



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final

City Council

Tuesday, January 22, 2019

4:30 PM

City Hall - Briefing Room
317 College Street

Call to Order

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

Present 8 - Mayor Ron Jensen
Mayor Pro Tem Jeff Copeland
Deputy Mayor Pro Tem Greg Giessner
Council Member Jorja Clemson
Council Member Richard Fregoe
Council Member Cole Humphreys
Council Member Jim Swafford
Council Member Jeff Wooldridge

Absent 1 - Council Member Mike Del Bosque

Staff Presentations

- 1** Findings of SH161 North Corridor Study - Presented by Freese and Nichols
- Wendy Shabay, Vice President, Freese and Nichols, said the scope of the study was to look at SH161 north of I-30 to Rock Island. Ms. Shabay said they had met with the Planning and Zoning Commission, city staff and several developers and landowners within the corridor to assess needs. She went over existing conditions in the corridor and stated that industrial is the primary use and this has created congestion concerns.*
- Jason Claunch, President, Catalyst Commercial, explained the market demand in this corridor including industrial, which is the main demand, as well as single family, multi-family as well as retail demand. The vacancy rates are less than 6% in the industrial area. Mr. Claunch showed the types of industrial use including fulfillment centers; light and advanced and heavy manufacturing; and warehouse/distribution.*
- Ms. Shabay said they had looked at quality development; natural features preservation; market adaptability; balance of land uses; and the roadway network and came up with recommendations for each site in the corridor.*
- Mayor Jensen said the city needs to raise the bar on warehouse architectural requirements in those areas that are zoned industrial. Mayor Jensen asked if vacant land would be sold for more if sold for multi-family than for warehouses. Mr. Claunch replied that multi-family land would most likely sell for a little more. Council Member Clemson asked when the moratorium would expire. Mr. Jones said it would expire February 4.*

Presented

2 Airport Update - Presented by Mark Divita, Airport Director

Postpone

3 Prairie Lights Update - Presented by Duane Strawn, Assistant Parks, Arts and Recreation Director

Duane Strawn, Assistant Parks, Arts and Recreation Director, updated Council on 2018 Prairie Lights. He said there were 39 event days with 30,130 vehicles going through, an average of 773 per day. There were 172,583 visitors and 800 Fast Passes were used. He said that visitors came from 45 states and 17 countries.

Presented

Agenda Review

Mayor Pro Tem Copeland asked Council Members if they had any questions on Consent Agenda Items or Public Hearing Consent Items. Council Member Fregoe asked for clarification on Item 9 (purchase of recycling bins). Dr. Patricia Redfearn, Solid Waste Manager, said staff was not considering wheeled recycling bins at this time and this item was for bins for Grand Prairie ISD schools.

Bill Crolley, Deputy City Manager, asked to pull Item 23 (Zoning Case Z190103) for individual consideration to present an amendment. Council Member Wooldridge referred to Item 23 and said there were some concerns about these private streets and wanted to add requirements for streets. Tom Hart, City Manager, said perhaps this item should not be approved because the roads are private streets and they are in very poor condition.

Executive Session

Mayor Jensen convened a closed session at 5:06 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.072 "Deliberation Regarding Real Property," Section 551.074 "Personnel Matters" City Manager's Contract, and Section 551.087 "Deliberations Regarding Economic Development Negotiations." Mayor Jensen adjourned the closed session at 5:53 p.m.

Recess Meeting

Mayor Jensen recessed the meeting at 5:53 p.m.

6:30 PM Council Chambers

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

The Invocation was given by Pastor Denny Davis, St. John Baptist Church. The Pledge of Allegiance to the US Flag and to the Texas Flag were led by Deputy Mayor Pro Tem Greg Giessner.

Consent Agenda

Mayor Pro Tem Copeland moved, seconded by Council Member Fregoe, to approve Items 4 through 18 on the Consent Agenda. The motion carried unanimously.

- 4** Minutes of the January 8, 2019 Meeting
- Approved on the Consent Agenda**
- 5** Assignment and Assumption of Commercial Lease Agreement and Public Fueling Agreement and Obligation from Aviator Air, LLC - Chad Ferrell to Aviator Air Flight School, LLC - Brian Messersmith, effective January 15, 2019
- Approved on the Consent Agenda**
- 6** Long-Term Ground Lease Agreement for Hangar Construction and Aircraft Storage for Staggerwing Development #5 LLC for a period of thirty (30) years beginning February 1, 2019 and ending December 31, 2049 for an annual income of \$9,453.96, payable in monthly installment of \$787.83
- Approved on the Consent Agenda**
- 7** Purchase of a 26-foot PackCat Boat from Munson Boats of Burlington, Washington, for a total cost of \$257,185 through the General Services Administration's Cooperative Purchasing Program.
- Approved on the Consent Agenda**
- 8** Price agreement for SNAP Heartworm, SNAP Parvo, SNAP FeLV, and SNAP Feline Triple tests for testing animal shelter animals from sole source provider IDEXX Laboratories (up to \$16,470 annually) for one year with the option to renew for four additional one year periods totaling \$65,880 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**
- 9** Purchase of recycling bins from Pollock Investments of Grand Prairie, Texas in the amount of \$54,531.60
- Approved on the Consent Agenda**
- 10** Contract with Garland/DBS for the purchase of roofing services in the amount of

\$750,000 through a national interlocal agreement with U.S. Communities for a one-year term

Approved on the Consent Agenda

- 11 Authorize City Manager to enter into Agreement to Mediate and Arbitrate Disputes with the Trinity River Authority

Approved on the Consent Agenda

- 12 Final Reconciliation Change Order No. 7 for the Irrigation Water Well at Central Park in the net negative amount of -\$45,070.99

Approved on the Consent Agenda

- 13 Professional Services Contract to Halff Associates, Inc. for design and construction plan preparation for Cottonwood and Fish Creek Stream Stability: Cottonwood Creek from West of Carrier to FM1382 W.O. #619.57 Fish Creek Watershed from Magna Carta to Carrier W.O. #619.60 in the amount of \$154,980 plus a 5% contingency of \$7,749 for a total amount of \$162,729

Approved on the Consent Agenda

- 14 Professional Engineering and Surveying Services contract with Kimley Horn for final design services of intersection improvements in the amount of \$260,400 plus a 5% contingency of \$13,020 for a total of \$273,420

Approved on the Consent Agenda

- 15 Ordinance authorizing the abandonment of general utility easements and sanitary sewer easements for Lots 1 and 2, Block 1, MacArthur Crossing Addition to Mac Crossing, LLC, a Delaware limited liability company, for \$250; authorize City Manager to sign a quitclaim deed on behalf of the City

Adopted

Enactment No: ORD 10584-2019

- 16 Resolution for the City Manager to submit an application for FY 2019 Emergency Management Performance Grant (EMPG) and accept grant award from the Texas Department of Public Safety/Texas Division of Emergency Management, in an anticipated amount of \$57,581

Adopted

Enactment No: RES 4993-2019

- 17 Resolution amending Resolution 4940-2018 granting a revised 380 Incentive Agreement with Dolabi Family LTD, doing business as National Autobody Parts, granting a 75% rebate on real property for nine years and rebating a share of

selected fees

Approved

Enactment No: RES 4994-2019

18

Resolution authorizing the City Manager to execute a master interlocal purchasing agreement between the City of Grand Prairie and the City of Sanger, Texas

Adopted

Enactment No: RES 4995-2019

Public Hearing Consent Agenda

Mayor Pro Tem Copeland moved, seconded by Council Member Wooldridge, to close the public hearings and approve Items 19 through 22, remove Item 23 for individual consideration, and approve Item 24. The motion carried unanimously.

19

SU181101/S181101 - Specific Use Permit/Site Plan - Proposed Retail, 904 W. Polo Road (City Council District 6). Specific Use Permit and Site Plan for a proposed retail development with fried chicken, donuts, and an unlisted use. Lot 12, Block 5, Amesbury Estates, City of Grand Prairie, Dallas County, Texas, and zoned Planned Development-247 (PD-247) and located at the address 904 W. Polo Road. The applicant is Ajaz Khan and the owner is Michael Eve. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

Adopted

Enactment No: ORD 10585-2019

20

S190102 - Site Plan - Mariposa Apartment Homes, 4603 and 4607 S Carrier Pkwy (City Council District 6). Site Plan for Mariposa Apartment Homes, a 93-unit multi-family development for adults aged 55 years and older, on 4.130 acres. Westchester Town Center Phase 3A, Lots 1 and 3, Block 1, City of Grand Prairie, Dallas County, Texas, zoned PD-379. The applicant is Stuart Shaw, Mariposa Westchester LP. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

Adopted

21

Z190101 - Zoning Change - 1002 Small Street, Residential (City Council District 5). Zoning Change for 0.990 acre tract from General Retail (GR) to Single Family-Four Detached residential (SF-4) District to allow for the zoning to conform to the existing residential land use. Being a 0.990 acre tract located in the Richard Wilson Survey, Abstract No. 1528, Page 20, City of Grand Prairie, Dallas County,

Texas. Zoned GR, generally located at the northeast corner of NE 10th Street and Small Street. The property is located in City Council District 5. The owner is Charles/Katie Hughes. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

Adopted

Enactment No: ORD 10586-2019

22

Z190102 - Zoning Change - 1621 Alspaugh Lane, Residential (City Council District 6). Zoning Change Plan for Florence Hill 1, Lot 21, on 0.986 acre from Neighborhood Services (NS) to Single Family-Two Residential Detached (SF-2) to allow for the development of two single family detached homes. The 0.986 acre property is located at the southeast corner of Matthew Road and Alspaugh Lane. The owner is David & Susan Hines. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

Adopted

Enactment No: ORD 10587-2019

23

Z190103 - Zoning Change - 1310 Ranch Road, Residential (City Council District 6). Rezone 0.43 acres from A, Agricultural District to SF, Single-Family Residential District for the purpose of constructing a single-family home. Described as Tract 77, SH 1B, Matthew Road Mobile Home Estates, 0.43 acres out of the Thomas J. Tone Survey, Abstract No. 1460, City of Grand Prairie, Dallas County, Texas, zoned A, Agricultural District. The owner is Benito Galarza. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

David Jones, Chief City Planner, stated there was no city sewer or water at this location. He said the final plat would be approved prior to construction. The property owner would be required to maintain the street in front of this lot for access to public safety vehicles. Mayor Jensen asked Mr. Galarza if he understood the conditions being placed on this zoning change, including: 1) Approval for use of new septic system and removal of any old system; 2) a final plat is to be approved prior to construction and filed prior to occupancy.

Benito Galarza, 2711 Gilbert Circle, Arlington, submitted a speaker card in support of this case.

Council Member Swafford asked about fresh drinking water. Mr. Jones said it is a private system and the city does not maintain it or test it. Council Member Swafford asked if the city had any liability for this water. Jim Cummings, Environmental Services Director, said this is a private water system and they report directly to the TCEQ. He added that this system used to have several wells but now has only one well. Mr. Cummings said there is a fire hydrant down the street that the city has from time to time let them use in an emergency situation. Council Member Swafford said he thought it was a liability if the well fails and they are without water. Mr. Jones said this area on the future land use map is single family zoning. Council Member Wooldridge said he just wanted to make sure that applicant knows that a third item

has been added to the list of stipulations for approval. City Manager Tom Hart recommended tabling this item for two weeks.

Council Member Wooldridge moved, seconded by Council Member Swafford, to close the public hearing and table Case Z190103. The motion carried unanimously.

24

Z190104 - Zoning Change - 401 and 403 College St (City Council District 5). Zoning change from 2F to CA. Lots 5, 6, and 7, Block J/9, W. H. Thomas' Second Addition, City of Grand Prairie, Dallas County, Texas, zoned 2F, within CBD2. The agent is Michael Salcedo, Salcedo Group, Inc. and the owner is Juan Torres, United Residential Group. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0-1 with Commissioner Moser abstaining).

Adopted

Enactment No: ORD 10588-2019

Public Hearing on Zoning Applications

25

S190101 - Site Plan - Texas Roadhouse (City Council District 4). Site Plan for Texas Roadhouse, an 8,210 sq. ft. restaurant on 2.5 acres. Tract 2B02, Charles D Ball Survey, Abstract No. 197, City of Grand Prairie, Dallas County, Texas, zoned PD-29, within the I-20 Overlay District, and generally located north of W I-20, south of Sara Jane Pkwy, and west of Bob Smith Pkwy. The agent is Yelena Fiester, GreenbergFarrow, the applicant is Caitlin Kincaid, Texas Roadhouse Holdings, Inc., and the owner is Sally Smith Mashburn, Bob Smith Management Company, LTD. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

Mr. Jones reviewed Case S190101 and Case USP190101 together (Items 25 and 26). He said the applicant is building a new restaurant in the I-20 Overlay District with access of Sara Jane. There will be 195 parking spaces and the case meets landscape requirements with the exception of 50' spacing of street trees. Mr. Jones said staff recommended they meet those standards. There are exceptions requested for windows (on north, west and east facades) and staff had no objection to this exception. Another requested exception is maximum height of architectural features for flag poles on top of the tower elements. Mr. Jones said the case meets Appendix F Overlay requirements for building elevations. The Planning and Zoning Commission recommended approval with the required 50' spacing for street trees. The exception for the 50' pole sign is in line with what is existing in this area. Mr. Jones noted that the recent adopted sign code does not allow pole signs.

Yelena Fiester, 5500 Democracy Drive, Plano, (architectural consultant) was present to answer questions. She said they would start building in late 2019 or early 2020. The current location will close about one week prior to this one opening. This restaurant will be about 1000 sq. ft. larger than the current restaurant.

Council Member Humphreys referred to sign usage and said Council has had a debate over pole signs. He asked if there was anything that swayed staff to allow use of this

pole sign. Mr. Jones said it was because of the nature of signs in the area and they need it with so many pole signs in that area.

Mayor Pro Tem Copeland asked if Texas Roadhouse owned the current building. Ms. Fiester said it was leased. Mr. Copeland asked what would happen to the existing sign. Ms. Fiester said it would be removed. Mr. Jones said he was not sure if they could make removal of the current sign a stipulation for approval of this case because it is a different property.

Council Member Fregoe moved, seconded by Council Member Clemson, to close the public hearing and approve Case S190101 and USP190101 as recommended by the Planning and Zoning Commission. The motion carried unanimously.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Jeff Copeland; Deputy Mayor Pro Tem Greg Giessner; Council Member Jorja Clemson; Council Member Richard Fregoe; Council Member Cole Humphreys; Council Member Jim Swafford and Council Member Jeff Wooldridge

26

USP190101 - Unified Signage Plan - Texas Roadhouse (City Council District 4). A Unified Signage Plan for Texas Roadhouse. Tract 2B02, Charles D Ball Survey, Abstract No. 197, City of Grand Prairie, Dallas County, Texas, zoned PD-29, within the I-20 Overlay District, and generally located north of W I-20, south of Sara Jane Pkwy, and west of Bob Smith Pkwy. The agent is Yelena Fiester, GreenbergFarrow, the applicant is Caitlin Kincaid, Texas Roadhouse Holdings, Inc., and the owner is Sally Smith Mashburn, Bob Smith Management Company. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0).

See motion under Item 25 which included Item 26 and was adopted unanimously.

27

SU181201/S181201 - Specific Use Permit/Site Plan - GSW Logistics Addition (City Council District 1). Specific Use Permit and Site Plan for Oscar Orduno, Inc. consisting of 9,485 square feet of Office space along with a Contractor Shop with Outside Storage, Heavy Equipment Storage, and Private Vehicle Maintenance on 6.364 net acres. Lot 4, Block A, GSW Logistics Addition, City of Grand Prairie, Tarrant County, Texas. 9.981 acres zoned LI, Light Industrial within the SH-360 Corridor Overlay, located approximately 950 feet east of SH-360 and addressed as 623 E. Ave. J, Grand Prairie, Texas. (On January 7, 2019, the Planning and Zoning Commission recommended approval of this request by a vote of 6-1).

Mr. Jones reviewed Case SU181201/S181201 for a contractor office with outside storage and heavy equipment storage on approximately 9.9 acres. He said the applicant was moving their corporate office from Irving to this location. The company makes retaining walls and other projects. The site has 2.5 acres which lie outside of the 100-year floodplain. The office building will be 8,297 sq. ft. and the shop/maintenance facility will be 12,710 sq. ft. The tree survey showed many good quality trees and the applicant will preserve a majority. The existing trees will be used as screening for outside equipment storage. There will be new trees along Ave. J. The applicant has asked for exceptions to Appendix F for a flat roof. Other exceptions were requested for building articulation, stone accent and covered walkways. Mr.

Jones said staff had no issue with these variances. Mr. Jones showed elevations of the shop. The Planning and Zoning Commission recommended flexibility in materials. The applicant requested flexibility for three options: A) combination of brick and metal cladding; B) metal cladding with masonry siding; and C) concrete with stucco. Mr. Jones said staff's recommendation was as follows:

1. The applicant complete a flood study prior to construction and obtain all necessary permits through the Engineering Department and FEMA, where applicable.
2. Adjust location of screening wall to avoid existing tree roots.
3. Either the office and shop buildings and the storage yard will be constructed at once, or the office will be constructed first. In any event, no certificate of occupancy, whether temporary or final, will be granted for the shop and storage area until a final certificate of occupancy is granted for the office building.
4. All existing trees identified on the Site Plan will be preserved during construction in accordance with Article 8 of the Unified Development Code.
5. Storage and parking of trucks, trailers, heavy equipment, and machinery described in Exhibit B, "Operational Plan" will be limited to the rear portion of the lot as indicated in Exhibit C, "Site Plan."
6. Outside materials storage will not exceed a height of one (1) foot below the top of the masonry screening wall to be erected adjacent to Avenue J.
7. The SUP for the Outside Storage and Heavy Equipment Storage will be reviewed 12 months after issuance of a Certificate of Occupancy.

Mr. Jones said the Planning and Zoning Commission voted 6-1 to recommend approval per conditions listed and flexibility on materials be allowed provided 50% masonry is maintained.

Council Member Humphreys noted exception #6 for outside materials storage not to exceed a height of one ft. below the top of the masonry screening wall be erected adjacent to Avenue J and asked what happens if the equipment is consistently above the foot. Mr. Jones said based on what they are showing for screening, the equipment would not be visible. Council Member Clemson asked what the view would be for residents who live behind this site. Mr. Jones said the view would be across the golf course, but he could not guarantee that nothing would be visible, but it is 1,000 ft. or more from them. He said driving down Ave. J there will be some visibility. Council Member Clemson asked about noise issues since staff had said it is not a 24-hour operation. Mr. Jones said the applicant had indicated they stop operations at 5:00 p.m. and there is no onsite production facility.

Mayor Pro Tem Copeland asked about private vehicle maintenance. Mr. Jones said they are subject to outside work restrictions so all maintenance and repair work must be done inside the building and they can only work on their vehicles.

Joshua Nimmo, 4407 Belmont, Dallas, Introduced Oscar Orduno. Oscar Orduno, 4600 Fuller Drive, Irving, said they are a specialty contractor which designs deep excavations. Their current office is in Las Colinas and they will consolidate all operations on this site. Mr. Nimmo said he was looking at materials options and was asking for approval of all three concept options. He said the first option is the office

which would be clad with brick and metal. The second option would use more expensive materials on the facades near the street such as a natural limestone material and other metal material on the other facades and it would not meet the 50% masonry material requirement. The third option would be the shop which would be tilt-up and the office would be plaster. He said with regard to screening, they would be looking at adding live oaks and cedar trees.

Council Member Clemson asked Mr. Nimmo if he was proposing 50% masonry. Mr. Nimmo showed the facades that would be the stone material. He said in that area the live oaks are very dense. He then showed the areas that would be metal with 25% masonry.

Council Member Clemson asked Mr. Jones for his opinion on the three options. Mr. Jones said what is typically required would be that the metal would have to be where it is not visible from the street. He said he felt that with sun exposure, the metal could fade and concrete would be more durable. Mr. Jones said he would favor Option A or C, but metal has come a long way. Mr. Nimmo said the cost for Option A or B is about the same but he just wanted to present different options. He said the metallic addition is an actual coating and would retain its metallic look.

Deputy Mayor Pro Tem Giessner asked if this was a design choice. Mr. Nimmo said it is an intentional aesthetic choice and he would be happy with any of the three options. He said part of the masonry is showing through the glass, so it is actually interior next to exterior masonry, therefore, the actual masonry percentage on the outside would be less.

Council Member Clemson asked Mr. Jones which of the three options he would be comfortable with. Mr. Jones said Option A is primarily brick with some metal cladding and Option C with brick and concrete.

Council Member Clemson moved, seconded by Council Member Humphreys, to close the public hearing and approve Case SU181201/S181201 and approve with the seven conditions recommended by staff and approve either Option A or Option C as requested by the applicant. The motion carried unanimously.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Jeff Copeland; Deputy Mayor Pro Tem Greg Giessner; Council Member Jorja Clemson; Council Member Richard Fregoe; Council Member Cole Humphreys; Council Member Jim Swafford and Council Member Jeff Wooldridge

Enactment No: ORD 10589-2019

Items for Individual Consideration

28

City Manager's Contract

Council Member Swafford moved, seconded by Mayor Pro Tem Copeland, to approve an amendment to the City Manager's contract with the following additions: a 3% increase to his current base salary; an accelerated retention bonus for the next three years; certain health benefits; and an agreement for future consulting. The motion carried unanimously.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Jeff Copeland; Deputy Mayor Pro Tem Greg Giessner; Council Member Jorja Clemson; Council Member Richard Fregoe; Council Member Cole Humphreys; Council Member Jim Swafford and Council Member Jeff Wooldridge

Citizen Comments

Edward Saldana, Saldana Auto enterprises, 209 SE 19th Street, said he had concerns with recent code enforcement citations he had received. He said he had been in business in Grand Prairie since 1991 and for most of those years he had enjoyed it, but in last couple of years he had concerns with fines for things that the business had been doing with no issues for the last 20 years.

Adjournment

Mayor Jensen adjourned the meeting at 7:29 p.m.

The foregoing minutes were approved at the February 5, 2019 meeting.

Catherine E. DiMaggio, City Secretary