm Drain Master Plan Study”

Adopted

- 30** Ordinance amending the FY 2012 Lake Parks Fund Operating Budget by appropriating \$25,204 from the ending resources and adding \$165,382 from increased revenues

Adopted

- 31** Ordinance amending the FY 2012 Cemetery Operating Fund Budget by appropriating \$54,561 in Markers Costs from Ending Resources and adding \$60,261 in revenues received from increased Marker Sales, Section Sales, and Mausoleum Sales.

Adopted

- 32** Ordinance amending the FY 2011/2012 Employee Insurance Operating Budget in the incremental amount of \$750,000

Adopted

- 33** Ordinance amending the FY 2012/2013 Capital Improvement Projects Budget; Change Order No. 3 with Haydon Building Corp. for construction of paving, drainage, water and sanitary sewer improvements to Gifford Street and Bagdad Road in the amount of \$17,334

Adopted

- 34** Ordinance amending the FY 2012/2013 Capital Improvements Project Budget for construction funds with Trinity River Authority in the amount of \$34,600 plus a 5% contingency of \$1,730 for a total of \$36,330 for the line construction and \$5,000 to fund service line connections and septic tank abandonment, for a grand total of \$41,330; and an Interlocal Agreement with the Trinity River Authority of Texas for the Construction of an 8" City Wastewater Line to serve Our Lane Residents

Adopted

Public Hearing Consent Agenda

- 35** S130103 - Site Plan - Seventh-Day Adventist Church (City Council District 6). Approval of a Site Plan for a religious facility located on 6.237 acres. The subject property is zoned Single Family-One (SF-1) District and is generally located south of W. Interstate Highway-20 and east of Matthew Road. The property is located within the Lakeridge Parkway Overlay District. The owner is TX Conf. Association of SDA, Roger Mekelberg and the applicant is Hickman Consulting Engineers, Mark Hickman. (On January 7, 2013, the Planning and Zoning Commission tabled this case by a vote of 7 to 0 until the applicant reactivates the case.)

Mayor Pro Tem Jensen moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table Case S130103. 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

Public Hearing on Zoning Applications

- 36** CPA130101 - Comprehensive Plan Amendment - Annual Comp Plan Update. Approval of 2010 Comprehensive Plan amendments for the City of Grand Prairie. The annual update is a review of zoning changes, text amendments, annexations, and dis-annexations that have taken place in the past year. The annual update also includes revisions to the Future Land Use Map. Development must be reviewed with consideration to the goals, objectives, policies and strategies of the Comprehensive Plan. The owner/applicant is the City of Grand Prairie Planning Department. (On January 7, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Bill Crolley, Planning Director, stated that the Comp Plan Amendment is done annually and is a review of zoning changes, text amendments, annexations and disannexations that have taken place in the past year.

Council Member Giessner moved, seconded by Council Member Hepworth, to close the public hearing and approve Case CPA130101. 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

- 37** S130102 - Site Plan - Medical Services College (City Council District 4). Approval of a Site Plan for a medical services college located on 6.667 acres.

The subject property is zoned Planned Development 140 (PD-140) District and is generally located south of W. Interstate 20 and east of S. Highway 360. The property is within the State Highway-360 Overlay District and the Interstate Highway-20 Overlay District. The owner is Sheffield Land Associates, C/O TX Land & Building Company LP and the applicant is PMRG Associates II, Kerry Burden. (On January 7, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Crolley stated that this site is located in the I20 and 360 Overlay Districts. The college is considering relocating to Grand Prairie from Arlington. He said the applicant had met all the requirements and has not requested any variances. He said there will be two points of access; one from I-20 and from Bardin Road. The existing billboard on site will be relocated. The college specializes in medical services.

Kerry Burden, 2828 Routh Street, Dallas, stated he was present representing the applicant, and asked for approval of the site plan. He said that the applicant had looked at this site and it meets the applicant's needs. Mr. Burden said the school would bring approximately 1,000 students and several jobs to Grand Prairie.

Rebecca Zielinski, 6215 Ken Avenue, Arlington, submitted a speaker card indicating she was available to answer questions.

Council Member Fregoe moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case S130102. The motion carried unanimously.

38

SU130101/S130101 - Specific Use Permit/Site Plan - Fussell Truck Sales (City Council District 1). Approval of a Specific Use Permit for truck sales, repair, parking and storage and a Site Plan for a truck sales facility located on 1.654 acres. The subject property is zoned Light Industrial (LI) District and is generally located east of Roy Orr Boulevard and south of W. Rock Island Road. The property is within the State Highway-161 Overlay District. The owner is Shawn Fussell and the applicant is Steve Keeton. (On January 7, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Crolley said the existing building and existing business is located on 1.6 acres and they have asked to add truck sales to their business model which requires an SUP. He said they have met all requirements and staff and the Planning and Zoning Commission recommended approval.

Council Member Hepworth moved, seconded by Council Member Fregoe, to close the public hearing and approve Case SU130101/S130101. 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

39

SU130102 - Specific Use Permit - Lighthouse Day Care (City Council District 5). Approval of a Specific Use Permit for a day care in an existing facility on

.82 acres. The subject property is zoned Two Family (2F) District and is located on the northeast corner of N.E. 27th Street and Rinehart Drive. The owner/applicant is Lighthouse Baptist Church, David Grice. (On January 7, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Crolley said this case is for an SUP for a day care in an existing building on .82 acres. He said this has been operated previously as a day care. Lighthouse Baptist Church will be adding a fenced in play area. Mr. Crolley said staff has worked with the applicant to meet dumpster location requirements. Staff and the Planning and Zoning Commission recommended approval.

Council Member Swafford asked about the lots on the west side of 27th Street. Mr. Crolley said they are under the same ownership but are not part of this request. Council Member Shotwell said this area used to be part of the Head Start playground, but the church has decided not to have to walk the kids across the street.

David Grice, 410 NE 27th Street, submitted a speaker card indicating he was present to answer questions.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU130102. 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

Items for Individual Consideration

40

Public hearing and an ordinance for the renewal of the City's Juvenile Curfew Ordinance

Police Chief Steve Dye said the juvenile curfew was originally approved in November 1994 and must be reapproved every three years. The purpose of the curfew ordinance is to reduce juvenile crime. Council Member Fregoe stated that Chief Dye had briefed the Public Safety Committee and the committee supports this ordinance.

Council Member Fregoe moved, seconded by Deputy Mayor Pro Tem Jackson, to adopt the ordinance renewing the city's juvenile curfew ordinance. 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

41

Public Hearing and ordinance for a proposed Newark E&P Operating gas drilling permit application on the Race Partners Padsite

Jim Cummings, Environmental Services Director, explained that Council had received an extensive briefing earlier in the meeting. He said the location is east of SH161 and south of Lower Tarrant Road. He said notices had been sent as required and the request before council is to authorize construction of a padsite; and staff

would come back at a later date for Council authorization of the issuance of a drilling permit. Mr. Cummings went over issues pertaining to this site including the fact that it is adjacent to linear park, however, the Parks staff does not believe it will have an adverse effect on the park. The second issue is that Newark is working on obtaining Corps of Engineers permits because the site is located in a floodplain. If Council authorizes this padsite, Newark will be able to cut and grub and build a road. But, they cannot drill until they come back for Council authorization. Mr. Cummings said the concern among staff is that the proposed well bore is under Dorchester Levee. The city is requiring a third party geologic study.

Mayor England said Council had been briefed extensively earlier in the meeting. Mayor England said there were two individuals who had submitted speaker cards.

Jerry Marsalis, 1914 Huntington, stated that all this ordinance does is give authority to start the padsite and they will need to meet other requirements before they can get a drilling permit. He said he would like the ordinance to state that once the initial well is approved, additional wells could be approved administratively by staff.

Susan Reed, 508 Edgeview, said she understood there is a current moratorium on gas drilling within 3,000 ft. of Corps of Engineers dams. The Dorchester Levee is city owned. The Federal Government is doing testing now on Joe Pool Lake Dam but we do not have those results yet. Ms. Reed asked why the city could not wait until those results are in before approving this permit. She said the Dorchester Levee is in the Trinity River Floodplain. She said there is a lot of information available that seismicity is occurring with gas drilling and that fracturing is causing earthquakes. The industry says they are small earthquakes, but they can cause problems. She said we do not know where all the faultlines are east of the Rockies. Ms. Reed said she did not understand why there is a new ordinance for the construction of a pad site and this is contrary to the current ordinance. She asked if the ordinance is being requested so that they can hold the leases. She said this is not an ordinance for drilling just for the construction of a pad site, so why is Council doing this.

Mayor England said this ordinance would be to approve a pad site and is subject to a third party assuring the city there would be no issues with the drilling going down 9,000 ft. under the Dorchester Levee and that is the reason for the stipulation for the geological studies. He said he believed there is a timeline because of the leases. Ms. Reed said her understanding was that to hold the leases you have to put a hole in the ground. Mayor England: said Newark was trying to meet their deadline.

Council Member Hepworth moved, seconded by Council Member Giessner, to close the public hearing and approve the ordinance authorizing a permit for construction as recommended by staff with the following addition to Section 3: "If the City Council authorizes a permit for the drilling of a well at this padsite, City staff is then authorized to approve additional wells administratively." 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

Marsha Allred, 706 Hawthorne, spoke about her concern of the need to control feral cats. She said in the past few years there has been a huge explosion in population of feral cats. Ms. Allred said with the assistance of Feral Friends she had trapped,

neutered and given rabies vaccinations to 15 feral cats that congregate on her street. There were three feral female cats that were not neutered and they had eight kittens. She said that the City of Fort Worth just adopted a feral cat policy and provided a copy for Council.

Frank Kelley, 1502 Houston Street, stated he was speaking on behalf of the Ranger Civitan Club composed of city residents. He said the club had their chartering celebration on Saturday and it was attended by Mayor Pro Tem Jensen and Deputy Mayor Pro Tem Jackson. Mr. Kelley said the club has many community projects forthcoming including Clergy Appreciation Week, participation in the Special Olympics basketball tournament, and many other projects including housing and benefits for veterans.

Adjournment

Mayor England recessed the meeting at 7:25 p.m.

The foregoing minutes were approved at the February 5, 2013 meeting.

Catherine E. DiMaggio, City Secretary