

**Minutes
Grand Prairie City Council
Special Meeting
June 29, 2015
4:00 p.m.**

The City of Grand Prairie City Council convened at 4:00 p.m. on June 29, 2015 in the City Hall Council Briefing Room. The following council members were in attendance:

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

Executive Session

Mayor Pro Tem Swafford convened a closed session at 4:01 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.071 "Consultation with Attorney" CH Realty VII – Ascendant 1 Dallas 360 Global Logistics Park v. City of Grand Prairie; Case 3:15-cv-00718-M Rodriguez v the City of Grand Prairie. The closed session was adjourned at 4.58 p.m.

Recess Meeting

Mayor pro tem Swafford recessed the meeting at 4.58 p.m.

5:05 p.m. Council Chambers

Mayor Pro Tem Swafford reconvened the meeting in the Council Chambers at 5:05 p.m...

Items for Individual Consideration

1. Proposed settlement in the matter of CH Realty VII-Ascendant I Dallas 360 Global Logistics Park, LP v. City of Grand Prairie, et al.

City Attorney Postell stated the CH Realty VII-Ascendant I Dallas 360 Global Logistics Park, LP v. City of Grand Prairie, et al case went to trial last week. The judge in the case strongly hinted that she was not going to find that the subdivision golf course statute applied, and sent the parties to mediation. All parties involved met in good faith and came up with a solution, one the staff is willing to recommend. Mr. Postell introduced Assistant City Attorney Steve Alcorn to brief the council on the negotiations.

Mr. Alcorn stated the case went to trial for a full day last Monday. At the trial, it was not looking good that the judge would rule that this was a subdivision golf course, or that she would halt the development project. The judge gave the attendees a list of mediators to mediate the case. On Tuesday afternoon, staff and City Manager Hart worked with all of the parties to come up with a compromise settlement and agreement. After several discussions, a settlement agreement was reached on Friday afternoon. Key points: the developer will reduce the size and impact of the projects. Changes have already been made to move one of the buildings away from the Castillian and one of the major points of the settlement is that the developer would reduce the size of the building nearest the town houses, and then amend the site plan and plat to reflect those changes. Mr. Crolley will approve the future changes to the site plan and to the plat, if they are in conformance to the changes set out in the settlement agreement, and with the original conditions of the plat and site plan. As part of the agreement, the city would agree not to appeal, and the developer has agreed to withdraw the claim for attorneys fees. The remainder of the 90 acres will not be developed as part of this project, and could be conveyed to the city if the city accepts it. The 90 acres could be used as a different type of development compatible with the community either under the ownership of the developer or through a lease from the city. The property could be used as a city park. Some of the land will be conveyed to the Fairway Park residents to use, some of the current golf course, and the homeowners there would use and maintain it, so that it would not be part of the public park development. Similarly, the developer and the City would make an offer to the residents of the Castillian to give them the same opportunity. Finally, the city would work with the developer to approach the nearby apartments and ascertain if they wanted a masonry wall between them and the development, or some other kind of barrier. Bill Crolley would have authority to approve any waivers as part of this agreement. Council Member Copeland stated after the discussion at the briefing session, he supported the language regarding the 90 acres.

City Manager Hart stated any development in the city is to be in the best interest of the city and the homeowners. We have had discussions with all parties on the agreement. Meetings with Mr. Bradford, the developer, have been positive. We tried to get an agreement that will make everyone happy. I think the homeowners had questions on the land and thought the land would absolutely be used a park. That is not an absolute. Mr. Hart said he was comfortable that we have a 99% chance we will make the land into a park or open space. Mr. Bradford wanted to look into another option and requested to give him 3 months to look into options. With the city taking the property, the property will be used for passive uses, i.e., playground, walking trails. Another concern, is the land being dedicated. Mr. Bradford would like to get the property surveyed before we make it definite. He said Mr. Bradford is trying to be a good citizen. Mr. Hart thanked the staff, homeowner groups, and all homeowners on the west end for working toward a resolution. Mr. Crolley will be working with all groups. Mr. Hart said he was very, very comfortable with the compromise and recommended approval.

Mr. Bryan Arnold, 2815 Fairway Park, a member of the homeowners group and individual party in the lawsuit, along with Charles England and Earl Burleson stated they attended mediation and wanted to commend Mr. Hart on the compromise reached on behalf of the homeowners and surrounding homeowners. That whole side of town will benefit from this win/win settlement. Mr. Arnold said the homeowners are not happy with all of the language but there were no

options on conveying the land. Mr. Arnold stated that he has confidence in the Council regarding the settlement.

Mayor Pro Tem Swafford stated this has been a journey for a zoning case. Mr. Swafford stated Mr. Hart and the city team of Bill Crolley, Steve Alcorn and Don Postell did an outstanding job. Mr. Swafford recognized former Mayor Charles England and thanked Mr. England, Mr. Arnold and the homeowners for an outstanding job. He thanked Mr. Bradford for his ability to work with the city.

Council Member Giessner thanked the homeowners and Mr. Bradford for putting together the settlement. He stated that while it is not everything the city wanted, all parties did get a piece.

Council Member Giessner made a motion that the City Council approve the Compromise and Settlement Agreement between CH Realty VII-Ascendant I Dallas 360 Global Logistics Par, LP, the City of Grand Prairie, Bill Crolley, Tommy Garrett, Fairway Park Homeowners' Association, Inc., Charles England, Bryan Arnold, and Earl Burleson, as it may be amended, to resolve the litigation between the parties, in Cause No. 17-277860-15, in the 17th District Court, Tarrant County, Texas, and authorize the City Officers or employees to take appropriate action to execute the terms of the Agreement, including, but not limited to, the right to approve the referenced modifications of the Plat and Site Plan and to waive certain requirements in accordance with any potential agreements concerning screening walls between the development and the neighboring properties, seconded by Deputy Mayor Pro Tem Clemson. The motion carried

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

Mayor Pro Tem Swafford stated Mayor Jensen could not be here tonight as he is on vacation and wished him a safe trip home.

Adjournment: Mayor Pro Tem Swafford adjourned the meeting at 5:28 p.m.

Submitted by Pat Marcum, Secretary to Mayor and City Manager

The foregoing minutes were approved at the August 4, 2015 meeting.

Catherine E. DiMaggio
City Secretary

