



# City of Grand Prairie

City Hall  
317 College Street  
Grand Prairie, Texas

## Minutes - Final City Council

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Tuesday, October 14, 2014

5:30 PM

City Hall - Briefing Room  
317 College Street

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### Call to Order

**Mayor Pro Tem Fregoe called the meeting to order at 5:38 p.m.**

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

**Absent** 1 - Mayor Ron Jensen

### Staff Presentations

- 1 Texas Health Resources - Announcement as Official Health Partner at the Summit
- Mr. Kirk King, Texas Health Arlington Memorial Hospital, presented a check in the amount of \$30,000 as the exclusive health care provider for the Summit. Mr. King offered the hospital's resources for advising and improving the well-being of seniors and stated that he was looking forward to this cooperative effort.*

**Presented**

### Agenda Review

*Deputy Mayor Pro Tem Shotwell asked if Item 22 (contract with HKS Architect) and Item 31 (resolution declaring expectation to reimburse expenditures for improvements and additions to Central Park with proceeds of future debt) are referring to the same thing. Council Member Swafford stated that the funds for hiring the architect would temporarily come from the Capital Lending Reserve Fund and will be reimbursed with future debt.*

### Executive Session

*Mayor Pro Tem Fregoe convened an executive session at 5:47 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.071 "Consultation with Attorney" Tommy Winn and Leland Gjetley v. City of Grand Prairie, Cause No. DC-11-08305-J and related cases. The executive session was adjourned at 6:15 p.m.*

## Recess Meeting

Mayor Pro Tem Fregoe recessed the meeting at 6:16 p.m.

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## 6:30 PM Council Chambers

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Mayor Pro Tem Fregoe reconvened the meeting at 6:30 p.m.

Mayor Pro Tem Fregoe announced that at a meeting held earlier at 4:00 p.m. the City Council authorized the City Manager to execute a Memorandum of Understanding for the development of a resort and conference hotel with Grand Alps Resort DFW. Mr. Fregoe also announced that Mayor Jensen and City Manager Tom Hart were both absent and were meeting with officials from Grand Alps Resort and Hard Rock Hotel.

The Invocation was given by Rev. Marie Mitchell, Woods United Methodist Church. The Pledge of Allegiance to US Flag and to the Texas Flag were led by Council Member Giessner.

## Presentations

*Amy Sprinkles, Marketing and Communications Director, gave a brief presentation on the proposed Grand Alps Resort and Hard Rock Hotel to be located at Beltline Road, just north of I-30.*

### 2 Proclamation for Grand Prairie High School Homecoming Queen

*Deputy Mayor Pro Tem Shotwell read a proclamation recognizing Grand Prairie High School Students, Anahi Alvarez, Naomi Martinez and Lillian Skinner. Council Member Clemson presented the students with a bouquet of roses.*

**Presented**

### 3 Employee of the Month - Veronica Mosley, Housing and Neighborhood Services

*Bill Hills, Housing and Neighborhood Services Director, introduced Veronica Mosley, Employee of the Month for October. Tom Cox, Deputy City Manager, presented Ms. Mosley with an engraved clock and city shirt and thanked her for her dedication to the city.*

**Presented**

## Consent Agenda

Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Copeland, to approve Items 4 through 31 on the Consent Agenda. The motion carried unanimously.

- 4 Minutes of the September 16, 2014 and September 29, 2014 Meetings  
**Approved on the Consent Agenda**
- 5 QT Ballpark Rent Abatement  
**Approved on the Consent Agenda**
- 6 Two-year Engineering Contract for Continued Groundwater Monitoring Services for the Grand Prairie Landfill by Weaver Boos Consultants, LLC for a total cost of \$53,299.  
**Approved on the Consent Agenda**
- 7 Contract with Parkscape Construction, Inc. for entrance sign and landscape improvements at Prairie Lakes Golf Course in the amount of \$64,993, and approve a 5% contingency in the amount of \$3,250 for a total of \$68,243.  
**Approved on the Consent Agenda**
- 8 Engineering contract with Cobb Fendley, Inc. in the amount of \$67,780 as well as a 5% contingency of \$3,389 for a total of \$71,169 for the rehabilitation of Jefferson Bridge #3.  
**Approved on the Consent Agenda**
- 9 Contract with Future Outdoors, LLC for Fence Construction in the amount of \$168,572.25 - Forum Estates PID (Council District 4)  
**Approved on the Consent Agenda**
- 10 Contract with LandWorks for Landscape Maintenance for \$95,439 in High Hawk PID (City Council District 6)  
**Approved on the Consent Agenda**
- 11 Contract with LandWorks for Landscape Maintenance for \$109,872 in Forum Estates PID (Council District 4)  
**Approved on the Consent Agenda**
- 12 Amend the Life and Long Term Disability Insurance agreement effective January 1, 2015 through December 31, 2018 through Dearborn National to an estimated total four-year contract amount of \$2,090,000 and authorize the City Manager to renew this contract for additional one-year periods beyond the original contract period if such cost is appropriated in the annual budget and does not increase by more than 25% or \$50,000, over all renewal years combined.  
**Approved on the Consent Agenda**
- 13 Purchase Class A uniforms at an estimated cost of \$775 per uniform
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(depending on type and/or number of insignia's) from Red's the Uniform Tailor of Carrollton, TX at a total cost for FY 2014/2015 of \$37,200 for forty-eight (48) uniforms; and an estimated cost of \$31,000 in FY 2015/2016 for forty (40) uniforms for the remaining personnel not currently outfitted; and approximately thirty (30) uniforms at a cost of \$23,250 in FY 2016/2017 for new hires, through attrition and the hiring of new station 10, completing their introductory period.

**Approved on the Consent Agenda**

- 14** Change Order No. 2 with Humphrey & Morton Construction Company, Inc. for Cedar Creek and Prairie Creek miscellaneous erosion project in the net total amount of -\$96,425.70

**Approved on the Consent Agenda**

- 15** Contract with Scientel Wireless, LLC, for a one year maintenance agreement of the wireless communication network through an HGAC cooperative purchasing agreement at a cost of \$79,612.00, \$3,185 for in-house staff time and a 5% contingency of \$ 3,980.60 for a total cost of \$ 86,777.60

**Approved on the Consent Agenda**

- 16** Amendment changing the funding source of the Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for Signal Timing Optimization

**Approved on the Consent Agenda**

- 17** Contract Amendment No. 1 with Relief Services for Veterinary Practitioners (RSVP) in the amount of \$46,361 for expansion of the veterinary services provided to the Prairie Paws Adoption Center.

**Approved on the Consent Agenda**

- 18** Agreement for copier leases from Ricoh through a national inter-local agreement with Department of Information Resources (DIR) and authorize the City Manager to execute change orders for additional copier leases as needed so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the lease term

**Approved on the Consent Agenda**

- 19** Purchase of equipment and software to upgrade the City's Outdoor Warning Siren System from Gifford Electric (\$570,110.00), a sole source vendor, Motorola (\$74,714.40) through a national inter-local agreement with H-GAC and Dell (\$2,014.00) through a national inter-local agreement with DIR, with a 2% project contingency (\$12,936.77) for a total project cost of \$669,185.16, and annual maintenance (\$6,720.00 year 1 and \$22,650.00 years 2-5) on the Outdoor Warning Siren system from Gifford Electric, a sole source vendor for

one (1) year with the option to renew for four (4) additional one (1) year periods totaling \$97,320.00 if all extensions are exercised.

**Approved on the Consent Agenda**

- 20** Ordinance amending the 2013 and 2014 Calendar Year Section 8 Budgets

**Adopted**

- 21** Ordinance amending the FY 2014/2015 Solid Waste Equipment Acquisition Fund and the purchase of two dump trucks with Knucklebooms for the Brush Crew in the amount of \$276,276

**Adopted**

- 22** Ordinance amending the FY 2014/2015 Capital Improvement Projects Budget and the Capital Lending and Reserve Fund; approve a contract with HKS Architects, Dallas, Texas in the amount of \$6,652,474 for architectural consultant services, \$344,135 for reimbursable expenses, \$55,000 allowance for geotechnical services and a 3.5% contingency in the amount of \$233,051, for a total amount of \$7,284,660, for the EPIC Recreation and Indoor Water Park project and Central Park Improvements

**Adopted**

- 23** Resolution authorizing the City Manager to execute a master inter-local purchasing agreement between the City of Grand Prairie and the Grand Prairie Independent School District (GPISD)

**Adopted**

- 24** Resolution for the City Manager to submit an application for FY 2014 Emergency Management Performance Grant (EMPG) and accept grant award from the Texas Department of Public Safety/Texas Division of Emergency Management. The grant award amount for FY2014 is \$53,936.42. The City of Grand Prairie is at the advanced level of preparedness and is considered an eligible jurisdiction for the Emergency Management Performance Grant for FY 2014.

**Adopted**

- 25** Resolution to authorize City Manager Tom Hart to sign the Sub-Recipient Agreement and other related grant documents to accept the FY 2014 Urban Area Security Initiative Grant (UASI) from the Texas Department of Public Safety/Texas Division of Emergency Management in the amount of \$155,906.44 to purchase and/or enhance emergency response equipment. These funds are allocated to provide and/or enhance emergency response equipment for both Police and Fire.

**Adopted**

- 26** Resolution to reappoint Associate Judge Chad Owen Bull as Associate Judge at the Grand Prairie Municipal Court for a term of two years.  
**Adopted**
- 27** Resolution to reappoint Presiding Judge Nancy Robb as Presiding Judge at the Grand Prairie Municipal Court for a term of two years  
**Adopted**
- 28** Resolution approving the current City of Grand Prairie Debt Management Policy without revision to become effective upon passage and approval  
**Adopted**
- 29** Resolution updating the City's Financial Management Policy  
**Adopted**
- 30** Resolution approving the City of Grand Prairie Investment Policy with proposed revisions to become effective upon passage and approval  
**Adopted**
- 31** Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for improvements and additions to Central Park  
**Adopted**

### **Public Hearing Consent Agenda**

**Council Member Swafford moved, seconded by Council Member Clemson, to approve Items 32 and 33 on the Public Hearing Consent Agenda. The motion carried unanimously.**

- 32** S931201A - Site Plan Amendment - Gateway Church (City Council District 1). Consider a request for the approval of a Site Plan Amendment. The subject site is 21.55 acres, located at 2410 N. Carrier Pkwy., zoned Planned Development 116 (PD-116) District and Single Family-One (SF-1) Residential District, and is located within the S.H. 161 Corridor Overlay District. The applicant is Matt Moore, Claymoore Engineering and the owner is Brad Henderson, Gateway Church. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)  
*Max Coleman, 9 Heritage Court, and Brad Henderson, Gateway Church, submitted speaker cards in support of this item.*  
**Adopted**
- 33** S080802A - Site Plan Amendment - La Quinta - 380 Palace Pkwy (City Council District 1). Consider a request to approve a site plan amendment to

change the elevations of an approved hotel. The 1.51-acre property, located at 380 Palace Pkwy., is zoned Planned Development 217 (PD-217) for mixed uses and is within the Belt Line Corridor Overlay District. The owner/applicant is Amish Patel, Aum Shanker LLC. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

*Max Coleman, 9 Heritage Court, and Amish Patel, 1000 Lost Valley Drive, Euless, TX, submitted speaker cards in support of this item.*

**Adopted**

## **Public Hearing on Zoning Applications**

**34**

S141001 - Site Plan - International Leadership of Texas (City Council District 6). Consider a request to approve a site plan to construct and operate a charter school with dormitories (boarding school). The 23.80-acre property, located at 2851 Ragland Rd., is zoned Agriculture (A) District and is within the State Highway 360 (SH 360) Overlay District. The agent is Douglas Cooper, MMA and the owners are Robert Elrich and Lola Elrich. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

*Jim Hinderaker, Chief City Planner, reviewed Case S141001 for a charter school with boarding school components. He stated this was an allowed use in the Agriculture Zoning district and is located within the SH360 Corridor. The dormitory consists of 44 units on three stories and will house foreign nationals from China. The school will accommodate 800 students. Mr. Hinderaker said there will be access to the school off Ragland Road. The UDC requires 669 parking spaces and 499 will be provided because the Chinese students will not be driving. Mr. Hinderaker said the proposal is for a masonry structure with some accent materials (EFIS). He said this meets code with the exception of the north elevation but there is above what is required on other elevations. Mr. Hinderaker said staff did not recommend full support because of exceptions. The height of the structure exceeds the 25' maximum height; EFIS in excess of 20%; relief from horizontal and vertical articulation; and parking reduction. He said the Planning and Zoning Commission recommended approval 7-0.*

*Council Member Copeland asked if there was any limit on how many people could be housed in the dorm. Mr. Hinderaker said there are building code standards but he could not say offhand the exact number. He said there are a total of 44 rooms and some chaperones would live there as well. He said the occupant level is a building code issue.*

*Deputy Mayor Pro Tem Shotwell asked if there was a reason why the applicant is asking for EFIS rather than stucco. Mr. Hinderaker replied that it was most likely a cost issue. Mr. Shotwell commented that staff and the Development Committee had not yet looked at allowing stucco as a masonry product.*

*Brian Huffaker, 855 W. Broad, Boise, ID, stated he was representing the charter school fund which finds facilities for charter schools. He said students will master English, Spanish, and Chinese. He then showed proposed elevations and articulations. Mr. Huffaker said the EFIS is finished with a stucco finish. He said there is open enrollment and it did not cost to go to the school. Public charter schools receive 90% of what a traditional public school receives and consequently*

*they do not want to spend more money than is absolutely necessary. He said the additional brick in the Overlay requirement would add approximately \$350,000 to the construction cost. He said he was not opposed to stucco but the EFIS/stucco system is more efficient.*

*Council Member Wooldridge said he had met with people on this property and the issue they had was the sewer line. He asked Mr. Huffaker if he had met with the church. Mr. Huffaker said he had met with them but they do not have an agreement and he is pursuing other options. He said he had met with the engineer of the apartments just approved to the west and the fallback is to route the sewer around Ragland and eventually connect to Mira Bella and this is a significant cost. Council Member Wooldridge asked if that had to be ironed out before final plat. Mr. Hinderaker said it would.*

*Deputy Mayor Pro Tem Shotwell asked if they would be using hybrid EFIS. Mr. Huffaker said it utilizes 2-inch insulation foam put on lathe and a final coat of stucco material. Mr. Shotwell commented that most stucco has 2 or 3 coats of cement. Mr. Huffaker said this will only have one layer. Mr. Shotwell said he wanted something that will last and one coat does not seem like it would last.*

*Council Member Copeland thanked the team for looking at this property and that it is a good use for this property. He asked Mr. Huffaker if he would accept staff and the Planning and Zoning Commission's recommendations. Mr. Huffaker said this was not a deal killer, but they were hoping to use the EFIS as proposed. Council Member Copeland said quality stucco is not a cost saver and it goes along with the overall look.*

*Douglas Cooper, 200 E. Abram Street, Arlington, submitted a speaker card in support of this case.*

*Mr. Huffaker stated he did not want to get a denial and staff had educated them on the requirements. He asked if Council was willing to consider a relaxation of the strict standards for the proposed elevations. He said if Council says they would not deviate from what staff recommends, he asked them to approve as they want.*

*Council Member Wooldridge said there was EFIS in the presentation and their proposal is 80/20 split which is allowed in the SH360 overview as staff had presented and it is in compliance, but the presentation Mr. Huffaker showed is different.*

**Council Member Wooldridge moved, seconded by Council Member Copeland, to close the public hearing and approve Case S141001 as recommended by staff. The motion carried unanimously.**

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

**35**

SU141001 - Specific Use Permit - Advance Auto (City Council District 5). Consider the request for approval of a Specific Use Permit for New Auto Parts Sales within a General Retail (GR) District. The site is located at 425 S. Belt Line Road. The agent is Samantha Igou, Arc Vision Inc. The applicant is Gregory Mulkey, Advance Auto Company Stores, Inc., and the owner is Victor Ballas. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)



*Mr. Hinderaker stated this was part of an existing retail center. The applicant plans to remodel the interior of the existing building to open a new auto parts store. He said the case meets parking requirements and the applicant plans to do minor repair (wiper blades; headlights; battery change, etc.); and collection of recycled oil. There are no requested variances and staff and the Planning and Zoning Commission recommend approval.*

*Tim Reed, Art Visualation, 3516 Treetop Drive, Euless, stated he was representing the architectural firm that prepared the plans. He said this request is for a retail auto parts store and there will be replacement of batteries and wiper blades. He said the applicant would be refinishing and cleaning the exterior.*

*Don Hendrickson, 118 Piney Point, Murchison, stated that Advance Auto are new players in the DFW market and had recently purchased Car Quest to make them the largest auto parts dealer in the U.S. He said this store is one of seven they plan to open this year.*

*Deputy Mayor Pro Tem Shotwell said Advance Auto Parts had some stores in Wichita Falls but moved out. He asked Mr. Hendrickson if the company plans on being here for a while. Mr. Reed stated they had a 10-year lease with a 7-year option after that. He said he was not sure what the circumstances were with Wichita Falls store closing. Deputy Mayor Pro Tem Shotwell asked Mr. Hinderaker if this was the thrift store building. Mr. Hinderaker replied that it was and the applicant will take 10,000 sq. ft. of the building and will build a wall and the entire front of the building will be renovated.*

**Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Clemson, to close the public hearing and approve case SU141001. The motion carried unanimously.**

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

36

SU141003/S141002 - Specific Use Permit/Site Plan - Delgado Auto Sales (City Council District 5). Consider a request for the approval of a Specific Use Permit for Used Car Sales within a Commercial (C) District and a Site Plan for the development of a 0.5 acre lot within the Central Business District Overlay; District No. 4. The property is located at the northeast corner of NE. 29th St. and E. Main St. The agent is Wilkins, Design Alchemy LLC and the owner is Mario Delgado. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0.)

*Mr. Hinderasker stated this case was for used auto sales. The parking lot will have room for 40 cars to be displayed. The building is 1800 sq. ft. and there will be make ready auto repair only. He pointed out that north of this site there is a 2-family home at the back end of the property. Mr. Hinderaker said the case meets requirements. There will be no access from 29th Street and access will be from E. Main. There was an appeal of the dumpster requirements but an agreement has been reached and they will have bag service at the beginning. There will be no large truck deliveries. There will be an 8 ft. wood fence along the rear property line.*

*Mr. Delgado, 4214 W. Davis Street, #48, Dallas was present to answer questions.*

**Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Swafford, to close the public hearing and approve Case**

**SU141003/S141002 per Planning and Zoning Commission and staff recommendations. The motion carried unanimously.**

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

**37**

TA141001 - Text Amendment - Permissible Uses. Consider a request for the approval of a Text Amendment to modify Section 14, "Use Charts" of Article 4: Permissible Uses of the Unified Development Code to amend the zoning districts where the use, Auto Glass (Repair and Tint), is a permitted by right or by specific use permit. The owner/applicant is James Hinderaker, Planning Division, City of Grand Prairie. (On October 6, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

*Mr. Hinderaker stated this case was to amend the zoning districts for auto glass repair to permit tinting.*

**Council Member Wooldridge moved, seconded by Council Member Clemson, to close the public hearing and approve Case TA141001. The motion carried unanimously.**

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

**38**

USP141001 - Unified Signage Plan - Asia Times Square (City Council District 4). Approval of a Unified Signage Plan allowing for a roof sign on the Asia Times Square Phase II building. The 13.71 acre property, located at 2625 W. Pioneer Road, is zoned Light Industrial (LI). The applicant/owner is Matthew Loh, LGSW Capital Investment.

*Mr. Hinderaker stated this case was a request to construct a 112 sq. ft. roof sign on the north elevation. The UDC maximum height is four feet above the roof. He said that staff felt this request warranted Council review, but staff was not opposed to this request.*

*Max Coleman, 9 Heritage Court, submitted a speaker card in support of this case.*

**Council Member Swafford moved, seconded by Council Member Giessner, to close the public hearing and approve Case USP141001. The motion carried unanimously.**

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

**39**

USP141002 - Unified Signage Plan - Cinemark - Westchester Parkway (City Council District 3). Approval of a Unified Sign Plan for a tower sign. This site is located at 220 W. Westchester Pkwy, zoned Planned Development 173 (PD-173) District, and within the I.H. 20 Corridor Overlay. The agent is Don Harton, Cinemark USA LLC, the applicant is Theresa English, T K Architects

International, and the owner is Gregory Silvers, EPT 909, Inc. (Council tabled this item at their October 14, 2014 meeting.)

*Mr. Hinderaker said this request was for a tower sign for Cinemark Movies 16 in the I-20 Overlay District. He said the sign is proposed to be located on the north elevation and is 90' in height and is 726 sq. ft. The sign would be 59 ft. above the parapet wall, with 521 sq. ft. above the parapet wall. Mr. Hinderaker said the Development Review Committee recommended denial of this request because it could set a precedent. Deputy Mayor Pro Tem Shotwell asked if there was a height staff would recommend. Mr. Hinderaker said he could not answer because the scale of the building would have to be considered and the sign code does not allow for something of this size. This would also set a precedent for other retail facilities across the city. Mr. Shotwell stated there is no tower sign ordinance. Mr. Hinderaker said the maximum height above the roof line is 4 ft. Deputy Mayor Pro Tem Shotwell said these types of signs are on a lot of Cinemark theatres and they do not look bad. He added that the requested height may be excessive, but it seems there should be some height that staff and Council could approve. Mayor Pro Tem Fregoe asked if consideration could be given to the access a facility would have to a major highway and the difficulty to locate. Mr. Hinderaker said some visibility could be done with multi-tenant signs or some other options. He added that the Cinemark is in the I-20 Overlay which prohibits pole signs.*

*Sydnee Freeman, 3900 Dallas Parkway, #500, Plano, TX, showed a picture of the sign as it would appear from I-20. She said the building will be remodeled, but this had not yet begun.*

*Council Member Wooldridge asked if there was any way the sign could be cut in half. Ms. Freeman said the size had been reduced in some locations, but it would need to be seen from I-20. Deborah, Moltz, 3201 Manor Way, Chandler Signs, Dallas, said Cinemark is trying to impact visibility from the highway. She said Cinemark is removing over 1300 sq. ft. of signage from the building in the remodel plans and only putting up 800 sq. ft. of signage and a majority of this square footage is the tower.*

*Council Member Copeland referred back to the proposed total square footage and asked Ms. Moltz if we doubled the square footage from 1300 to 2600, but you were below the ceiling, would you be interested in that. Ms. Moltz replied that Cinemark is removing over a 20' tall tower on the top of the building and all the neon on the building and tower is being removed.*

*Deputy Mayor Pro Tem Shotwell said if you did not know the theatre was there, you could not find it; it needs visibility. He said the State allows 65' high billboards and he could not support having the tower higher than that. He asked if it could be made wider or if there was a height the applicant could agree to that is shorter than the requested height. Ms. Freeman said she had not had this discussion with staff. Deputy Mayor Pro Tem Shotwell suggested if there was not a timing issue with this, the Development Committee could discuss this. Ms. Freeman agreed to that suggestion.*

**Council Member Thorn moved, seconded by Council Member Clemson, to close the public hearing and table this case to the next Council Meeting. The motion carried unanimously.**

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

## Items for Individual Consideration

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### Settlement Agreement in Winn Gjetley litigation

*Steve Alcorn, Assistant City Attorney, stated that the specific settlement points for the litigation on Sara Jane/Forum improvements had been discussed in executive session. He stated that Mr. Stephen Haynes was present representing Mr. Winn and Mr. Gjetley and has a proposal to be presented to Council.*

*Stephen Haynes, 4771 River Oaks Drive, Brownwood, said he understood that Council had the opportunity to review the agreement, and had three concerns: spacing requirements be maintained at 500' and his clients had agreed to this. The second concern was a statement in paragraph three about certifying and warranting ability to make changes and this wording has been removed. The third issue was the ability and how long it would take to put up signs and have changed the language from 60 months to 24 months to notify the city of the exact location and 60 months for installation of the signs because they are not sure of the turnaround time on an electronic billboard. Mr. Haynes said one issue was raised regarding the height of the signs and his clients had not had an opportunity to discuss this. Mr. Haynes asked for a break to allow time to discuss this with his clients.*

*Council Member Giessner asked Mr. Haynes if the installation of the signs could be done in 24 months. Mr. Haynes said his clients would want to put up the signs as quickly as possible. He said he would discuss this with his clients during the break. Council Member Swafford asked Mr. Haynes if the 24 months started from the effective date of the agreement to identify locations. Mr. Haynes stated that it would and he would speak with his clients about the 5 years for installation.*

*When Mr. Haynes returned from his discussion with his clients, he said that 24 months is acceptable for the installation and location of signs.*

*Deputy Mayor Pro Tem Shotwell asked Mr. Haynes for clarification on the height of billboards and whether the 65' is from the highest elevation from I-20. Mr. Haynes said whatever the highest elevation from I-20 might be and there could be a 10 or 20 ft. variation on I-20. Deputy Mayor Pro Tem Shotwell asked if the farthest place west is the highest elevation, would your clients want to be 65' above that at the lowest elevation. Mr. Haynes stated they would want the highest elevation on I-20 for all three signs. Mr. Alcorn said it is measured from where the billboard sign is and there is a difference of about 20'. Mr. Haynes said as the property goes from west to east it goes downhill. Council Member Giessner said they may want to lower the signs depending on visibility from the flyovers. Mr. Haynes said the billboards would be raised to a bare minimum to get visibility on I-20. Deputy Mayor Pro Tem Shotwell said he was fine with 65' above the highway but not higher. Mr. Haynes stated there is a change in both the highway elevation and the property elevation. Mr. Haynes said they were running out of time to get this agreement done before it goes to the court of appeals.*

*Council Member Swafford stated that the agreement states 20' plus 65', or is it the highest elevation plus 65'. Mr. Haynes said the agreement states the billboard may be raised to the maximum height of 65' from: 1) the base of the pedestal; or 2) the highest elevation along Highway I-20 at any point along the property, whichever is greater.*

*Council Member Swafford said Council could discuss this for a long time but we are*

*getting to the end of the time before it goes back to court and we have been working on this for a few years and need to get this behind us. He said he had no problem with putting the billboards 65' above the highest elevation.*

*Council Member Thorn asked Mayor Pro Tem Fregoe to allow Mr. Tommy Winn to speak to clarify an issue on the elevations. Mr. Wynn, 7052 Mobley, Cedar Hill, stated that he took Council Member Giessner and they drove to the location. At the east end, the property is low and the property is lower than the highway. Mr. Haynes said that his clients had signed the agreement.*

*Council Member Copeland said there may be an 85' sign and the agreement might need to state that the city does not have the authority to grant permission for an 85' sign. Mr. Haynes said that wording had been removed from the agreement that earlier stipulated the city had that authority.*

**Council Member Swafford moved, seconded by Council Member Giessner, to approve the settlement agreement in the Winn Gjetley litigation as outlined by Mr. Haynes. The motion carried unanimously.**

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

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#### Board and Commission Appointments

**Council Member Giessner moved, seconded by Deputy Mayor Pro Tem Shotwell, to appoint Mike Conner to the Keep Grand Prairie Beautiful Commission; Ralph Castro as alternate to the Zoning Board of Adjustments; and Phyllis Hayenga to the Public Health Advisory Committee. The motion carried unanimously.**

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

#### Citizen Comments

*Bobby Mimms, Sunset Golf Center, 4906 E. Main, stated he moved to Grand Prairie in 1954. In 1961, the property was annexed into the city of Grand Prairie. Mr. Mimms said the golf course is on a water well at this time which is a domestic well and he is trying to bring water to the clubhouse. He said he asked the city to bring a water line to this facility and has spoken to Ron McCuller and Jim Siddall. Mr. Mimms stated it would cost \$35,000 at a minimum to dig a new well.*

*John Stewart, 4315 Hamilton Circle, thanked Council for their leadership. He stated that the Dalworth Community has a rich history and the Dalworth Recreation Center is a historical marker. Mr. Stewart said the Dalworth community needs to have input on the decisions being made. He asked that the Dalworth Recreation Center be named after Council Member Ed Hemphill.*

*Ed Hemphill, 1901 Galveston Street, stated that Dalworth used to be a town and was annexed into Grand Prairie in 1958. He said the city made certain promises at that time. Mr. Hemphill said that 21 months ago he introduced a request for a name change to Dalworth Recreation Center to the Park Board to change the name of the center to L.G. Dave who was the first African American millionaire in Dalworth and*

*Grand Prairie. He was one of the largest employers in Grand Prairie and was such an outstanding individual, he needs to be remembered.*

*Alexandra O'Hara Dave, 1015 N. Carrier Parkway, stated that Mr. Hemphill spoke on behalf of her family. She said that L. G. Dave did marvelous things for the community.*

## **Adjournment**

**Mayor Pro Tem Fregoe adjourned the meeting at 8:33 p.m.**

*The foregoing minutes were approved at the November 4, 2014 meeting.*

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*Catherine E. DiMaggio*  
*City Secretary*