



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, November 17, 2015

4:30 PM

City Hall - Council Chambers
317 College Street

Call to Order

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

Present 9 - Mayor Ron Jensen
Mayor Pro Tem Jim Swafford
Deputy Mayor Pro Tem Jorja Clemson
Council Member Jeff Copeland
Council Member Richard Fregoe
Council Member Greg Giessner
Council Member Tony Shotwell
Council Member Lila Thorn
Council Member Jeff Wooldridge

Staff Presentations

- 1 Introduction of Mayor's Teen Council - Presented by Mayor Ron Jensen

Mayor Jensen introduced Grand Prairie high school students who make up the Mayor's Teen Council. Mayor Jensen formed the Teen Council this year to expose Grand Prairie students to city government and job possibilities.

Presented
- 2 Lone Star Park Charitable Foundation Video - Presented by Tom Hart, City Manager

Andrew Fortune, Intern, City Manager's Office, showed a video featuring major charities in Grand Prairie who benefit from the donations from city employees to the Lone Star Park Charitable Foundation via a payroll deduction.

Presented

Agenda Review

Chief Robert Fite referred to Agenda Item 11, purchase of Expeditions, and said the department will be transitioning to Expeditions instead of Tahoes. Chief Dye said Chevrolet is considering not making the police Tahoe so currently the demand is greater than the supply. The Fire Department Tahoes will be transitioned to the Fire Department because they do not have to have pursuit vehicles.

Deputy Mayor Pro Tem Clemson asked if there were any questions on the Consent Agenda or the Public Hearing Consent Agenda. She stated that Items 22-26 and Items 31-33 on the Public Hearing Consent Agenda are to be tabled. Ms. Clemson asked if there were any questions on those items on the Public Hearing Consent Agenda there were not being tabled. There were no questions from Council. Mayor

Jensen stated that items on the Public Hearing Consent Agenda could be acted on in one motion.

Executive Session

Mayor Jensen convend 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" City of Grand Prairie v. Chesapeake Energy; and Section 551.087 "Deliberations Regarding Economic Development Negotiations." The closed session was adjourned at 5:16 p.m.

Recess Meeting

Mayor Jensen recessed the meeting at 5:16 p.m.

6:30 PM Council Chambers

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

Pastor Andy Powell, St. Andrew's Anglican Church, gave the invocation. The Pledge of Allegiance to the US Flag and to the Texas Flag were led by Council Member Giessner.

Presentations

- 3** Presentation of the 2015 Holiday Ornament - Presented by First Lady Rebecca Jensen

First Lady Rebecca Jensen presented the 2015 Holiday Ornament. She stated that each of the ornaments was hand-made and came from trees on the Jensen property. All proceeds from the sale of the ornament will go to the Lone Star Park Charitable Foundation.

Presented

Consent Agenda

Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Clemson, to approve Items 4 through 21 on the Consent Agenda. The motion carried unanimously.

- 4** Minutes of the November 3, 2015 Council Meeting

Approved on the Consent Agenda

- 5** Contract with Future Outdoors, LLC for Fence Construction in the amount of

\$710,742.75 - Forum Estates PID (Council District 4)

Approved on the Consent Agenda

- 6** Contract with Denco Construction in an amount not to exceed \$732,205, plus a 5% contingency of \$36,610, for a total of \$768,815, for construction and general contractor services to complete the physical renovation of the Main Library

Approved on the Consent Agenda

- 7** Authorize the purchase and prepayment of one replacement Fire Engine through the Buy Board price agreement from Siddons-Martin of Denton, Texas at a cost of \$595,678 after prepayment discount of \$23,396; Holmatro (JAWS) set through Buy Board price agreement from Metro Fire of Houston, TX, at a total cost of \$29,839; communications equipment through HGAC price agreement from Motorola of Schaumburg, IL at a total cost of \$5,672.90; and related hoses, nozzles, and loose equipment at an estimated cost of \$53,810 using current city price agreement with Casco Industries of Grand Prairie, TX and through Buy Board price agreement from Metro Fire of Houston, TX

Approved on the Consent Agenda

- 8** Purchase of one 2016 Ram 4500 Type I Horton Ambulance through the Buy Board price agreement from Professional Ambulance Sales & Service of Alvarado, TX at a cost of \$193,178; defibrillator from sole source vendor Medtronics/Physio-Control of Redmond, WA at a cost of \$37,359.87; stretcher from sole source vendor Stryker of Portage, MI at a cost of \$42,475.24; and loose equipment at an estimated cost of \$3,100 for a total cost of \$276,113.11 for new Fire Station 10's medic unit

Approved on the Consent Agenda

- 9** Acquisition of property for extension of Fish Creek Linear Park

Approved on the Consent Agenda

- 10** Purchase of two (2) 2016 Chevrolet 2500HD Silverado trucks for Animal Services through a national interlocal agreement with Buyboard from "Caldwell Country Baby Jacks II" in the amount of \$105,564

Approved on the Consent Agenda

- 11** Purchase of three (3) 2016 Ford Expedition XLT's from Sam Pack's Five Star Ford in the amount of \$108,691.41 through an Interlocal Agreement with Houston-Galveston Area Council (HGAC)

Approved on the Consent Agenda

- 12 Purchase of four (4) 2016 Kenworth T440 dump trucks for Water/Wastewater, three (3) 2016 Kenworth T370 dump trucks for Water/Wastewater and Streets, and two (2) 2016 Kenworth T370 dump trucks with sand spreader attachments for Streets, through a national inner-local agreement with Buyboard from MHC Kenworth Dallas in the amount of \$905,699.60
Approved on the Consent Agenda
- 13 Change Order No. 1 to the Fire Station No. 10 Contract with Pogue Construction in the amount of \$102,217.16
Approved on the Consent Agenda
- 14 Authorize the City Manager to submit a formal response to the North Central Texas Council of Governments (NCTCOG) to reaffirm support for the Railroad Advance Preemption Project
Approved on the Consent Agenda
- 15 Resolution to authorize City Manager Tom Hart to accept the FY 2015 Urban Area Security Initiative Grant Award and other grant related documents from the Texas Department of Public Safety in the amount of **\$155,758.16** to purchase and/or enhance emergency response equipment to provide and/or enhance emergency response equipment for both Police and Fire
Adopted
Enactment No: RES 4790-2015
- 16 Resolution authorizing the City Manager to submit a grant application to the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP), Initiative Projects, in the amount of \$912,000 with the City designating \$228,000 or more in matching funds for a generator at Dorchester Levee, electric actuators at Dorchester Levee and low water crossing gates on Carrier Parkway
Adopted
Enactment No: RES 4791-2015
- 17 Resolution granting 380 Incentive Agreement with RiverPoint Industrial Investors, LLC and Daimler Trucks North America, LLC granting a partial rebate on sales tax revenue and 50% rebate on ad valorem real estate improvements and business personal property equipment for five years
Adopted
Enactment No: RES 4792-2015
- 18 Ordinance amending the FY 2015/2016 Capital Improvement Projects Budget; Engineering Contract with Espey Consultants, Inc. DBA RPS in the amount of

\$65,400 plus a 5% contingency amount of \$3,270 for a total project amount of \$68,670 for general support of wastewater issues for the City's Wastewater Master Plans

Adopted

Enactment No: ORD 9967-2015

- 19** Ordinance amending the FY 2015/2016 Capital Improvement Projects Budget; and authorization to purchase equipment for Fire Station 10 to include the Self-Contained Breathing Apparatus (SCBA) at a cost of \$46,631.04 from Municipal Emergency Services, Inc (MES) of Houston, Tx using the City of Fort Worth price agreement; defibrillator to be located on Quint 10 at a cost of \$37,359.88 from sole source vendor Medtronics/Physio-Control of Redmond, WA for a total cost of \$83,990.92

Adopted

Enactment No: ORD 9968-2015

- 20** Ordinance amending the FY 2015/2016 Street Maintenance Sales Tax Program as outlined for Grand Prairie Streets, Alleys, Seal Coating, Crack Sealing, Pavement Marking and Pavement Leveling, utilizing approved Price Agreements and Service Contracts

Adopted

Enactment No: ORD 9969-2015

- 21** Ordinance amending sections of the City of Grand Prairie Code of Ordinances by adopting the 2015 Edition of the International Building Code, 2015 International Plumbing Code, 2015 Fuel Gas Code, International Mechanical Code, International Fire Code, National Electrical Code, International Residential Code, International Energy Conservation Code (adoption of all codes as amended and recommended by the North Central Texas Council of Governments)

Adopted

Enactment No: ORD 9970-2015

Public Hearing Consent Agenda

Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Clemson, to close the public hearing and table Items 22 through 26 on the Public Hearing Consent Agenda. The motion carried unanimously.

- 22** SU141002/S141003 - Specific Use Permit/Site Plan - 4125 E Jefferson Street (City Council District 5). Approval of a Specific Use Permit and Site Plan to permit an Auto Salvage Yard. The 35.62-acre property, zoned Heavy Industrial (HI) District, is located immediately south of E. Jefferson Street and approximately 1,600 feet west of N. Merrifield Road (Dallas). The property is

also located within the Central Business District No. 4. The agent is Adel Zantout, JEA HydroTech Engineering, Inc. and the owner is Michael Miller. (On October 5, 2015, the Planning and Zoning Commission denied this request by a vote of 8-1). This case is being appealed per Article 1 Section 1.11.5.9 of the Unified Development Code, City Council action is scheduled for November 17, 2015. The applicant has requested this case be tabled to the December 15, 2015 Council meeting.

Tabled

23

SU120201B - Specific Use Permit - 2735 W Hunter Ferrell Rd (City Council District 1). Consider approval for a Specific Use Permit to allow an inoperable vehicle holding yard and to codify existing Specific Use Permits. The property is located on the south side of Hunter Ferrell Rd and west of MacArthur Blvd. The site is 2.22 acres and is zoned Light Industrial (LI) District. The owner is Jose Fernandez and the surveyor is Steve Keeton, Keeton Surveying. (On November 2, 2015, the Planning and Zoning Commission tabled this case by a vote of 8 to 0).

Tabled

24

Z151101/CP151101 - Zoning Change/Concept Plan - Versailles Estates (City Council District 6). Consider a request to change the zoning on 10.00 acres from Agriculture District to a Planned Development District for single family detached residential uses. The 10.00-acre property, zoned Agriculture (A) District, is located at 7700 Arlington Webb Britton Road, and is within the Lake Ridge Corridor Overlay District. The agent is Matt Cragun, Cumulus Design, the applicant is Raymond Mallick, Vector Builders, and the owner is Patricio Medrano Jr. (On November 2, 2015, the Planning and Zoning Commission tabled this case by a vote of 8 to 0)

Tabled

25

SU120101B - Specific Use Permit Amendment - 3110 E Main Street (City Council District 5). Consider approval of a Specific Use Permit amendment for the purpose of expanding an existing used auto sales business. The site is generally located east of NE 31st St, on the north side of E Main St, and is currently zoned Commercial (C) District and Single Family-Four (SF-4) Residential District within Central Business District 4 (CBD 4). The applicant is also applying for a zone change (Case Z151102), which will rezone the single family portions of the site to commercial, if approved. The owner is Navid Forutan. (On November 2, 2015, the Planning and Zoning Commission tabled this case by a vote of 8 to 0).

Tabled

26

Z151102 - Zoning Change - 114 NE 31st Street (City Council District 5). Consider a request to rezone approximately 0.55 acres of land from Single Family-Four (SF-4) Residential District to Commercial (C) District for the

purpose of expanding an existing used auto sales business. The site is generally located on the east side of N.E. 31st St, north of E. Main St., and is located within Central Business District 4 (CBD 4). The owner is Navid Forutan. (On November 2, 2015, the Planning and Zoning Commission tabled this case by a vote of 8 to 0)

Tabled

Mayor Pro Tem Swafford moved, seconded by Council Member Thorn to close the public hearing and approve items 27 through 30 on the Public Hearing Consent Agenda. The motion carried unanimously.

- 27** S151102 - Site Plan - Wildlife Commerce Park Building 4 (City Council District 1). Approve a site plan to construct a 205,550-square-foot speculative warehouse building. The 12.88-acre property, zoned Planned Development-217C (PD-217C) District, is located west of Lion Country Parkway and south of East Wildlife Parkway. The applicant is Richard Nordyke, O'Brien Architecture and the owner is Will Mundinger, Chi Wildlife Park, LP. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Adopted

- 28** S151103 - Site Plan - Wildlife Commerce Park Building 5 (City Council District 1). Approve a site plan to construct a 682,240-square-foot speculative warehouse building. The 81.39-acre property, zoned Planned Development-217C (PD-217C) District, is located at 2000 Beltline Road, 1225 Beltline Road, 601 Wildlife Parkway, 225 Wildlife Parkway, and 618 Palace Parkway, is partially within the Beltline Corridor Overlay District. The applicant is Richard Nordyke, O'Brien Architecture and the owner is Will Mundinger, Chi Wildlife Park, LP. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Adopted

- 29** SU140702A - Specific Use Permit Renewal - 521 W Marshall Drive (City Council District 2). Renew a Specific Use Permit for Automotive Uses; Tire Sales (New and Used), Car Wash and Detailing, Quick Lube & Tune Services (Oil Change), and Minor Auto Repair. The subject property is located at 521 W. Marshall Dr. and zoned General Retail District (GR). The owner/applicant is Pastor Gomez. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Adopted

Enactment No: ORD 9971-2015

- 30** SU120404B - Specific Use Permit Renewal - 2502 Central Avenue (City

Council District 5). Approval of a Specific Use Permit Renewal for an auto body shop with general auto repair on 1.026 acres. The subject property, zoned Commercial (C) District, is located at the northeast corner of Central Avenue and N.E. 25th Street. The subject property is located within the Central Business District-Four (CBD-4) Corridor Overlay District. The agent is Steve Keeton, Keeton Surveying and the owner is Vincente Duan. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Adopted

Enactment No: ORD 9972-2015

Mayor Pro Tem Swafford moved, seconded by Council Member Fregoe, to close the public hearing and table Items 31 through 33 on the Public Hearing Consent Agenda. The motion carried unanimously.

31

SU150502/S150504 - Specific Use Permit/Site Plan - 1519 E Main Street (City Council District 5). Consider a request for the approval of a specific use permit for used auto sales within a Light Industrial (LI) District and within Central Business District No. 3 (CBD 3) and to codify any non-conforming uses. The subject site is located at 1519 E. Main St. The agent is Alfonso Lopez and the owner is Ricardo Flores.

City Council Action: December 15, 2015

Tabled

32

SU151101 - Specific Use Permit - 2000 E Pacific Ave (City Council District 5). Consider a request to approve a Specific Use Permit permitting the operation of small trucking company w/fleet truck maintenance (including major truck repair) AND permitting the operation of major truck repair of non-fleet vehicles. The 0.55375 acre property, zoned Light Industrial (LI) District and located within the Central Business District No. 3 (CBD-3), is addressed as 2000 E. Pacific Avenue. The property is located at the northeast corner of E. Pacific Avenue and Industrial Avenue. The agent is Angelo Chokas, the applicant is David Ramirez, Ramco Logistics, and the owner is Billy Suggs.

City Council Action: December 15, 2015

Tabled

33

SU151002/S151002 - Specific Use Permit/Site Plan - Gables at Green Oaks (City Council District 1). Consider a request to approve a specific use permit and site plan to construct and operate a restaurant with drive-through. The 1.05-acre property, zoned Multi-Family-2 (MF-2) District, is located at 2150, 2351, and 2375 N. State Highway 360 (SH 360), is within the State Highway 360 (SH 360) Corridor Overlay District. The agent is Martin Schelling,

Conifer Real Estate, the applicant is Edward Eckart, Goodwin & Marshall, Inc., and the owner is Dennis Rainosek, Gables Realty LTD.

City Council Action: December 15, 2015

Tabled

Public Hearing on Zoning Applications

34

CP151102 - Concept Plan - International Leadership of Texas (City Council District 4). Approve a Concept Plan increasing the size of the International Leadership of Texas charter school to approximately 120,000 sq. ft. The applicant obtained Site Plan approval from City Council in 2014 to construct and operate a 75,705 sq. ft. school facility on 23.797 acres that has yet to be constructed. The 28.51 acre property split zoned Agriculture (A) District and Planned Development (PD-319) District and located within the S.H. 360 Corridor Overlay District, is generally located north of Ragland Road and east of S.H. 360. The agent is Brian Huffaker, The Charter School Fund III and the owner is Robert and Lola Elrich. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 6-2).

Jim Hinderaker, Chief City Planner, reviewed Case CP151102, a conceptual plan and amendment to a site plan for International Leadership of Texas, a charter school. The current zoning is AG and PD-319. Mr. Hinderaker said the applicant anticipates doubling the number of students to 1600 and they want to purchase PD-319 from Chesapeake. The building will be increased to 120,000 sq. ft. from 89,000 sq. ft. They will need to come back with a site plan for approval. Classrooms will be increased from 34 to 63 and there will be additional parking. Mr. Hinderaker said there is an issue with parking and circulation and access to SH360 which conflicts with the gas pad site access.

Mr. Hinderaker said the applicant has requested that some of the façade elements be waived until the start of Phase II. Access is also an issue because with increased students there will also be increased traffic. The applicant is proposing access off Ragland Road. Egress would be onto SH360 and the school must get a permit from TXDOT for that drive. Mr. Hinderaker said the issue is that the access to the south onto SH360 is also the access to the Chesapeake gas well site. There could be several trucks coming and going from the pad site and there is a concern about mixing those two uses. He said staff would encourage the applicant to pursue a separate access with TXDOT. The appeal for the facade elements is that these elements would be left off the buildings in Phase I but would be added in Phase II, but no later than 2019.

Brian Huffaker, 855 W. Broad Street, Boise, Idaho, said this is a public charter school for grades 9-12 only. There are feeder schools from K-8 throughout the Dallas area. Mr. Huffaker showed the phases of the construction of the school which include a shared access to SH360 with Chesapeake. He said he had worked with Chesapeake to help to minimize the conflict of truck traffic and school traffic and an additional length of median has been added. Mr. Huffaker said he understood there is some potential for merging of this traffic. The school has two peak times for morning dropoff and then in the afternoon for pickup, but in the interim there would be very little traffic. Phase I will be the core of the building; Phase II will add more classrooms. In Phase I there will be a certified tornado shelter. Mr. Huffaker requested approval of the Concept Plan and removal of condition 2 to address the

access and modify condition 4 to allow the architectural elements on the east and south to be constructed in Phase II.

Council Member Fregoe said he had discussed this project with Mr. Huffaker, and the recommendations of the Planning and Zoning Commission with regard to the architectural elements on the building seem reasonable, but the shared Chesapeake roadway is a concern and he asked that the applicant pursue an additional entrance off SH360 which might alleviate traffic concerns. Mr. Fregoe asked Mr. Huffaker if he would accept that as a condition. Mr. Huffaker said he was waiting for a reply from TXDOT and he was in agreement to applying for this variance from TXDOT. Council Member Fregoe assured him that he has the backing of the Planning and Zoning Commission and the city in trying to get the second access. Council Member Wooldridge asked Mr. Huffaker if he would be keeping the west façade the same. Mr. Huffaker said that he would and the other facades would be done by 2019 and would like that in the motion.

Council Member Copeland asked if was the original plan for Ragland to handle all ingress and egress, Mr. Hinderaker said the original estimate was for 800 students, not for the estimated 1600 and because of that staff would rather there were two accesses. Mr. Copeland asked if all traffic would be handled with cones. Mr. Hinderaker said the applicant is trying to avoid queuing and dropping off on Ragland since there will be long lines for queuing. There would be longer wait lines to route around the school so there needs to be two exits. He said on a daily basis they will have staff handling the traffic and cones so traffic cannot make a loop back onto Ragland; they would exit off SH360 and then must go north. Council Member Copeland asked why not let traffic go south and exit onto Ragland. Mr. Huffaker replied that there are multiple factors dealing with traffic including the amount of queuing; efficiency and the need to get through the site and off the site, and if there is only one exit the traffic cannot exit as quickly. Phase I has no access to SH360 so traffic will come in off Ragland and then exit Ragland and during this time some traffic will be routed east and some off the west. This forces exiting of traffic to SH360. Council Member Copeland asked if there will be a flashing school zone. Mayor Jensen reminded everyone that Dubiski High School is right off a main highway (SH161) also and there are no flashing school zones. He said Council may not be supportive of an additional cut on SH360, but whatever TXDOT decides, he is comfortable with that. He said he was concerned about school traffic and Chesapeake traffic mixing. Mr. Huffaker said that was the reason he was asking to remove that condition, because he would like time to pursue other options. Council Member Copeland asked if he had approached the church to the north about ingress/egress. Mr. Huffaker said it seems convenient to coordinate, but the church wants to remain separate. Council Member Shotwell asked Mr. Hinderaker about parking because Council had approved parking in the original plan. Mr. Hinderaker said the 4.7 acres the applicant is adding is all parking and meets parking requirements for the additional students.

Council Member Fregoe moved, seconded by Council Member Wooldridge, to close the public hearing and approve the concept plan per Planning and Zoning Commission recommendations. The motion carried unanimously.

Ayes: 9 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Jeff Copeland; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9973-2015

(City Council District 1). Rezone 12.21 acres from Multi-Family-2 (MF-2) District to General Retail-1 (GR-1) District. The 12.21-acre property, zoned Multi-Family-2 (MF-2) District, is located at 2150, 2351, and 2375 N. State Highway 360 (SH 360), is within the State Highway 360 (SH 360) Corridor Overlay District. The agent is Martin Schelling, Conifer Real Estate and the owner is Dennis Rainosek, Gables Realty LTD. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Mr. Hinderaker said this is the site of a future Dairy Queen, and the request is for rezoning from MF-2 to General Retail-1. He said the Planning and Zoning Commission and staff recommended approval.

Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Thorn, to close the public hearing and approve Case Z151001/CP151001. The motion carried unanimously.

Ayes: 9 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Jeff Copeland; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9974-2015

36

SU151003/S151003 - Specific Use Permit/Site Plan - CST Corner Store (City Council District 6). Approve a specific use permit and site plan to construct and operate a convenience store with gasoline sales and a single-bay automatic car wash. The 1.99-acre property, zoned Planned Development 283 (PD-283) District, is located at 5100 Lake Ridge Parkway, is within the Lake Ridge Corridor Overlay District. The applicant is John Measels, John Thomas Engineering and the owner is Kris Ramji, Victory @ Lake Ridge LLC. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Mr. Hinderaker reviewed Case SU151003/S151003 for a CST Corner Store, a convenience store with gas sales. He said the building will be 4,650 sq. ft. and will have 7 islands with canopy. There will also be a single car wash. He said this case conforms with the PD that is in place and with the Lake Ridge Overlay District. The building will be 100% masonry with stone and brick. Mr. Hinderaker stated the applicant had requested three appeals: Vertical Articulation - the west façade of the convenience store does not meet the minimum articulation standards of the PD-283 or Appendix F of the UDC; Roof Pitch- the convenience store contains a 5:12 pitch roof and the car wash a 6:12 roof pitch--PD-283 requires an 8:12 roof pitch; and Roof Eave Overhang - the car wash does not have the required 36" roof overhang as stipulated in PD-283. Mr. Hinderaker said staff and the Planning and Zoning Commission recommended approval with appeals.

Council Member Wooldridge asked if there was any feedback from the notices that were sent particularly from Arlington ISD. Mr. Hinderaker said if Arlington ISD built a school, there could be a conflict with beer and wine sales, but if the the applicant applies now, they are eligible to get the alcoholic beverage permit. Council Member Wooldridge asked if a school is built later can the store still sell alcohol. Mr. Hinderaker replied that they could.

Martin Schelling, 260 Miron Drive, Southlake, submitted a speaker card in support of

this item.

Council Member Wooldridge moved, seconded by Council Member Fregoe, to close the public hearing and approve Case SU151003/S151003. The motion carried unanimously.

Ayes: 9 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Jeff Copeland; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9975-2015

37

SU151102/S151101 - Specific Use Permit/Site Plan - J&E Masonry (City Council District 1). Approve a Specific Use Permit/Site Plan permitting the operation of masonry contractor shop with outside storage. The 4.85 acre property is the proposed new headquarters for J & E Masonry. The proposal includes the construction of three new buildings totaling approximately 12,300 sq. ft. and two new covered storage areas totaling approximately 6,000 sq. ft. The property, zoned Light Industrial (LI) District and located within the S.H. 161 Corridor Overlay District, is addressed as 3501 Roy Orr Blvd. The property is generally located east of Roy Orr Blvd. and south of Rock Island Road. The applicant is Matt Moore, Claymore Engineering Inc. and the owner is Clay Hunt, J&E Masonry. (On November 2, 2015, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0).

Mr. Hinderaker reviewed Case SU151102/S151101, for operation of a masonry contractor shop with outside storage, with 12,000 sq. ft. of buildings and a covered storage area. He said the applicant has requested an appeal for relief from paving until Phase II. He said at the Planning and Zoning hearing, the applicant was asked if they would be willing to pave an additional 50' and the applicant approved that stipulation, but there is still has some gravel area they are requesting to use and pave in Phase 2 (approximately two years).

The applicant meets standards except for the primary articulation of 15% masonry. The applicant wishes to put up a masonry fence along Roy Orr and if they added stone to the building, it would not look as nice. Mr. Hinderaker said that the Planning and Zoning Commission commented about waiving too many standards and they added the 15% masonry as a requirement. He said this cannot be seen from SH161 and is in major compliance with the Overlay District standards.

Council Member Copeland asked about the paving timelines. Mr. Hinderaker said the applicant has requested two years.

Matt Moore, 1903 Central Drive, Bedford, Claymore Engineering, was present to speak on behalf of J&E masonry. Mr. Moore said the plan was modified after the Planning and Zoning Commission hearing with more paving on the north and south ends.

Council Member Shotwell asked if the applicant would be using the gravel area just to move forklifts, not for storage on gravel. Mr. Moore replied that was his understanding. Mayor Jensen stated it would be wise to make this part of the motion.

Deputy Mayor Pro Tem Clemson moved, seconded by Mayor Pro Tem Swafford, to close the public hearing and approve Case SU151002/S151101 with no storage on gravel or ground (only storage on concrete). Council

Member Copeland asked if the appeal to the 15% masonry requirement would be included. Deputy Mayor Pro Tem Clemson declined to change the motion. The motion carried unanimously.

Ayes: 9 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Jeff Copeland; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9976-2015

Items for Individual Consideration

38

Resolution of City of Grand Prairie v. Chesapeake Energy

City Attorney Don Postell stated that since the summer of 2014 there has been a controversy about royalty payments which were not being calculated correctly, resulting in underpayment to the city. The city engaged outside counsel and in August 2014 initiated a demand letter to remedy all underpayments to the city. After a year or so of negotiations, a settlement has been reached for 90% of what the city calculated in royalty payments and \$25,000 attorney fees, and 10% interest of payments not made, resulting in a \$1.7 million settlement. He recommended acceptance of this settlement.

Mayor Pro Tem Swafford moved, seconded by Council Member Thorn, to approve the acceptance of the negotiated settlement and distribute the funds the same as current gas revenues are distributed. The motion carried unanimously.

Ayes: 9 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Jeff Copeland; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Citizen Comments

Christine Kerr, 7052 North Star Drive, 75054, stated her water usage had tripled from last year. She said she had moved to her home two years ago and it is just herself and her husband who live there now. Ms. Kerr said last year there was another adult in the house, so she could not understand how water usage has tripled on the current bill. She said she belonged to "Next Door" and went online and asked if anyone else had experienced this same thing. Ms. Kerr said when she called the water office she was told she must have a leak or was watering too much. She said she drafted a petition and posted it on Next Door and received 334 signatures on the petition. Ms. Kerr added that the bills do not make sense with one less adult in the home and sprinklers set the same.

Tanya Jackson, 3230 La Sombra, stated that she lived in the Shady Grove Mobile Home Park, and there are vehicles parked on the grass and she called the city time after time about how it looks bad. She asked for help to clean up their property.

Steven Wilson, 5415 Childress, said he was asked to come to the Council meeting by an email regarding high water bills that was sent to several people. He said he had been given comparisons from a year ago. The bill for September 2015 was very high (\$201) and the next month it was \$104. Then the November bill was \$228, however he did not change anything and the sprinkler system was shut off. There was no leak because in October the bill went down. Mr. Wilson said his water bills have been

around \$100 for the past several years. Mayor Jensen explained that this had happened to cities throughout the Metroplex.

Julie and Don Roberts, 6836 Wilderness Way, submitted a speaker card regarding high water bills, but did not wish to speak.

Adjournment

Mayor Pro Tem Swafford said that this week South Grand Prairie will play Denton Ryan at AT&T Stadium. He added that Coach Whitman had been nominated for the Whataburger Coach of the Year.

Council Member Wooldridge said the quarterback at Lake Ridge High School was up for player of the year.

Council Member Copeland commended Mayor Jensen and staff for forming the Mayor's Teen Council and getting youth involved in city government and the possibility of city jobs.

Mayor Jensen adjourned the meeting at 7:59 p.m.

The foregoing minutes were approved at the December 15, 2015 Council Meeting.