



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, September 2, 2014

4:30 PM

City Hall - Briefing Room
317 College Street

Call to Order

Mayor Jensen called the meeting to order at 4:32 p.m.

Present 8 - Mayor Ron Jensen
Mayor Pro Tem Richard Fregoe
Deputy Mayor Pro Tem Tony Shotwell
Council Member Jeff Copeland
Council Member Greg Giessner
Council Member Jim Swafford
Council Member Lila Thorn
Council Member Jeff Wooldridge

Absent 1 - Council Member Jorja Clemson

Staff Presentations

1

Crime Rate Update - Presented by Police Chief Steve Dye

Chief Steve Dye provided Council with an update on the crime rate. He said there had been a 31% decrease in property crime from 2010-2013 and a 14% decrease in violent crimes from 2010-2013, with a 30% overall reduction in crime from 2010-2013.

Council Member Copeland asked if each crime involved an investigation. Chief Dye replied that it did, but many times there is nothing to follow up on. He said the department focuses resources on those crimes with the highest probability to solve. He said major crime detectives have a smaller case load than property crime detectives. There are four detectives handling major crimes but the department needs six. Chief Dye said staffing ratios have been low in all areas. Council Member Copeland asked Chief Dye if he could show a clearance rate on the cases. Chief Dye said he could send a report with that information. Chief Dye said that there were 2,411 fewer crime victims in 2013 as opposed to 2010. He said the department takes a holistic approach to crime to provide quality of life for citizens.

Presented

2

Single Family Development - Presented by Bill Crolley, Planning Director

Savannah Ware, City Planner, gave a single family residential update from 2010-2014. She said there were 1,743 single family building permits issued from 2010-July 2014. Ms. Ware said there had been a 15% increase in building permits from 2012 to 2013. Ms. Ware said that from January to July 2014, there have been 247 permits issued. There are 428 lots in active subdivisions and 1,724 infill lots. She said she estimated 827 lots to be added within the next 1 – 2 years. There are approximately 785.76 acres in Planned Developments for Single Family Use.

Mayor Jensen stated that Provident and others have brought development proposals, but then withdrew them. He said it will take some infrastructure to enable these developments. Mayor Jensen asked Bill Crolley, Planning Director, to give a presentation on areas for potential industrial developments. He suggested the Development Committee could look at the development in the ETJ.

Tom Hart, City Manager, said staff has had meetings with Provident and others south of SH287 (Windsor Hills) and they are looking at developing fairly soon and may want to be annexed into the city. He said this would impact public safety. Mr. Hart said the Planning Department will be making a presentation on multi-family zoning. Council Member Copeland said UDC language had been changed on Phase I and Phase II to allow developers to get funding for multi-family. He asked if this had attracted any business. Mr. Crolley said the apartments being built in the southern part of the city were a result of that change.

Presented

Agenda Review

Ron McCuller, Public Works Director, asked Council to table Item 24 (Contract with Freese & Nichols for a feasibility study on an Early Warning System for Water Quality Changes) indefinitely.

Mayor Jensen reviewed the proposed 2015 Council Calendar. There were no changes.

Executive Session

Mayor Jensen convened a closed session at 5:12 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.071 "Consultation with Attorney" Tommy Winn and Leland Gjetley v. City of Grand Prairie, Cause No. DC-11-08305-J and related cases and Section 551.087 "Deliberations Regarding Economic Development Negotiations." The executive session was adjourned at 5:30 P.M.

Recess Meeting

Mayor Jensen recessed the meeting at 5:30 p.m.

6:30 PM Council Chambers

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

Council Member Jeff Copeland and Pastor Perry Crenshaw gave the invocation. The Pledge of Allegiance to the US Flag and to the Texas Flag was led by Mayor Pro Tem Fregoe.

Presentations

- 3** Presentation of check to Muscular Dystrophy Association - Presented by Grand Prairie Firefighters Association
- Fire Chief Robert Fite presented a check in the amount of \$25,000 to the Muscular Dystrophy Association.*
- Presented**
- 4** Employee of the Month - Tim Shinogle, Parks and Recreation Sr. Superintendent
- Rick Herold, Parks, Arts and Recreation Director, introduced Tim Shinogle, Planning and Development Manager, as Employee of the Month for September. Mr. Hart presented Mr. Shinogle with an engraved clock, certificate and shirt and thanked him for his dedication to the city.*
- Presented**

Consent Agenda

Mayor Pro Tem Fregoe moved, seconded by Council Member Swafford, to approve Items 5 through 23 and table indefinitely Item 24 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the August 19, 2014 Meeting
- Approved on the Consent Agenda**
- 6** Council Administrative Directive #3 - City Council Standing Committees
- Approved on the Consent Agenda**
- 7** Cancel purchase awarded by Council on March 4, 2014, File #14-3454 to Holt Caterpillar Power Systems for purchase and turnkey installation of six (6) generators for a total of \$553,968 and award the purchase and turnkey installation of five (5) generators from Holt Caterpillar Power Systems at the Main Library, Fire Stations #2 and # 8, Service Center, and Tony Shotwell Life Center for \$541,339, and the purchase of fuel for generators from Martin Eagle Oil at current price estimate for \$5,891 for a total cost of \$547,230
- Approved on the Consent Agenda**
- 8** Award of the Medical Director contract for the City of Grand Prairie to Questcare under the direction of Dr. Sharon Malone in the amount of \$64,000 on an annual basis with an effective date of October 1, 2014.
- Approved on the Consent Agenda**
- 9** Purchase of self contained breathing air purification compressor and

accessories from Bauer Compressors, Inc., at a cost not to exceed \$55,318, through the General Services Administrative Cooperation Purchasing Program

Approved on the Consent Agenda

10

Four-year vision insurance agreement with Superior Vision Services, Inc. for basic and buy-up vision services effective January 1, 2015 through December 31, 2018 for an estimated annual cost of \$115,000 for a total 4-year estimated cost of \$458,000. This includes a rate guarantee for the 4-year contract, with the option for the City Manager to authorize annual renewals beyond the initial contract period if rates are appropriated annually in the budget and renewal rates, in total for all renewed years, do not exceed \$50,000 or an increase greater than 25% of the originally contracted rates.

Approved on the Consent Agenda

11

Enter into a three-year agreement with Metlife for fully insured dental insurance benefits effective January 1, 2015 through December 31, 2017 in the amount of \$2,049,121 over the three years, based on the following recommendations:

1) Two-year rate guarantee, with a maximum capped increase of 8% in year three, for Dental PPO Fully insured benefits for an estimated annual amount in years one and two of \$619,323 per year and an amount of \$668,869 in year three for a total contract value of \$1,907,514 over three years; and

2) Two-year rate guarantee, with a maximum capped increase of 7.5% in year three, for Dental Maintenance Organization benefits (DMO) for an estimated annual amount of \$46,051 in years one and two and an estimated \$49,505 in year three for a total contract value of \$141,607 over three years.

3) These agreements shall include the option for the city manager to authorize annual renewals so long as such renewal costs are appropriated in the annual budget and do not exceed \$50,000, or more than a 25% increase, over the original contracted rate, for all renewals in total.

Approved on the Consent Agenda

12

Four-year agreement for Life and Long Term Disability insurance through Dearborn National, effective January 1, 2015 through December 31, 2018, with renewal options, at an annual estimated cost of \$421,000 for Life Insurance and \$80,000 for Long Term Disability Insurance, for a total four-year contract amount of \$2,004,000; and authorize the City Manager to renew this contract for additional one-year periods beyond the original contract period if such cost is appropriated in the annual budget and does not increase by more than 25% or \$50,000, over all renewal years combined

Approved on the Consent Agenda

13

Construction contract with the apparent low bidder, McMahon Contracting, L.P. in the bid amount of \$1,829,281.13 for Freetown Road Phase III from

Carrier Parkway and SW 3rd St; material testing in the amount of \$19,274 with Alliance Geotechnical Group; in-house engineering in amount of \$91,465; a 5% contingency in the amount of \$91,465, and \$10,000 for street lighting provided by Oncor, for a total requested project cost amount of \$2,041,485.13

Approved on the Consent Agenda

- 14** One year maintenance agreement with Motorola, a sole source provider, in the amount of \$275,452.56 for maintenance and management of the City-wide Radio Communications System from October 1, 2014 through September 30, 2015.

Approved on the Consent Agenda

- 15** Revision to the purchase order with Durable Specialties, Inc. for the installation of conduit and pull boxes per Oncor specification to provide electric service to the traffic signals along Lake Ridge Pkwy Extension, south of IH-20, in the amount of \$5,100

Approved on the Consent Agenda

- 16** Administrative Changes to Solid Waste and Curbside Recycling Service Delivery Route Schedule

Approved on the Consent Agenda

- 17** Authorize City Manager to purchase goods for retail resale from Ben E. Keith for The Summit and Ruthe Jackson Center in an amount not to exceed \$103,999 for FY 2014/2015.

Approved on the Consent Agenda

- 18** Agreement with Dallas Area Agency on Aging for \$104,731 to provide partially reimbursable meal (\$86,732) and Transportation program (\$17,999)

Approved on the Consent Agenda

- 19** Change Order/Amendment No.2 to the construction contract with S.J Louis Construction in the amount of \$39,746.60 for Midlothian Water Supply-Phase I

Approved on the Consent Agenda

- 20** Resolution authorizing the City Manager to renew a five-year lease agreement with the U.S. Army Corp of Engineers for the property located at 501 East Camp Wisdom Road (Tract 202), Grand Prairie, Texas, for the purpose of continuing to maintain and operate an existing radio telecommunications tower

Adopted

Enactment No: RES 4714-2014

- 21** Resolution authorizing the City Manager to enter into an agreement with TxDOT for material inspection and testing services for inspection of structural steel fabrication plants for CCTV camera poles and arterial directional Changeable Message Signs (CMS) structures in the amount of \$2,500

Adopted

Enactment No: RES 4715-2014

- 22** Second and final reading of an ordinance modifying a five-year franchise agreement for solid waste collection services with Republic Waste Services of Texas Ltd. to include a 3% rate increase for both residential and commercial solid waste customers

Approved on First Reading

- 23** Second and final reading of an ordinance of the City of Grand Prairie, Texas, amending the Utilities and Services Chapter of the Code of Ordinances of the City of Grand Prairie, Texas by the amendment of Article VI relating to the regulation of garbage collection and disposal within the city; making this ordinance cumulative; containing a Savings Clause, providing a Severability Clause; providing a Penalty Clause; repealing all ordinances or parts of ordinances in conflict herewith; and to become effective upon its passage, approval and publication

Approved on First Reading

- 24** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Professional Engineering Services contract with Freese & Nichols, Inc. in the amount of \$42,800, plus a 5% contingency of \$2,140, for a total of \$44,940, for a Feasibility Evaluation of an Early Warning System for Water Quality Changes from the Dallas North Supply Line

Tabled Indefinitely

Public Hearing on Zoning Applications

- 25** SU110503B - Specific Use Permit Revocation - 1210 Avenue J East (City Council District 1). Revoke Specific Use Permit No. 872 for a metal reclamation and shipping company with outside storage on 4.586 acres. The subject property is zoned Light Industrial (LI) District and is located east of N. Great Southwest Parkway on the south side of Avenue J East. The owner is CunYun Ye. (On August 4, 2014, the Planning and Zoning Commission recommended approval of the revocation by a vote of 9-0.)

Jim Hinderaker, Chief City Planner, reviewed Case SU110503B an SUP revocation. He said this specific use permit was for a transfer station from industrial accounts only and processed material only. There was to be no processing of metal containing

oil or other chemicals or hazardous materials on site.

Mr. Hinderaker said the city had received noise complaints after hours, illegal outside storage and operations and the improper discharge of oil, anti-freeze, and other motor vehicles fluids, resulting in 26 citations. He said the owner was in agreement with the SUP revocation and would like to relocate to another site in the City of Dallas. The applicant has requested six months to allow time to get zoning approval in Dallas. The Planning and Zoning Commission recommended immediate revocation. Staff recommended revocation in six months to allow the applicant time to vacate the property. Mr. Hinderaker said the property owner agreed to stripe the ground at the base of the canopies to delineate the area that is under cover. If there is failure to comply, the city will have authority to automatically revoke the SUP, however, minor infractions would not constitute justification for automatic revocation.

Chris Cleveland, 1763 Hidden Brook Drive, stated he wanted immediate revocation because the idling trucks are still there and oil is being dumped on the property. He said the applicant is not adhering to any of the requirements of the SUP.

Bill Dahlstrom, 901 Main Street, Suite 6000, Dallas, TX, spoke on behalf of the applicant and requested an additional six months. He said the applicant has property under contract in the City of Dallas that requires zoning and it would take six months for this process.

Council Member Copeland said he had a huge concern that the applicant has not lived up to what they have been asked to do but are now asking for an additional six months. He said he appreciated staff's position of working with the business, but the many violations of the SUP raise concerns. Mr. Dahlstrom said the applicant was aware of the trucks idling and have now barricaded the property so the trucks cannot enter the property before 8:00 a.m. He said there is not a significant amount of materials outside the canopy and the applicant has now striped that area. The applicant has put a contract on the Dallas property and will apply for zoning there. Council Member Swafford asked about the applicant's exit strategy if Dallas turns down the zoning request. Mr. Dahlstrom said the applicant would be looking for alternative sites that would allow this type of business. Mr. Swafford said if Council allowed six months, that would be a drop dead date. He asked Mr. Dahlstrom how the applicant would comply with the SUP requirements during those six months because it has not been done for the last few years. Mr. Dahlstrom said there were some periods of complete compliance and if the applicant does not comply, it will be automatic revocation and the applicant would accept those terms.

Deputy Mayor Pro Tem Shotwell said even if the gate is closed and there are "No Parking" signs, it does not mean trucks will not park there. They may go to another neighborhood and park until this business opens at 8:00 a.m. Council Member Giessner asked Mr. Hinderaker if the applicant was caught up on all fines. Jim Cummings, Environmental Services Director, said there were still some violations outstanding from last week. Mr. Hinderaker said as of August 27, there have been 26 citations and 21 have been paid.

Jane Chen, 1210 Avenue J., the owner of the business, apologized for problems created for the neighborhood. She said they have put up "No Parking" signs and chains to the parking lot to prevent entering before 8:00 a.m. and have notified all suppliers not to deliver before 8:00 a.m. The citations that the business got last week were for deliveries outside canopy and today markings have been placed around the canopy to make sure materials are stored inside the canopy or warehouse. Ms. Chen she had caught up with all citations but the head office is located in Houston so there may have been some miscommunication. With regard to loose material, she

said she had leased a metal recycling company so there are no more loose materials. There should be no violations from this point forward.

Council Member Copeland asked Ms. Chen what processes she is following that are letting oil and anti-freeze on the property. Ms. Chen replied that when recycling some material they contain oil and they have now removed those materials to the recycling/salvage property.

Mayor Jensen stated the city wants this business gone and he felt it was in the best interest to get them out sooner rather than later. He said he would not hesitate to go to court to force action if necessary. Mayor Jensen said the biggest issue in compliance is the motors running adjacent to the single family residences.

Deputy Mayor Pro Tem Shotwell asked Mr. Cummings about the anti-idling ordinance. Mr. Cummings said in the noise ordinance there is a prohibition of idling trucks within 300 feet of a residential neighborhood from 10 p.m. to 6:00 a.m. Mr. Shotwell asked when this started getting enforced. Mr. Cummings said if an officer is called, they respond. Deputy Mayor Pro Tem Shotwell asked if this was getting enforced, why are we now getting to this point. Mr. Cummings said that the trucks are not out there every night.

Council Member Copeland asked if the six months extension would be in the form of a letter or agreement. Mr. Hinderaker said the extension would be an ordinance as presented in the Council packet. Council Member Copeland asked about the process in six weeks if the applicant does not comply. Mr. Hinderaker said staff would revoke the permit. Mr. Copeland asked what would keep it out of court. Mr. Hinderaker said if the applicant fail to desist activities, the city could take legal action. Council Member Copeland said he doubted the applicant would stay in compliance and it is inevitable that the city would go to court over this.

Mayor Jensen moved, seconded by Council Member Thorn to revoke Specific Use Permit SU110503B as recommended by staff. The motion carried.

Nayes: 2 - Deputy Mayor Pro Tem Tony Shotwell and Council Member Jeff Copeland

Enactment No: ORD 9748-2014

26

SU120404A - Specific Use Permit Renewal - 2502 Central Avenue (City Council District 5). Approval of a Specific Use Permit Renewal for an auto body shop with general auto repair on 1.026 acres. The subject property, zoned Commercial (C) District, is located at the northeast corner of Central Avenue and N.E. 25th Street. The subject property is located within the Central Business District-Four (CBD-4) Corridor Overlay District. The agent is Steve Keeton, Keeton Surveying and the owner is Vincente Duan. (On August 4, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Hinderaker reviewed Case SU120404A, an SUP renewal for an autobody shop and general auto repair indoor only; screening of damaged vehicles; and no salvaging. He said the Operational Plan was included as part of original ordinance which said no welding, body putty sanding or painting on site. The operational plan should not have been included in the ordinance and staff believes autobody was approved. The applicant will be putting in a dumpster enclosure and gates. Mr. Hinderaker said because of outstanding requirements and the paint booth not installed, staff would like to have a review in six months. The Planning and Zoning Commission approved this case with a six-months approval and no painting without

installation of paint booth. Council Member Wooldridge said the applicant indicated he planned to apply for the paint booth within six weeks. He asked Mr. Hinderaker if the applicant had done so. Mr. Hinderaker stated that he was not aware the applicant had applied for the permit.

Deputy Mayor Pro Tem Shotwell moved, seconded by Mayor Pro Tem Fregoe, to approve Case SU120404A as recommended by the Planning and Zoning Commission and staff. The motion carried unanimously.

Enactment No: ORD 9749-2014

Items for Individual Consideration

27

Second Public Hearing on Proposed Tax Rate - Hold the Second Public Hearing seeking citizen comments on Proposed Tax Rate of \$0.669998 per \$100 assessed valuation in accordance with the Texas Property Tax Code

Mayor Jensen stated the the proposed tax rate is the same rate as it has been for many years. Mayor Jensen called for anyone who wished to speak during this public hearing and hearing none, closed the public hearing.

Presented

28

Second Public Hearing and adoption of the FY 2014/2015 Operating and Capital Improvement Projects Budgets

Kathleen Mercer, Budget Director, stated that \$12,100,000 had been added to the CIP Budget and distributed an amended Council Communication indicating this amendment. Mayor Jensen asked if anyone wished to speak during this public hearing and hearing none, closed the public hearing.

Presented

29

2015 Council Meeting Calendar

Mayor Pro Tem Fregoe moved, seconded by Council Member Thorn to approve the 2015 Council Meeting calendar. The motion carried unanimously.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Richard Fregoe; Deputy Mayor Pro Tem Tony Shotwell; Council Member Jeff Copeland; Council Member Greg Giessner; Council Member Jim Swafford; Council Member Lila Thorn and Council Member Jeff Wooldridge

30

Board and Commission Appointments

Mayor Pro Tem Fregoe moved, seconded by Council Member Wooldridge, to appoint Carley Hanna to the Animal Shelter Advisory Board; and Aaron King to the Keep Grand Prairie Beautiful Commission. The motion carried unanimously.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Richard Fregoe; Deputy Mayor Pro Tem Tony Shotwell; Council Member Jeff Copeland; Council Member Greg Giessner; Council Member Jim Swafford; Council Member Lila Thorn and Council Member Jeff Wooldridge

Citizen Comments

VanDella L. Meniffee, 5431 Childress Drive, thanked Council Member Wooldridge and the Code Enforcement Department for their prompt response.

Adjournment

Mayor Jensen adjourned the meeting at 7:21 p.m.

The foregoing minutes were approved at the September 16, 2014 meeting.

Catherine E. DiMaggio, City Secretary