



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, October 16, 2012

4:30 PM

Council Chambers

Call to Order

Mayor England called the meeting to order at 4:32 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

Prairie Lights Title Sponsor - Gexa Energy - Presented by Rick Herold, Parks and Recreation Director

Rick Herold, Parks and Recreation Director, introduced Duone Byers, Marketing and Communications Manager for Gexa Energy. Mr. Herold announced that Gexa will be the major sponsor for Prairie Lights. Mr. Byers said Gexa was proud to be the sponsor of Prairie Lights and added that Gexa had purchased carbon credits to offset the carbon dioxide that will be given off during Prairie Lights, making Prairie Lights a "green" event this year. Mr. Byers then presented Mayor England with a check for \$50,000.

Beverly Grogan, Parks and Recreation Department, said that the new Prairie Lights logo will feature Gexa Energy and Prairie Lights is "going green" with more LED bulbs, more recycling and renewable credits. She said Holiday Magic will feature live shows this year with a production from Texas Family Musicals. The city has partnered with the City of Round Rock to use lights from last year's Prairie Lights display. Admission prices will stay the same as last year. On November 17 and 18 there will be races and on November 18, Mayor England and the President of Gexa will flip the switch to Prairie Lights. On November 19, there will be a VIP night and opening night for the public is November 22.

Presented

2

Update on Quik Trip Park Improvements - Presented by Tom Hart, City Manager

Tom Cox, Deputy City Manager, said a committee consisting of himself, Mayor England, Council Member Giessner, and Bill Crolley, Planning Director, looked at 8-10 turf companies and narrowed the field down to three: UBU, Field Turf and Hellas. A questionnaire was sent to each company. The committee visited the winning company's (Hellas) field in Prosper. They were happy with the field but suggested thicker turf at home plate. Mr. Cox said the committee asked if Hellas would supply a supervisor from the beginning to the end of the project. Marshall Warder will be the city's representative. The committee also visited the City of Allen

with a football field with turf and asked how they liked the company. They were very pleased with the company and with their prompt response. Mr. Cox said the project would need to get started as soon as possible.

Council Member Giessner said after the companies were narrowed down by Parks staff, the committee looked at the quality and reputation and the company's ability to deliver a quality product. The committee then took fieldtrips to the parks to see what type of product the city would end up with. He said Hellas rose to the top with regard to the quality of product and service. Rick Herold, Parks and Recreation Director, said the AirHogs have been aggressively marketing to get college and high school playoff games. The GPISD Athletic Director could not say anything better about Hellas. Mayor England said there are a lot of turf companies and he had asked staff to narrow it down to three. This company has done 75-80% of every turf job in the state, including the Dallas Cowboys Stadium. The City of Arlington put down turf on their track, tennis and baseball fields. Hellas also has done the inside turf facilities at South Grand Prairie High School and Grand Prairie High School. Hellas does not sub their work out; they install and service it.

Bill Crolley, Planning Director, said the agenda item Council would be considering includes geotech funds, but no final figures have been determined for soil tech, so staff may come back with those recommendations. Mayor England said there does not seem to be any shifting at the ballpark. Council Member Hepworth applauded staff for the work they have done. He added that he wished he had been part of that committee. Mr. Hepworth asked Mr. Herold if he had looked at Polytan and why they did not make it to the top three. Mr. Herold said staff looked at the ability of giving the city a quality product within the required timeframe and its after service market and that is how staff came to the three finalists. Mr. Hepworth asked about the quality of the pad under the turf. Mr. Giessner said if there is a high grade of turf, it may not need as good a pad. He said the committee wanted as close to natural feel as possible. The company can fine tune the way balls react on the turf. Mr. Hepworth asked if the committee was confident the company would not come back later and say we should have done the e-layer. Mr. Giessner said he felt confident that would not happen. Mr. Cox stated that none of the three companies who did the presentations recommended the e-layer. The e-layer would be an extra \$200,000 and each bidder was allowed to add this as an alternate but none of the companies added the e-layer. Mr. Giessner said if this was a football field, the e-layer may have been needed but not on a baseball field because it led to too much bounce. Council Member Swafford asked about a maintenance contract. Mr. Cox said the committee negotiated a deep clean twice a year for five years. Council Member Shotwell asked if maintenance was covered for five years. Mr. Cox said the maintenance is covered for eight years. Mr. Shotwell asked about the warranty. Mr. Cox said the playability of the product is guaranteed for eight years. Mr. Shotwell clarified that if something happens in three years, it would get fixed. He asked Mr. Cox if he was confident on the price. Mr. Cox said it is \$1.1 million with a 5% contingency and referred to the information contained in the Council Communication. He added that staff would have to look at geotechnical testing results. Council Member Fregoe asked if the entire field was going to be covered. Mr. Cox said yes, except for a clay pitching mound, and possibly the batter's box. He said landscape turf would be used in public areas.

Presented

3

Dallas County SubCourthouse/Church Street - Presented by Bill Crolley, Director of Planning and Development

Bill Crolley, Planning Director, said Dallas County has been behind on the construction timeline. They asked if the city was going to pay for the water and sewer lines, could Church Street paving be done by the city also. Mr. Crolley

referred to Item 41 on the agenda (Construction Contract with Barson Utilities). The water line from NW 2nd to Center will be replaced and the County will tie in to that line. Staff will be bringing back paving figures for Church Street after a meeting with Dallas County.

Tom Hart, City Manager, reminded Council of an item on the September 4, 2012 agenda naming Ting Whai Lee as Ambassador-at-Large for International Trade and Relations and asked Council Member Fregoe to introduce Mr. Lee. Mr. Fregoe introduced Mr. Lee, who is currently the Vice President of the Taiwanese Chamber of Commerce. Mr. Lee said he was honored to be at the meeting and that the Taiwanese Chamber has supported Grand Prairie's Sister City relationship with Gueishan. He said many businesses in Taiwan want to do business in Texas (warehouse distribution centers, helicopters, etc.).

Presented

- 4** 2013 Legislative Priorities - Presented by Don Postell, City Attorney

This item was postponed.

- 5** Library Summer Reading Program and Lois Weber Film Festival - Presented by Kathy Ritterhouse, Library Director

Jennifer Walker gave an overview of the Library's Summer Reading Program for kids, teenagers and adults. She said there were 2,700 children under 12; 100 teens; and 110 adults. There were 80 summer programs with attendance of over 4,700. Their goal was to build participation from last year and participation increased 19% this year from last year.

Peter Sine reported on the Lois Weber Film Festival. He said this was the second year for the film festival and the library has the largest film collection directed by a woman in the world. Mr. Sine announced the showcase of movies at the Uptown Theatre on October 20. Mr. Hart applauded the library staff for bringing the library to life. He also commented on the e-book program: Kathy Ritterhouse, Library Director, said that money had been included in the budget this year to begin an e-book collection and they are currently checking out about 500 a year, but will have many more this year. Council Member Hepworth asked Ms. Ritterhouse if she thought the e-book was inevitable. Ms. Ritterhouse said it was difficult to predict, but everything she has read indicates that paper books are not going away and most titles are available in a variety of formats. Council Member Shotwell pointed out that the entire library system has done well.

Presented

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

This item was postponed.

Agenda Review

Council Member Swafford announced that the Finance and Government Committee had met earlier and were recommending Agenda Items 17, 20, 31, 32, 33, 34 and 44, and asked that Item 37 be withdrawn since it was a duplicate of another agenda item.

Executive Session

Mayor England convened an executive session at 5:25 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.074 "Personnel Matters" City Manager's Contract.

Recess Meeting

Mayor England adjourned the executive session and recessed the meeting at 6:03 p.m.

6:30 PM Council Chambers

Mayor England reconvened the meeting at 6:42 p.m.

Deputy Mayor Pro Tem Ruthe Jackson gave the invocation. The Pledge of Allegiance to the US Flag and to the Texas Flag was led by Council Member Richard Fregoe.

Presentations

- 7** Employee of the Month - Doug Boggus, Building Inspections Department
- Bill Crolley introduced Doug Boggus, Building Inspections Department, as Employee of the Month for October. City Manager Tom Hart presented Mr. Boggus with a city shirt and engraved clock and thanked him for his dedication to the city.*
- Presented**
- 8** Prairie Lights powered by Gexa Energy - Prairie Lights "Going Green" - Presented by Rick Herold, Parks and Recreation Director
- Beverly Grogan, Parks and Recreation Department, updated Council on this year's Prairie Lights events. She announced that Gexa is the presenting sponsor and introduced Mr. Duone Byers from Gexa Energy who presented a \$50,000 check to the city. Mr. Byers said Gexa will offset the carbon dioxide that is put off by Prairie Lights by purchasing carbon credit making this the first year for a "green" event. Ms. Grogan announced that admission prices will remain the same and Holiday Magic this year will be featuring live performances from the cast of Texas Family Musicals.*
- Presented**

Consent Agenda

Deputy Mayor Pro Tem moved, seconded by Council Member Fregoe, to approve Items 9 through 36, withdraw Item 37, and approve Items 38 through 49 on the Consent Agenda. The motion carried unanimously.

- 9 Minutes of the September 18, 2012 Meeting
- Approved**
- 10 Contract with Oliver R Windham Landscape Architect in the amount of \$38,000 and a 5% contingency of \$1,900, for landscape architectural design plans and development of contract documents for the Phase I Columbarium and Cremation Gardens Project.
- Approved**
- 11 Interlocal agreement between the City of Grand Prairie, through its duly authorized City Manager, and Collin County, through its Department of Homeland Security, to share law enforcement data
- Approved**
- 12 Renewal agreement with Airrosti Rehab Centers, L.L.C. for rapid recovery treatment of acute and chronic soft tissue conditions effective June 15, 2012 for a one-year period, with annual renewals, at a rate of \$385 per visit up to an estimated annual cost of \$171,000. Renewals may be executed by the City Manager so long as the cost is appropriated annually in the budget and the total payments do not increase by more than 25% of the original contracted fees
- Approved**
- 13 Price Agreement for concrete recycling with Big City Crushed Concrete through the Master Inter-local Agreement with the City of Dallas for an estimated annual expenditure of \$100,000, and authorize the City Manager to execute the contract.
- Approved**
- 14 Tarrant County 9-1-1 District Operating Budget for FY 2012/13
- Approved**
- 15 Authorize Sale of Eleven Tax Foreclosure Properties
- Approved**
- 16 Renew a five year interlocal agreement with the North Central Texas Council of Government (NCTCOG) for Regional Storm Water participation and planning
- Approved**
- 17 Price Agreement for inmate food from Sunbeam Foods for \$110,151 annually,

with Five Star Correctional Services as the secondary vendor. This agreement will be for one year with the option to renew for four additional, one-year periods, totaling \$633,466, if all extensions are exercised. Authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms.

Approved

- 18** Cooperating Technical Partners Flood Study Agreement with FEMA in the amount of \$93,500 worth of in-kind data and services

Approved

- 19** Contract with Feathers N' Spurs, Bronze Sculpture by Jack Wilson, for creation of (The Oath) at Veterans Memorial in the amount \$68,000

Approved

- 20** One-year renewal agreement for Specific Stoploss Insurance from Stoploss Insurance Services, Inc., administered through Fidelity Security Life Insurance Company, at an estimated annual cost of \$329,421 effective January 1, 2013 through December 31, 2013, with annual renewal options approved by the City Manager if such renewal is less than twenty-five percent of the original contract fees and appropriated in the budget.

Approved

- 21** Annual Hardware and Software and Maintenance Agreement with Tiburon, Inc. in the amount of \$200,539

Approved

- 22** Annual Hardware and Software Support and Maintenance to North Central Texas Council of Governments (NCTCOG) up to \$273,522

Approved

- 23** First of two readings of an ordinance amending the Republic Waste Services Franchise Agreement and amending the Code of Ordinances, Chapter 26, "Utilities and Services" relating to residential and commercial solid waste collection rates.

Approve on First Reading

- 24** Price Agreement for Emergency Vehicle Equipment from Big Country Supply, Earl Owen Co., Defender Supply, Siddons-Martin, Lone Star Products, John Wright & Assoc. and GT Distributors (\$256,000 annually) through an inter-local agreement with Tarrant County. These agreements will

be for one year with the option to renew for ---two additional one-year periods totaling \$768,000 if all extensions are exercised. Authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms.

Approved

- 25** Authorize the City Manager to enter into a contract with the Grand Prairie Arts Council for promotion and facilitation of arts in the community in exchange for \$65,000 from the FY 2012/2013 Hotel Motel Fund as approved in the budget.

Approved

- 26** Golf Franchise Agreement and Management Contract with Mark Viskozki, Golf Management, Inc. (MVGMI), in the amount of \$275,000 for the Golf Franchise Agreement and \$82,500 for the Golf Management Contract, and authorize City Manager to execute three one-year renewals

Approved

- 27** Price Agreement for landscaping services from ELS Landscape LLC of Grand Prairie (\$18,870 annually) and secondary to Espinosa Landscaping. This agreement will be for one year with the option to renew for ----four additional one-year periods totaling \$94,350 if all extensions are exercised; authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms.

Approved

- 28** Ratify the price agreement contract for janitorial services from Oriental Building Services for the one-time amount of \$56,179.80.

Approved

- 29** Final Reconciliation Change Order No. 4 with Gardner Telecommunications, Inc. in the negative amount of \$21,717.75 for the reparation of conduit and ground boxes at various traffic signal locations

Approved

- 30** Resolution approving and authorizing the execution of a Loan Forgiveness Agreement between the Texas Water Development Board and the City of Grand Prairie, Texas

Adopted

- 31** Resolution declaring expectation to reimburse expenditures with proceeds of future debt in the amount of \$588,000 for expenses for the Fire Department fire engine replacement.
- Adopted**
- 32** Resolution declaring expectation to reimburse expenditures with proceeds of future debt in the amount of \$182,400 for expenses for the Fire Department ambulance replacement.
- Adopted**
- 33** Resolution establishing the city's priorities for the 2013 Legislature
- Adopted**
- 34** Resolution declaring expectation to reimburse expenditures with proceeds of future debt in the amount of \$37,672.50 for a professional design services contract with Fratto Engineering, Inc. (FEI) in the amount of \$24,450, a 5% contingency in the amount of \$1,222.50, and a not to exceed \$4,500 reimbursables allowance for a total of \$30,172.50, for completion of final design and construction administration services for a new Spay and Neuter Surgical Suite at the Prairie Paws Adoption Center; and \$7,500 to cover subsurface geotechnical investigation, TAS H/C plan and site reviews, and other necessary related costs for a total request of \$37,672.50.
- Adopted**
- 35** Resolution for the reappointment of Judge Nancy Robb as Presiding Judge of the Grand Prairie Municipal Court of Record
- Adopted**
- 36** Resolution reappointing Associate Judge Chad Owen Bull as Associate Judge at the Grand Prairie Municipal Court for a term of two years
- Adopted**
- 37** Resolution approving commitments of fund balances applicable to Capital Improvement Projects
- Withdrawn**
- 38** Resolution updating the City's Financial Management Policy
- Adopted**
- 39** Ordinance providing for the acquisition of a sanitary sewer easement from American Inn, Joint Ventures for the FY 11 I&I Replacements Project, in exchange for the abandonment of unneeded portions of two general easements

near the intersection of Beltline and Tarrant Roads and a payment of \$2,000

Adopted

- 40** Ordinance authorizing the issuance of Water Wastewater System Revenue Bonds, New Series 2012

Adopted

- 41** Ordinance amending the FY 2012/2013 Capital Improvement Projects Budget; and a construction contract with Barson Utilities, Inc. in the amount of \$1,138,700.50; \$28,468 for materials testing; \$68,322 for in-house engineering; and a 5% contingency of \$56,935; for a total of \$1,292,425.50, for construction of the FY 12 Wastewater Main Replacements Project

Adopted

- 42** Ordinance providing for a 180-day moratorium on permitting of group homes or boarding homes

Adopted

- 43** Ordinance amending the FY 2012/2013 Capital Improvement Projects Budget; and an Engineering Contract (Phase I) with Cobb, Fendley & Associates, Inc. in the amount of \$37,438, and a 5% contingency of \$1,872, for a total of \$39,310, to provide Engineering Services, Geotechnical Testing, Investigation and Propose Solutions and Cost Estimates for the Trinity River Levee Stabilization at the Grand Prairie Landfill

Adopted

- 44** Ordinance approving commitments of fund balances applicable to Capital Improvement Projects

Adopted

- 45** Ordinance amending the FY 2012/2013 Capital Improvement Projects Budget; and Demolition and Asbestos Removal Contract with Garrett Demolition, Inc. in the amount of \$107,050; Professional Services Contract with Advanced Environmental Analysis Inc. for Asbestos Monitoring Services in the amount of \$20,000, for the demolition of 2337 Doreen Street, in the total amount of \$127,050

Adopted

- 46** Ordinance amending the FY 2012/2013 Capital Improvement Projects Budget; and Engineering Contract with Espey Consultants, Inc. dba RPS Espey, to provide preliminary and final project design for the CWSRF 2013 Wastewater Replacement Mains in the amount of \$241,342, and a 5% contingency of \$12,067, for a total of \$253,409

Adopted

- 47** Ordinance amending Schedule III of the Traffic Register for reduced Speed School Zone time changes for Adams Middle School and a new School Zone for Advantage Academy

Adopted

- 48** Ordinance calling a public hearing at 6:30 p.m. on November 20, 2012, on proposed paving assessments for Sara Jane Parkway improvements from its dead end east of Great Southwest Parkway to Forum Drive

Adopted

- 49** Ordinance authorizing the abandonment of an unneeded drainage, access and utility easements at 2950 W. Interstate 20

Adopted

Public Hearing Consent Agenda

- 50** SU120903 - Specific Use Permit - 2815, 2849, 3001, 3049, 3101, 3149, 3201 E. Main Street (City Council District 5). Approval of a Specific Use Permit for outside storage of portable buildings and storage containers on 29.75 acres. The subject property is zoned Light Industrial (LI) District and is situated on the south side of E. Main Street, being generally located east of N.E. 29th street. The property is within Central Business District 4 (CBD-4) Overlay District. The owner/applicant is McGrath 180 LLC (Randle F. Rose, CAD) and the agent is William Winkelmann & Associates, Inc. (On October 1, 2012, the Planning and Zoning Commission tabled this case by a vote of 9-0 until the applicant reactivates the case.)

Council Member Hepworth moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table Case SU120903. 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

- 51** Z121002/CP121001 - Zoning Change/Concept Plan - 2101 Duncan Perry Road (City Council District 1). Approval of a Zoning Change from Single Family-One (SF-1) District to a Planned Development for single family residential use and a Concept Plan for 75 single family lots on 21.50 acres. The subject property is zoned Single Family-One (SF-1) District and is generally located east of N. Highway 360 and north of Avenue K East. The owner is James L Byers, the applicant is Don Allen, D R Horton-DFW West, the agent is Thomas Juhn, JBI Partners. (On October 1, 2012, the Planning

and Zoning Commission tabled this case by a vote of 9-0 until the applicant reactivates the case.)

Council Member Hepworth moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table Case Z121002/CP121001. 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

52

SU120804 - Specific Use Permit - 1702 W. Main Street (City Council District 5). Approval of a Specific Use Permit for tire sales and installation in an existing auto repair shop on 0.385 acres. The subject property is zoned Commercial (C) District and is generally located west of State Highway 161 at the northwest corner of W. Main Street and N.W. 17th Street. The property is within Central Business District One (CBD-1) and the State Highway 161 (SH-161) Overlay District. The owner is Al-Aboody Abrahim, the applicant is M.S. Keeton, and the agent is Joe Diaz. (On October 1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Bill Crolley, Planning Director, presented Case SU120804. Mr. Joe Diaz, 1702 W. Main Street #B, spoke in support of this case.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU120804 as recommended by staff and the Planning and Zoning Commission. 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

53

SU120902 - Specific Use Permit - 2717, 2801, 2805 E. Main Street (City Council District 5). Approval of a Specific Use Permit for an autobody and paint shop with auto sales retail and wholesale as a part of an automotive use facility located on 19.86 acres. The subject property is zoned Light Industrial (LI) District and is situated on the south side of E. Main Street, being generally located east of N.E. 29th Street. The property is within Central Business District 4 (CBD-4) Overlay District. The owner/applicant is P. Lawler Enterprises LTD and the agent is Winkelmann & Associates, Inc. (On September 10, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0.)

Mr. Crolley stated this was the former Dallas Auto Auction site and will be used for automotive purposes. He said that staff and the Planning and Zoning Commission

recommended approval.

Council Member Shotwell said this was only a portion of the old auto auction and it will house several different businesses. He said this is a huge piece of land and this is one of three different zoning cases on the land that is being subdivided.

Mr. William Winkelman, 6750 Hillcrest Plaza #325, Dallas, TX, was present to answer questions if needed.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU120902 as recommended by staff and the Planning and Zoning Commission. 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

54

S121002/SU121002 - Site Plan/Specific Use Permit - 5203 Lake Ridge Parkway (City Council District 6). Approval of a Site Plan and Specific Use Permit for a minor care facility with emergency services on 1.888 acres. The subject property is zoned Planned Development 267 (PD-267) District and Planned Development 267A (PD-267A) District. The property is located on the southwest corner of W. Camp Wisdom Road and Lake Ridge Parkway and is within the Lake Ridge Parkway Overlay District. The owner is Office Equity Solutions, the applicant is Office Equity Solutions, Andrew Miller, and the agent is BHB Engineering & Surveying, Konstantine Bakintas. (On October 1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated this case was for a minor care facility with emergency services at Camp Wisdom and Lake Ridge.

Konstantine Babintas, 4550 SH360, Grapevine, said he was assisting the applicant and was available to answer questions.

Mayor Pro Tem Jensen moved, seconded by Council Member Thorn, to close the public hearing and approve Case S121002/SU121002. 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

55

S121003/SU121001 - Site Plan/Specific Use Permit - 2640 W. Interstate 20 (City Council District 4). Approval of a Site Plan and a Specific Use Permit for a restaurant with drive-through on 1.29 acres. The subject property is zoned Planned Development 32 (PD-32) District and is situated on the north side of W. Interstate 20, being generally located west of S. Great Southwest Parkway. The property is located within the Interstate Highway 20 (IH-20) Overlay District. The owner/applicant is Legacy Holdings LLC. (On October

1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated this case was for a restaurant and retail spec space located in front of the existing Garden Ridge on the north side of I-20. He said the applicant had met Overlay requirements.

Chris Leavell, Legacy Alliance Holdings, 4125 Centurion Way, Addison, TX, was present to answer questions.

Council Member Fregoe moved, seconded by Mayor Pro Tem Jensen, to close the public hearing and approve Case S121003/SU121001. 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

56

Z121001 - ZONING CHANGE - 1214 Parker Road (City Council District 1). Approval of a Zoning Change from Single Family-One (SF-1) District to a Planned Development for Light Industrial (LI) District on 1.091 acres. The subject property is generally located west of N. State Highway 161 and south of W. Rock Island Road and is located within the State Highway 161 (SH-161) Overlay District. The owner is Claylon and Daretia Cooper, the applicant is Primate Construction Inc., and the agent is Herb Beasley. (On October 1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley said the applicant for this case is part of a construction company that does a lot of concrete pouring. He said there is some single family scattered in the area, but the area has been transitioning to light industrial.

Council Member Hepworth moved, seconded by Council Member Shotwell, to close the public hearing and approve Case Z121001. 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

57

Z121003 - Zoning Change - Mira Lagos D (City Council District 6). Approval of a Zoning Change from Agriculture (A) District to Planned Development 271B (PD-271B) District for single family residences on 5.8 acres. The subject property is zoned Agriculture (A) District and is generally located west of Lake Ridge Parkway on the south side of England Parkway. The property is in the Lake Ridge Parkway Overlay District. The owner is First Texas Homes, Keith Hardesty and the applicant is Daniel Dewey, JBI Partners. (On October 1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated this zoning case is a "clean up" piece comprised of 5.8 acres close

to a drill site, and this piece did not get zoned when adjacent areas were zoned. The zoning is retaining the same requirements as PD271B.

Mayor Pro Tem Jensen moved, seconded by Council Member Giessner, to close the public hearing and approve Case Z121003. 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

58

Z120802/SU120805 - Zoning Change/Specific Use Permit - 615 W. Jefferson Street (City Council District 2). Approval of a Zoning Change from Central Area (CA) District to a Planned Development (PD) District for all uses allowed in the Central Area (CA) District plus a Specific Use Permit for auto tire repair and auto accessory sales and installation on 0.178 acres. The subject property is zoned Central Area (CA) District and is within Central Business District Number Two (CBD-2) Overlay District. The property is generally located east of S. Carrier Parkway on W. Jefferson Street. The owner is Arturo Torres and the applicant is M.S. Steve Keeton. (On October 1, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Council Member Swafford moved, seconded by Council Member Thorn, to close the public hearing and approve Case Z120802/SU120805. The motion carried unanimously.

Items for Individual Consideration

59

License to DFW Midstream Services, LLC for installation of a gas pipeline along and across City property and streets along Great Southwest Parkway between Avenue H East and Avenue J East and across Avenue K East.

Mayor Pro Tem Jensen declared a conflict of interest and left the Chambers during discussion and vote on this item.

Bill Crolley, Planning Director, stated that this license would allow DFW Midstream to cross city right-of-way for pipelines. He said that all pipelines would be bored and depths range from 60 - 100 ft at \$2.75/foot for 20 years, with a 9-year renewal option.

Council Member Swafford noted that the license was for 20 years with a 9-year renewal option, and asked Mr. Crolley if there would be a CPI adjustment at the end of 20 years before the 9-year option is exercised. City Attorney Don Postell said at the end of 20 years, the city would have the option to renew with a CPI adjustment.

Council Member Hepworth moved, seconded by Council Member Thorn, to approve a license agreement with DFW Midstream. The motion carried unanimously.

Ayes: 8 -

Mayor Charles England; 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

Excused: 1 -

Mayor Pro Tem Ron Jensen

60

Ordinance amending the FY 2012/2013 Baseball Debt Service Fund; Contract with Hellas Construction Inc. for synthetic turf for QT Ballpark in the amount of \$1,041,885, Material Testing in the amount of \$7,500, Drainage Review in the amount of \$3,500 and 5% contingency in the amount of \$52,095 for a total project cost of \$1,104,980

Mr. Crolley stated that a committee was formed to review proposals for installation of turf at QuikTrip Park, and this item is to award the contract to Hellas Construction. This project is funded from the unobligated balance in the Baseball Debt Service Fund.

Scott Barry, 1600 LSP Parkway, thanked Council and the committee for considering the AirHogs request for turf. He said he supported installation of the turf, but was concerned about the turf without the e-liner. He asked Council to consider the e-liner.

Council Member Hepworth stated that he had championed the installation of the turf from the beginning but had serious reservations about the bidding process. Mr. Hepworth moved to close the hearing and deny the ordinance amending the Baseball Debt Service Fund. The motion died for lack of a second.

Council Member Giessner thanked Mayor England, Bill Crolley, Rick Herold and Tom Cox, who spent a great deal of time and effort looking at companies and their ability to deliver the product.

Council Member Shotwell said the turf will be a great improvement to QT Park and hopefully there will be better attendance and more events. Mayor England thanked the selection committee, and added this is what is best for QT Park and best for the city.

Council Member Giessner moved, seconded by Mayor Pro Tem Jensen, to close the public hearing and approve an ordinance amending the Baseball Debt Service Fund. The motion carried.

Ayes: 8 -

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

Nayes: 1 -

Council Member Mark Hepworth

61

Renewal of City Manager's Contract

Council Member Swafford stated that Council had unanimously expressed their confidence in City Manager Tom Hart and thanked him for his leadership and his work on behalf of the citizens of Grand Prairie. Mr. Hart thanked Council and said he

came here 13 years ago and it has been an honor to work with this City Council. He added that the reason a city manager can be successful is because of a great team and he has the best in the Metroplex and the State of Texas.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to extend the City Manager's contract to October 31, 2013; all provisions of the original contract dated March 1, 1999, and amended in 2006 and subsequent addendums not modified herein remain in effect; an increase in payments of 2.5% from \$5,682/week to \$5,824/week (\$302,848/year); provide a CEO retention incentive effective October 1, 2011 in the amount of \$30,000 each year for five years, for a total of \$150,000 to be paid October 1, 2016. If Mr. Hart leaves the city prior to October 1, 2016, he is not to be paid any portion of the \$150,000 incentive; the City Attorney to draw up this addendum as stated. 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

62

Board and Commission Appointments

Deputy Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe, to appoint Barbara Macdonald to the Library Board and Barry Anderson to the Zoning Board of Appeals. 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

Bill Nash, 1734 Avenue B, stated that on September 18, the Council approved a day care at 1729 Avenue B and he had been experiencing problem associated with that business. He said that headlights from employee's cars that park in front of his house shine into his house at 5:00 a.m. in the morning. He said there is standing water that does not drain and he was concerned about West Nile Virus. Mr. Nash said the owners need to take care of these problems.

Margaret Montgomery, 3047 Gregory Lane, submitted a speaker card, but indicated she did not wish to speak.

Wendell Davidson, 3456 Country Club Drive, said he was proud of the Council for serving the citizens and the great progress that is happening in the city. He said Council and staff were creating an environment that is business friendly and a great place to live, work, play and educate their children. He added that his daughter and her friend were taking dual credit courses and were present at the meeting because one of the class requirements is to attend a council meeting.

Madalyn Long, 314 W. Warrior Trail, stated that she had spoken to some members of the Fire Department during National Night Out and she explained to them the parking on Stonehenge to see if it could be restricted to just one side of the street to more easily get vehicles through. She asked Council to make that happen.

Adjournment

Deputy Mayor Pro Tem Jackson thanked everyone for their notes and expressions of sympathy for the loss of her husband, Vernon Jackson. She said these helped her family through a very rough time.

Mayor England adjourned the meeting at 7:40 p.m.

The foregoing minutes were approved at the November 6, 2012 meeting.

Catherine E. DiMaggio, City Secretary