



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final

City Council

Tuesday, January 19, 2016

4:30 PM

City Hall - Council Chambers
317 College Street

Call to Order

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

- Present** 7 - Mayor Ron Jensen
Mayor Pro Tem Jim Swafford
Deputy Mayor Pro Tem Jorja Clemson
Council Member Greg Giessner
Council Member Tony Shotwell
Council Member Lila Thorn
Council Member Jeff Wooldridge
- Absent** 2 - Council Member Jeff Copeland
Council Member Richard Fregoe

Staff Presentations

1 Discussion of Epic Funding

Tom Hart, City Manager, stated that there have been funding shortfalls with the Epic project. He discussed the wave pool with a cost of \$4.2 million and said when looking at this expense the revenue side must also be taken into consideration. The pool has a large holding capacity and will generate a lot of revenue. He said staff's recommendation is to include the wave pool in the first phase, but it could be added in Phase 2. Mr. Hart said voters were told that \$75 million in bonds would be sold but they were also told that it would be fluid and that excess revenues would be available. The positive cash flow from the wave pool could be added to the project. He said there is a cap in 25 years when the sales tax stops. At that time, the facility must operate on its own. He said staff knew from projections there would be \$75,000 plus and would have some sales tax accumulation before it opens (nearly \$80 million). Without the wave pool projections are at \$84,000,000, with the wave pool \$88,000,000. There is a \$3 million contingency and staff is proposing a \$500,000 contingency and hoping to minimize change orders but the \$500,000 may not be enough. So, there is a potential for another \$2.5 million. The \$8.7M deficit becomes \$11.2M deficit in that case. Mr. Hart said in this year's budget there is \$4.5 million from the Sports Corporation to pay \$2 million on Play Grand and \$2.5 million to pay for Charley Taylor Rec Center renovations. He said he proposed taking this \$4.5 million and reallocating it to the Epic and in the Fall of 2016 or a year after issue debt from the Park Fund to pay that off. There is capacity in the PVEN debt issue. He added that the city ended the year \$2.3 to \$2.5 million in excess cash and he wanted to use \$2 million of that for this project with no payback. The loan from Capital Lending Reserve is at \$2.2 million. \$4.7 million would be paid from sales tax and excess cash from operations. Mr. Hart referred Council to Page 3 of the spreadsheet he provided with projected debt payments on the Epic project. He said In the first year after the project opens \$2.4 million excess cash is projected.

Mayor Jensen stated that the numbers would work according to Mr. Swafford. The rationale for the wave pool is if the project was built without it it would not take long to see the increased revenue from the increased capacity would cash flow itself very quickly. He said he was comfortable with the numbers Mr. Hart presented.

Mayor Pro Tem Swafford said that, depending on the desire of the Council, the numbers presented by Mr. Hart will work. He referred to Page 3 of the handout and said the cash flow will support those numbers. He said that Column N is the net annual cash flow. He said operating costs have been put into a \$1 million fund. Column I reflects money left in net cash flow available.

Council Member Shotwell asked Mr. Hart why he told the architects to go to \$80 million when \$75 million was approved by the voters. Mr. Hart said the voters were told we would bond \$75 million. Council Member Shotwell asked if Play Grand was included in the Epic project. Mr. Hart replied it was funded from the Sports Corporation. Mr. Shotwell said staff is proposing to use that \$2 million from the Sports Corporation and taking it from Play Grand and then issuing bonds for it. Mayor Jensen said when we said we wanted additional funding to make Play Grand more than was projected in the \$75 million, that is why the Sports Corporation funded it. Council Member Shotwell asked if the \$2 million is taken out for the Epic from Sports Corporation, where is the original money from Play Grand coming from. Mr. Hart said Council would do a refunding resolution. He said the city has to have the money in the bank to do the project. He said we will use \$2 million of excess cash for a short time and pay it back. Council Member Shotwell asked how far back this scenario would put the Charley Taylor project. Mr. Hart replied it should not back it up at all, but Council would not have to make that decision tonight and it could put it off for a year. Mayor Pro Tem Swafford said it would not be ready to build until fall. Council Member Shotwell asked why staff does not tell the architects upfront the amount of money they have to design the project.

Council Member Giessner asked if there were any other sources of revenue other than the three listed on the spreadsheet. Mr. Hart referred to Page 4 of the spreadsheet and said there would be another million coming from the Chesapeake Settlement. Council Member Giessner said he had some trepidation about the surplus. He asked Mr. Hart if he thought there would be a delay in the Charley Taylor Project. Mr. Hart replied there does not need to be a delay. Council Member Giessner said the wave pool will be a big draw and will generate a lot of revenue. Mayor Jensen said if the wave pool is taken out of the project, that would be a mistake. He added that attendance without the wave pool would not generate nearly the revenue it would if it was included.

Council Member Shotwell referred to page 3 of the spreadsheet and asked if there was supposed to be a line for income from the operation in years that it is open. Mayor Pro Tem Swafford said he wanted to see if this could be done without the operating revenue. Mr. Hart said Council has not reviewed rates yet so revenue is dependent on those rates. Council Member Shotwell asked when rates are set, will we decide where that money will go at that time. Mr. Hart said that Council would decide every year during the budget process and we would pay back the capital reserve. Council Member Shotwell commented he predicted there will be something else to spend it on rather than paying on the principle. Council Member Giessner said Council has been very prudent to retire debt as soon as possible. Mayor Jensen called for a consensus to go ahead with additional funding. The consensus was to go ahead, with the stipulation that all change orders would be reviewed by Mr. Swafford.

Presented

2 Impact of the Discovery Docket on Municipal Court - Presented by Patricia Nasworthy, Prosecuting Attorney

Patricia Nasworthy, Chief Prosecutor for Municipal Court, said the discovery docket was started on May 1. She said the trial docket cases used to be really high and the number has come down considerably with the use of the discovery docket. She said In 2015, there were 147 set for trial and the in car dash cameras and traffic cameras have assisted with these. The Prosecutor now has to turn over all evidence and information to defense attorneys. It is the Prosecutor's primary duty not to convict but to see that justice is done.

Ms. Nasworthy said the during the discovery docket process the suspect is shown a video and the suspect sometimes decides they do not want a trial. The average court time for police officers is around 35 minutes on discovery dockets vs. two hours for a trial. Benefits of the discovery docket include fewer trials, fewer jurors summoned, and less court time for judges, prosecutors, marshals, clerks and officers. Ms. Nasworthy said they are down to two trial dates per month. She said plea offers are made via email to which a video can be attached. City Attorney Don Postell said Ms. Nasworthy has been totally innovative and has gotten assistant prosecutors to assist and they get the benefit of trial experience. Council Member Giessner asked Ms. Nasworthy if she would say that technology for courts and police is the driving force for the decrease in trials. Ms. Nasworthy agreed and said that when people see the actual video they often decide they do not want the trial.

Presented

3 Grand Prairie ISD/Grand Prairie Fire Department High School Fire Academy Update - Presented by Robert Fite, Fire Chief

Chief Robert Fite said the high school fire academy at El Centro never got off the ground. He said that he and staff from Grand Prairie ISD (GPISD) met with Tarrant County Community College (TCCC) where they have a great fire academy. GPISD and TCCC have an agreement to start a High School Fire Academy in August at Grand Prairie High School. In the student's junior year they would start the academy including EMT training. By Christmas in their senior year they will do EMT training and upon graduation will be a certified Fire Fighter and certified EMT. Grand Prairie Fire Department will provide a facility and staffing, equipment and training and GPISD will fund the program.

Mayor Jensen noted that these students will still have to take the civil service test and the top testers would be eligible for hire.

Presented

Agenda Review

Mayor Pro Tem Swafford asked Jim Cummings, Environmental Services Director, if he had looked into leases for some types of equipment for the landfill. Mr. Cummings said the equipment being purchased in Item 6 on the Consent Agenda are different pieces of equipment than what was discussed at the Finance and Government meeting. Deputy Mayor Pro Tem Clemson referred to Consent Agenda Item 15 regarding feral cats and said she had gotten several contacts from people who are supportive of this item.

Executive Session

There was no executive session.

Recess Meeting

May Jensen recessed the meeting at 5:32 p.m.

6:30 PM Council Chambers

Mayor Jensen reconvened the meeting at 6:32 p.m.

The Invocation was given by Edward Smith, Grand Prairie Police Department Assistant Chaplain. The Pledge of Allegiance to US Flag and to the Texas Flag were led by Council Member Wooldridge.

Presentations

- 4** Career and Technical Education Month Proclamation - Presented to Winston Minix and Donna Adcock, Career Technical Education Advisory Board Members
- Council Member Lila Thorn read the Career and Technical Education Month Proclamation. Mayor Jensen presented the proclamation to teachers and students.*
- Presented**

Consent Agenda

Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Clemson, to approve Items 5 through 15 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the January 5, 2016 Meeting
- Approved on the Consent Agenda**
- 6** Purchase of one (1) 2016 Komatsu Excavator PC490 LC-11 from Kirby-Smith Machinery in the amount of \$457,180 through an Interlocal Agreement with Houston-Galveston Area Council (HGAC)
- Approved on the Consent Agenda**
- 7** Purchase of one (1) 2016 CATERPILLAR INC Model: 963K Track Loader for Environmental Services (Landfill) through a national, interlocal agreement

with Buyboard from Holt Cat in the amount of \$442,429.

Approved on the Consent Agenda

- 8 Award bid to Freedom Chevrolet (\$161,700) for the purchase of seven (7) 1/2 ton pickup trucks for a combined total of \$161,700

Approved on the Consent Agenda

- 9 Price agreement for handicap ramp repairs, residential and school sidewalk repairs from New Star Grading at an annual cost of \$1,290,175, with a secondary for XIT Paving at an annual cost of \$1,510,500, a tertiary with Axis Contracting with an annual amount of \$1,727,850 and a fourth to North Rock Construction at an annual cost of \$2,465,858.90. All agreements will be for one year with the option to renew for four additional one-year periods totaling \$6,450,875 for New Star Grading, \$7,552,500 with XIT Paving, \$8,639,250 with Axis Contracting and \$12,329,294.50 with North Rock Construction, 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

- 10 Award bid to Mark Rite Lines Equipment Company for the purchase of a Thermoplastic Application System at a total price of \$72,245

Approved on the Consent Agenda

- 11 Price agreement for the purchase of brush and wood grinding services from Thelin Recycling Services, L.P. of Fort Worth for one year in the amount of \$152,600, and authorize City Manager to execute up to four future renewal's if funding is appropriated and the total cost of the price agreement does not increase by twenty-five (25) percent or more of the original contract

Approved on the Consent Agenda

- 12 Price agreement for police vehicle reflective graphics from Centerline Supply Highway Products, a local bidder, at an estimated annual cost of \$25,000 with the option to renew for four additional one year periods totaling \$125,000 if all renewal options 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

- 13 Professional engineering services contract amendment #3 with Halff

Associates, Inc. in the maximum amount of \$264,280, for professional design and surveying services for Phase 2 creek culvert improvements at Great Southwest Parkway, Marshall Drive and Robinson and the South Fork of Cottonwood Creek

Approved on the Consent Agenda

14

Contract for asbestos abatement of 305 N.W. 13th Street by Pacific Environmental Group, LLC through the Interlocal Purchasing System "TIPS" (Contract Number 1042315) at a one-time amount of \$73,020, and a contract for demolition services of the same property (305 N.W. 13th Street) by Garrett Demolition, Inc. at a onetime amount of \$18,575

Approved on the Consent Agenda

15

Ordinance amending the the Code of Ordinances, Chapter Five, "Animal Services," Section 5-61 and the implementation of a Trap-Neuter-Return (TNR) program for feral cats

Sandra Farstad, 4215 Adam Drive, stated this program will prevent cats from having to live without a home. She said 43% of cats in the shelter were determined to be feral and were euthanized. Ms. Farstad said this program will free up time for animal shelter employees. She stated that Arlington and Irving have these types of ordinances in place.

Maston Sillin, 529 Newberry, submitted a speaker card in opposition to this item.

The following citizen submitted speaker cards in support of this item: Kelli Eaves, 2703 Monthaven Drive, Arlington; Debra Danhos, 1909 Wedgewood; Maulz Danhof, 1909 Wedgewood Drive; Jean Melton, 809 Turner Blvd.; Terry Ceballos, 2013 Ruea; Debbie McClendon, 8216 Trinity Vista, Fort Worth 76053; Barbara DeGrande, 2944 Prairie Oak; Karen Boydston, 5709 Red Cactus Court, Arlington; Renee Prescott, 1405 Millbrook, Arlington;

Adopted

Enactment No: ORD 9998-2016

Public Hearing Consent Agenda

16

USP160101 - Unified Signage Plan - Approve a Unified Signage Plan to relocate the existing West Fork Presbyterian Church navigation sign currently located at the southwest corner of Avenue K East and 109th Street to a parcel of land located at the northeast corner of Avenue K East and 109th Street. The new site, addressed as 901 Avenue K East, is zoned Light Industrial (LI) District. (On January 4, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Mayor Pro Tem Swafford moved, seconded by Council Member Thorn to close the public hearing and approve Case USP160101. The motion carried unanimously.

Public Hearing on Zoning Applications

17

S160101 - Site Plan - International Leadership of Texas - Great Southwest Pkwy (City Council District 4). Approval of a Site Plan authorizing the develop of an approximately 94,000 sq. ft. charter school, with an anticipated enrollment of over 1,400 students, to be operated by International Leadership of Texas. The 14.153 acre property, zoned General Retail (GR) District, is located at the northeast corner of S. Great Southwest Blvd. and Forum Drive. The agent is Adam Zaragoza, Athlos Academies, the applicant is Ronny Klingbeil, RLK Engineering, Inc., and the owner is Dr. Bob and Jean Smith Foundation. (On January 4, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Chief City Planner Jim Hinderaker reviewed Case S160101 for a new charter school. He said schools are allowed in all zoning districts. The school will be for Kindergarten to 8th grade and will have 1,400 students. There will be no busing or formal sports teams. He said this case is in compliance with dimensional landscape and architectural requirements. There will be circulation off Forum and two accesses off Great Southwest Parkway. He said the plans are showing a football/soccer field and the goal post is heading toward Forum Drive. Staff asked the applicant to put up netting to prevent balls rolling onto Forum Drive. There will be sidewalks all the way around the site and fencing around the playground area. There will be a fence on the east property line. Mr. Hinderaker said a wood fence is required between the school and residential uses. There is an existing wood fence on the property line. With regard to pick up and drop off of students they are making sure there will not be stacking onto major streets. The applicant has met masonry requirements on the front façade. The applicant is asking for relief on the overall masonry content from 100% to 75%. The applicant is requesting an appeal from the the building height maximum from 25' to 56' including the cupola. The applicant is requesting a variance from the required wood fence on the east property line because the abutting residential properties already have an existing wood fence in place. Staff is asking for netting for the sports field adjacent to Forum Drive and for the installation of No Parking Stopping or Standing signs along Great Southwest Park and Forum Drive.

Mayor Pro Tem Swafford asked if the Planning and Zoning Commission recommended a wood fence and not wrought iron. Mr. Hinderaker replied they recommended the wood fence.

Council Member Giessner stated that the applicant was appealing the fence requirement. He asked what is the requirement between the two wood fences. Mr. Hinderaker said the Planning and Zoning Commission required them to put up a wood fence and it will abut the existing fence so there will not be an area between fences.

Council Member Shotwell asked about the PD to the north. Mr. Hinderaker replied that it is zoned Commercial.

Adam Zaragoza, Athlos Academies, 418 S. 9th Street, Boise, ID 83702, said he was representing the academy and agreed with all staff recommendations.

Mayor Pro Tem Swafford moved, seconded by Council Member Thorn, to close the public hearing and approve Case S160101 as approved by the Planning and Zoning Commission to include the two variances and consensus for a wood

fence. The motion carried unanimously.

Ayes: 7 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

18

S160102 - Site Plan - First Choice ER - Jefferson and Carrier (City Council District 1). Approve a site plan to construct and operate an emergency care facility. The 0.90-acre property, located at 901 West Jefferson Street, is zoned Commercial (C) district and is within District 2 of the Central Business District and within the S.H. 161 Corridor Overlay District. The applicant is Kylon Wilson, Bury and the owner is Matt Zonker. (On January 4, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Mr. Hinderaker said the applicant will demolish the existing building to operate an emergency care facility. Some of the driveways near the intersection will be closed. The new 7,000 sq. ft. building will be situated in the back corner. There will be a right in and right out on Jefferson and Carrier. Mr. Hinderaker said there will be a 30' landscape buffer. The rear setback is 0', the tower element is at 37' in height and so setback is 25', but the applicant has requested an appeal. He said the applicant has met the Overlay requirements with regard to stone and brick. On the east elevation there is a small amount of stucco. There are appeals for building height with a maximum of 25' but the building will be 27.5' and the tower element will be 37'. He said staff is supportive of the height increase. There is also an appeal for the side yard setback from the required 25' to just over 15'.

Council Member Shotwell asked if the existing tanks would be removed. Mr. Hinderaker replied that they would need to be removed, but the sellers will be doing that and it will need to be done before the building is constructed.

Chad Suitonu, 2828 Routh Street, Dallas, stated he was representing the developer and was present to answer questions.

Deputy Mayor Pro Tem Clemson moved, seconded by Council Member Shotwell, to close the public hearing and approve Site Plan S160201. The motion carried unanimously.

Ayes: 7 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

19

Z150703A/CP150702A - Zoning Change/Concept Plan (City Council District 6). Amend the ordinance and the concept plan for Tract Number 20 of Planned Development-136 (PD-136) District to change the access and increase the number of lots from 41 to 43. The 8.98-acre property, located at 4603 S. Carrier Parkway, 4607 S. Carrier Parkway, and 4611 S. Carrier Parkway, is zoned PD-136B. The applicant is Thomas Jones, Binkley & Barfield and the owner is William Pohl. (On January 4, 2016, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0).

Mr. Hinderaker said this ordinance would change access from Polo to S. Carrier Parkway. Council Member Wooldridge noted that the property to the north is city

property and asked if the city had plans for that site. Mr. Hinderaker said he was not aware of any plans.

Tom Jone, 1801 Gateway, Richardson, 75080, stated he was the civil engineer for the project and was present to answer questions.

Dick VanArsdale, 4314 Greatview Drive, Round Rock, said he was representing the developer, and was present to answer questions.

Joan Graffagnini, 4543 Friars, stated that she supported the project on behalf of the Westchester PID.

Council Member Wooldridge moved, seconded by Council Member Thorn, to close the public hearing and approve Case Z150703A/CP150702A. The motion carried unanimously.

Ayes: 7 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9999-2016

Items for Individual Consideration

20

Public hearing to receive citizen input regarding the renewal of the City's Juvenile Curfew Ordinance and ordinance renewing the City's Juvenile Curfew

Police Chief Steve Dye stated that the current ordinance would be expiring and needed to be renewed to keep the curfew in effect. He said that the curfew is in effect from Sunday through Thursday from 11:00 p.m. to 6:00 a.m. and from 12:00 a.m. to 6:00 a.m. on Saturdays and Sundays.

Deputy Mayor Pro Tem Clemson moved, seconded by Mayor Pro Tem Clemson, to close the public hearing and approve the renewal of the City's Juvenile Curfew Ordinance. The motion carried unanimously.

Ayes: 7 - Mayor Ron Jensen; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Jorja Clemson; Council Member Greg Giessner; Council Member Tony Shotwell; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 10000-2016

Citizen Comments

There were no citizen comments.

Adjournment

Mayor Jensen adjourned the meeting at 7:10 p.m.

The foregoing minutes were approved at the February 2, 2016 meeting.

Catherine E. DiMaggio, City Secretary