



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final

City Council

Tuesday, March 22, 2016

4:30 PM

City Hall - Briefing Room
317 College Street

Call to Order

Mayor Pro Tem Jim Swafford called the meeting to order at 4:30 p.m.

- Present** 8 - 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
- Absent** 1 - Mayor Ron Jensen

Staff Presentations

- 1** Briefing on US Army Corps Study (Dam Safety Implications of Drilling, Hydro Fracturing and Extraction at Joe Pool Dam) - Presented by Bill Crolley, Jim Cummings and Cindy Mendez

Bill Crolley, Executive Director, stated that the current moratorium on prohibiting drilling and fracturing in the 3,000 ft. exclusion zone expires October 1, 2016. He said there are two wells in the 3,000 ft. exclusion zone. The Corps study recommended a 4,000 ft. exclusion zone and falls across three cities (Grand Prairie, Dallas and Arlington). Mr. Crolley said implementation of the 4,000 ft. setback would prohibit all new padsites within the setback; revocation of four Lynn Unit undrilled permits; and would require XTO to abandon and plug the three drilled Lynn Unit wells. The proposed 5-mile setback for injection wells exceeds the 3.1 mile setback recommended in the Corps study. He added that injection wells are already prohibited by the city's gas drilling ordinance.

Mr. Crolley said statt recommendations include: acknowledge receipt; send a copy to the Railroad Commission; send a letter back to COE stating that all the city can control is the surface and that the Railroad Commission has 100% authority for down-hole operations.

City Attorney Don Postell said the city has some control about siting of padsites, but HB 40 stipulates that anything below ground is outside the city's authority.

Cindy Mendez stated the moratorium will expire in October and staff's recommendation is to allow that moratorium to expire.

Presented

2

Creek Erosion Policy - Presented by Romin Khavari, City Engineer and Stephanie Griffin, Stormwater Utility Manager

Romin Khavari, City Engineer, said the erosion policy had been presented to the council committees. He said there was 17" of rain in May that caused a lot of erosion. He said Resolution No. 3919 focused on the general public benefits of the policy. The current policy does projects with public benefit and residents would be responsible for private property improvements. Mr. Khavari said the Drainage Master Plan recommendations for public improvements would be to continue to do public benefit projects and voluntary buyouts for public and private benefit projects. He said possible funding could come from evaluating the storm water utility rate to fund the erosion improvements and buyouts. The erosion policy will be brought back to council for approval.

Council Member Fregoe asked if there was any direct input from citizens (citizen forum, etc.). Mr. Khavari said citizens had not been directly contacted because he was waiting to see what action the Council would be taking.

Mayor Pro Tem Swafford asked Mr. Khavari to put the policy on the Council agenda for approval.

Presented

3

Credit Access Lending Ordinance - Presented by Megan Mahan, Assistant City Attorney

Megan Mahan, Assistant City Attorney, distributed a sheet from Representative Chris Turner regarding payday and auto title lending. She said these types of loans are usually short term loans but the borrowers are usually over \$3,000 in debt. In 2014 there was an estimated total in new loans of \$10,306,982 in Grand Prairie with estimated fee charges of \$9,436,563. Ms. Mahan said the proposed ordinance is based on the TML model ordinance. She recommended a registration fee of \$50. In the Supreme Court case of Ace Cash Express v. City of Denton, the court asked for briefs on merits from the parties. Briefs are due April 26, 2016 and a decision on whether to hear the case would probably be made in late summer.

Council Member Shotwell asked how the case stands if the court does not decide to hear it. Ms. Mahan said the lower court ruling would stand (the case was dismissed for lack of jurisdiction). Council Member Shotwell asked if the city should wait until the court has made a decision. Ms. Mahan said that was certainly an option. Council Member Copeland stated if this is a problem in our city, he was not in favor of waiting because of the \$10 million in loans and \$9 million in fees. Mayor Pro Tem Swafford said the ordinance may stop any more of these businesses locating in the city. Ms. Mahan said none of the cities are writing tickets on these ordinances and Arlington is doing a complaint based enforcement. Council Member Wooldridge pointed out if the city gets sued, we sometimes negotiate and have to pay the other side's lawyers. Ms. Mahan stated that the city can still be sued. She added that Austin wants to be a test case for this ordinance. Council Member Thorn asked if we had received complaints. Ms. Mahan replied there were none in Grand Prairie. Council Member Giessner asked who would be put in charge of auditing. Ms. Mahan said Chief Dye suggested the police department financial crimes detectives and Cathy Patrick, Internal Auditor. Council Member Giessner asked where the cost of the audit would be charged. Mayor Pro Tem Swafford said the funds would probably come from registration fees.

Council Member Shotwell said if Council passes this ordinance and makes it effective January 1, 2017, this would give us time to see what is happening with the courts.

Ms. Mahan pointed out that just because it is effective January 1, 2017, and they come in before then, they still must comply. Council Member Copeland said we are not going to know if the court is going to hear the case until this summer and they may kick it back to the lower court and this may be two years out, but it is a problem right now. Council Member Shotwell said if the court says we cannot enforce the ordinance and we get sued, we have to pay the legal fees. Deputy Mayor Pro Tem Clemson said she read the surveys done by the lenders and was surprised that the respondents wanted these places and it was their right to borrow money from these places. Ms. Mahan said some people depend on those loans, but this ordinance restricts it as far as how the payback of the loan occurs.

Council Member Giessner asked why the state banking legislators do not regulate these businesses. Mr. Postell said they have not chosen to exercise jurisdiction. Ms. Mahan said payday lenders have money and lobbyists behind them. Mayor Pro Tem Swafford asked Ms. Mahan to place this ordinance on the next Council agenda or the meeting after that.

Presented

Agenda Review

Deputy Mayor Pro Tem Clemson asked if Council had any questions on Consent Agenda Items 5 through 27. There were none. Council Member Wooldridge referred to Public Hearing Consent Agenda Item 29 (Site Plan for Rusty Taco and Panera) and said he had several friends who had expressed their enthusiasm about these restaurants coming to Grand Prairie. Council Member Shotwell asked for the criteria used to decide which Planning and Zoning items appear on the Public Hearing Consent Agenda. Bill Crolley, Planning Director, said if staff and the Planning and Zoning Commission are unanimous in their recommendation of a case, it goes on the Consent Agenda. If the Planning and Zoning Commission has additional recommendations those cases are placed on the regular Planning and Zoning Public Hearing Agenda. Mayor Pro Tem Swafford referred to Item 6 on the Consent Agenda ((City's Comprehensive Annual Financial Report) and said the report had been reviewed by the Finance and Government Committee and the auditors were present to answer questions.

Mayor Pro Tem Swafford recognized State Representative Rodney Anderson who was in attendance at the meeting.

Executive Session

Mayor Pro Tem Jim Swafford convened a closed session pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.072 "Deliberation Regarding Real Property." The closed session was recessed at 5:30 p.m. and reconvened at 5:33 p.m. The closed session was adjourned at 6:00 p.m.

Recess Meeting

Mayor Pro Tem Swafford recessed the meeting at 6:00 p.m.

6:30 PM Council Chambers

Mayor Pro Tem Swafford reconvened the meeting at 6:36 p.m.

Pastor Randy Capote, South Park Baptist Church, gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag were led by Council Member Greg Giessner.

Presentations

- 4** DeMolay Month Proclamation - Presented to Joe Livingston
- Council Member Tony Shotwell read the DeMolay Month Proclamation. Mayor Pro Tem Swafford, Council Member Shotwell and Council Member Giessner presented the proclamation to Mr. Joe Livingston and members of the DeMolay.*
- Presented**

Consent Agenda

Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Fregoe, to approve Items 5 through 27 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the March 1, 2016 Meeting
- Approved on the Consent Agenda**
- 6** Accept the City's Comprehensive Annual Financial Report for Fiscal Year Ending September 30, 2015
- Approved on the Consent Agenda**
- 7** Price agreement for hot-applied joint and crack sealing services with Curtco, Inc. at an annual cost of \$229,000 for one year with the option to renew for four additional one year periods totaling \$1,145,000 if all extensions are exercised, and 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 on the Consent Agenda**
- 8** Price agreement for Concrete Paving from Santos Construction, at an estimated annual cost of \$9,985,525, with a secondary for McMahon Contracting at an annual cost of \$9,226,667, a tertiary with New Star Grading & Paving with an annual cost of \$11,395,850 and a fourth to NACC, Inc. at an

annual cost of \$10,594,889. All agreements will be for one year with the option to renew for four additional one year periods totaling \$49,927,625 for Santos Construction, \$46,133,338 with McMahon Contracting, \$56,979,250 with New Star Grading and Paving and \$52,974,445 with NACC, Inc., if all extensions are exercised; and 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 term

Approved on the Consent Agenda

- 9** Price agreement for Regulated Waste Disposal and all related activities from Sunbelt Industrial Services (up to \$15,000.00 annually) for one year with the option to renew for four (4) additional one year periods totaling \$75,000 if all extensions are exercised, and 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 on the Consent Agenda

- 10** Price agreement for fleet collision repairs and painting services from AJ's Autobody (up to \$300,000 annually) for one year with the option to renew for four, additional one-year periods totaling \$1,500,000 if all extensions are exercised; award a secondary to Champion Collision Repair Center (up to \$300,000 annually) for one year with the option to renew for four, additional one-year periods totaling \$1,500,000 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; and reject bid #16048 Auto Body Shop Repair Services

Approved on the Consent Agenda

- 11** Two 2-year annual lease agreements with Caterpillar Financial Services Corporation to lease an 836K Compactor and a D8T-T4 Dozer for the landfill, in the amount of \$661,106.56 for this fiscal year, with a two-year total of \$1,322,213.12, through a national, interlocal agreement with Buyboard

Approved on the Consent Agenda

- 12** Purchase of a VAC-CON Sewer Combination Flush Truck - Model V PD3611HEN/1300 LHA from CLS Equipment Co. in the amount of \$299,915.00 through an Interlocal Agreement with Houston-Galveston Area Council (HGAC)

Approved on the Consent Agenda

- 13** Purchase of trailer mounted trash pump from Xylem Dewatering Solutions, Inc. dba Godwin Pumps of America, Inc. at a cost of \$59,838.02 through an inter-local agreement with Houston-Galveston Area Council of Governments (H-GAC)

Approved on the Consent Agenda

- 14** Intergovernmental contract with Johnson County Special Utility District to revoke current contract (March 6, 2010) and enter into a new contract

Approved on the Consent Agenda

- 15** Purchase of ten (10) 2016 Interstate 30DLE trailers from Interstate Trailers, Inc. in the amount of \$200,000 through an Interlocal Agreement with Houston-Galveston Area Council (HGAC)

Approved on the Consent Agenda

- 16** Contract with Garland/DBS Inc. to replace the roof at Tourist Center in the amount of \$124,971 plus a \$6,250 (5%) contingency, for a total of \$131,221.

Approved on the Consent Agenda

- 17** Award Engineering/Design Contract with KSA Engineers for reconstruction of Taxiway B on the west side of Grand Prairie Municipal Airport, in the amount of \$71,200

Approved on the Consent Agenda

- 18** Change order number 1 with Denco Construction Specialists in the amount of \$68,518.00 for the remodel of the Main Library

Approved on the Consent Agenda

- 19** Award bids for the completion of three residential reconstruction projects as part of the HOME Reconstruct Program to Johnson Construction Services in the amount of \$75,000 each for a total of \$225,000

Approved on the Consent Agenda

- 20** Purchase of video surveillance storage solution from Netsync Network Solutions, Inc. in the amount of \$420,379.74

Approved on the Consent Agenda

- 21** Purchase of HVAC system and installation at Parks and Recreation Administration Building as follows: \$144,668 to Brandt for demo and removal of the existing system and installation of new system through an interlocal agreement with TXMAS; and, \$33,708.36 to Trane for the purchase of the

HVAC unit through an interlocal agreement with BuyBoard; and, \$28,952 to Enviromatic Systems for the purchase and installation of HVAC controllers through an interlocal agreement with BuyBoard for a total cost of \$207,328.36 with a 5% contingency in the amount of \$10,367, for a total project cost of \$217,694.36

Approved on the Consent Agenda

- 22** Engineering and surveying services contract with Halff Associates, Inc. for Paving, Drainage and Utility Improvements along Tarrant Road at Arbor Creek in the total amount of \$118,750

Approved on the Consent Agenda

- 23** Professional services contract with McKim and Creed in the amount of \$379,925 to provide engineering, surveying and aerial lidar services to update the City's Drainage Master Plan projects including Drainage Problem Assessment and Neighborhood Flooding

Approved on the Consent Agenda

- 24** Acquisition of Real Property (316, 318 and 320 NE 5th Street) for Water Utility Facility Improvement and Drainage Improvement located on Small Hill Street

Approved on the Consent Agenda

- 25** Acquisition of real property (324 NE 5th Street) for Water Utility Facility Improvement and Drainage Improvement on Small Hill Street in the not to exceed amount of \$50,000

Approved on the Consent Agenda

- 26** Ordinance amending Section 26-158 of the Grand Prairie Code of Ordinances and Water Conservation Ordinance #7937 to prohibit irrigation between the hours of 10 AM and 6 PM year-round and limiting irrigation to two days per week

Adopted

Enactment No: ORD 10018-2016

- 27** Ordinance amending the FY 2015/2016 Capital Improvement Projects Budget for Pavement Cut Repairs

Adopted

Enactment No: ORD 10019-2016

Public Hearing Consent Agenda

Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Thorn, to close the public hearing and approve Items 28 through 31 on the Public Hearing Consent Agenda. The motion carried unanimously.

- 28** S160301 - Site Plan - Starbucks (Carrier and Westchase) (City Council District 6). Approve a site plan to construct and operate a restaurant with drive-through. The 1.61-acre property, located at 510 Westchase Drive, is zoned Planned Development-173 (PD-173) District. The agent is John Bezner, Civil Point Engineers and the owner William McGuire, UDC Global, LLC. (On March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Adopted

- 29** S160302 - Site Plan - Panera and Rusty Taco (Carrier and Westchase) (City Council District 6). Approve a site plan to construct and operate two restaurants with drive-through. The 0.95-acre property, located at 510 Westchase Drive, is zoned Planned The Development-173 (PD-173) District. The agent is John Bezner, Civil Point Engineers and the owner is William McGuire, UDC Global, LLC. (On March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Adopted

- 30** S160304 - Site Plan - 501 Fountain Pkwy (City Council District 1). Approval of a Site Plan authorizing a 50,000 sq.ft. warehouse expansion to the existing approximately 160,000 sq.ft. Siemens industrial warehouse facility. The property, zoned Light Industrial (LI) District and within the S.H. 360 Corridor Overlay District, is generally located east of S.H. 360 and south of Fountain Parkway. The agent is Clayton Strolle, Pacheco Koch and the owner is Steven Ngo, Siemens Corporation. (On March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Adopted

- 31** SU160302 - Specific Use Permit - Love's Travel Stop (City Council District 1). Approval of a Specific Use Permit/Site Plan permitting a truck tire retreading facility operating out of 94,609 sq.ft. tenant space of a 366,466 sq.ft. multi-tenant industrial building. In addition to the retreading operations, the facility will operate as a new commercial truck tire, included the newly retreaded tires, and light mechanical parts distribution center. The multi-tenant industrial building that houses the subject tenant space is located on an 18.143 acre lot. The property is generally located west of Roy Orr Blvd. and north of Oakdale Road. The agent is Steve Riordan, Stream Realty Partners, the applicant is Jeff Rice, Love's Travel Stops and Country Stores, and the owner is Chris Jackson, Riverpoint Industrial Investors LLC. (On

March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Adopted

Enactment No: ORD 10020-2016

Public Hearing on Zoning Applications

32

S160305 - Site Plan - Winding Creek Apartments (City Council District 2 & 4). Approve a site plan to construct and operate a multi-family residential development. The 22.98-acre property, generally located north of Sara Jane Parkway and west of Bob Smith Parkway, is zoned Planned Development-353 (PD-353) District, is within the State Highway 161 (SH-161) and Interstate Highway 20 (I-20) Corridor Overlay Districts. The applicant is Bryan Moore, DBA Architects and the owner is Grant Lorimer, GT Winding Creek LP. (On March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Jim Hinderaker, Chief City Planner, stated this property is located in Council Districts 2 and 4 and is within the I-20 Overlay District. This apartment complex project will have 13 buildings and 314 units. Mr. Hinderaker said this site is unique because of the creek located to the rear. He said an erosion control line has been established. There will be one clubhouse with 156 one-bedroom units; 140 two-bedroom units; and 18 three-bedroom units. Mr. Hinderaker said there would be a screening wall along Sara Jane. There is one access in and out on Sara Jane. He said there was an issue at the Planning and Zoning Commission meeting because of the lack of covered parking. Staff and the Planning and Zoning Commission recommended covered parking and the applicant is now in compliance with that requirement. There will be 100% masonry facades on the buildings facing Sara Jane. The Planning and Zoning Commission recommended that the developer work with the Community Policing Through Environmental Design program and participation in the Crime Free Multi-Family Housing Program and the applicant agreed to those recommendations.

Brian Moore, 111 S. Kentucky, Suite 210, McKinney, architect for the project, stated he was present to answer questions.

Council Member Wooldridge said he was concerned with only ingress and egress for emergency vehicles. Mr. Moore stated there is a boulevard with two exit only gates at either end of the property for fire access.

Council Member Fregoe moved, seconded by Council Member Giessner, to close the public hearing and approve Case S160305 as recommended by the Planning and Zoning Commission. The motion carried unanimously.

Ayes: 8 - 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

33

SU160301/S160303 - Specific Use Permit/Site Plan - El Pollo Loco (City Council District 1). Approve a specific use permit and site plan to construct and operate a restaurant with drive-through. The 1.09-acre property, zoned General Retail-1 (GR-1) District, is located at 2125 N. State Highway 360 (SH

360), is within the State Highway 360 (SH 360) Corridor Overlay District. The agent is Matt Moore, Claymoore Engineering Inc., the applicant is John Murphy, Chicken Time Real Estate, and the owner is Martin Schelling, Conifer Real Estate. (On March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Mr. Hinderaker stated that El Pollo Loco will be a drive through restaurant and the current zoning supports that use. There is a private street that runs on the backside of these businesses (from Green Oaks). The building will be 90% masonry and complies with the requirements of the Overlay District.

Drew Donosky, 1903 Central Drive, Bedford, stated he was present to answer questions.

Deputy Mayor Pro Tem Clemson asked about the menu. Darren Hudkins, 1903 Central Drive, Bedford stated there will be citrus marinated grilled chicken, tacos, and burritos.

Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Thorn, to close the public hearing and approve Case SU160301/S160303. The motion carried unanimously.

Ayes: 8 - 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 10021-2016

34

Z151101/CP151101 - Zoning Change/Concept Plan - Versailles Estates (City Council District 6). Approve 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 March 7, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Mr. Hinderaker stated this was a 10 acre lot and the applicant is proposing 38 lots with lot sizes of 8100 to 10,000 sq. ft. The PD is adhering to the requirements of Resolution 3924.

Osama Nasheed, A&A Consultants, Colleyville, stated he was the engineer for this property and was present to answer questions.

Robert Shelton, 9301 Friendswood Drive, stated he was the developer and was present to answer questions.

Kathryn Monette, 1814 Abilene Court, submitted a speaker card in opposition to this case.

Council Member Wooldridge moved, seconded by Council Member Fregoe, to close the public hearing and approve Case Z151101/CP151101 as presented by staff. The motion carried unanimously.

Ayes: 8 - 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 10022-2016

Citizen Comments

There were no citizen comments.

Adjournment

Mayor Pro Tem Swafford adjourned the meeting at 7:11 p.m.

The foregoing minutes were approved at the April 5, 2016 meeting.

Catherine E. DiMaggio, City Secretary