



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, June 17, 2014

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 Richard Fregoe
Deputy Mayor Pro Tem Tony Shotwell
Council Member Jorja Clemson
Council Member Greg Giessner
Council Member Jim Swafford
Council Member Lila Thorn
Council Member Jeff Wooldridge
Absent 1 - Council Member Jeff Copeland

Staff Presentations

Tom Hart, City Manager, asked Tammy Chan, Special Projects Coordinator, to update Council on the entryway sculpture at Lynn Creek. Ms. Chan said the sculptor modeled the fisherman in the sculpture after himself. She thanked the Sports Facilities Corporation, Romin Khavari, City Engineer, Bill Crolley, Planning Director, George Fanous, Engineering, and Sholeh Kharimi, Transportation Engineer, for their assistance and support with this project.

1

Council Policies - Presented by Mayor Jensen and City Manager Tom Hart

Mayor Jensen said he received a request to review the Council policy regarding Town Hall Meetings. Mayor Jensen said that Cathy DiMaggio, City Secretary, informed him that the Council Policies were never adopted by Council. Mayor Jensen said that there are some districts that may not need to have as many town hall meetings as other districts because those districts have other meetings, such as homeowners association meetings, which they can attend. Mayor Jensen said that those meetings are not called town hall meetings but it does limit those districts that do not have homeowners associations.

Mayor Jensen mentioned that the town hall meetings should not be held during January 1 and election date. Mayor Pro Tem Fregoe asked why not especially if the Council Member is not up for re-election. Deputy Mayor Pro Tem Shotwell said that happened to him when he wanted to hold a community meeting to talk about Uplift Academy and Don Postell, City Attorney, informed him that he could not have that meeting due to it being election time even though he was not up for re-election. Mayor Jensen said this should not apply to those Council Members that are not up for re-election.

Mayor Jensen asked the Council for their recommendation on this issue. Council Member Swafford asked about the purpose of changing anything on the current

Council Policies relating to the town hall meetings. Mayor Jensen suggested revising item 2 of the Town Hall Meeting policy (stipulating that town hall meetings cannot be held between January 1 and the election date). Mayor Jensen asked how Council would authorize a deviation. Council Member Swafford said it should be added to the agenda for a council vote.

Deputy Mayor Pro Tem Shotwell said he has had two town hall meetings and this year will possibly need to have three town hall meetings due to the redistricting and there is a lot of construction in progress of which he would like to keep his district informed. Mayor Jensen said to compromise and limit town hall meetings to three meetings per council member each calendar year. Council Member Clemson said that we need to define what is a town hall meeting. Amy Sprinkles, Marketing and Communications Director, said that it is important to program these town hall meetings to allow for advertising in the city's Pipeline and allow the Council Member to eBlast and Facebook the information to their constituents. Mr. Hart said the city does extensive advertising for the town hall meetings.

Deputy Mayor Pro Tem Shotwell said that he really has a problem with Council Members having to ask the Mayor and other Council Members for their approval to meet with his constituents. Mayor Jensen asked Deputy Mayor Pro Tem Shotwell what he wanted on this issue. Mr. Shotwell said he would like to have no limits on town hall meetings and if it gets out of hand, then look into this matter.

Mayor Jensen said to add this item to the July 15, 2014 Council agenda for approval noting the no limits on town hall meetings and exclude town hall meetings during January 1 and election date. Mr. Swafford asked that this item should be approved by City Council and not the Finance and Government Committee.

Mr. Hart said the Travel Policy was reviewed by the Finance and Government Committee and their recommendation was to bring forward to City Council for final approval. Mr. Hart said a few revisions were made to the Travel Policy. The main revision was to allow spouse/guest to travel with the Council Member. Mr. Hart said it is beneficial to our city for Council Members to travel and be visible in the state and community. Mr. Hart said we have never had many Council Members take advantage of this travel. Mr. Hart said the question came up regarding the budget and the percentage. Mr. Hart said there is a 20% budget limit per Council Member. Mr. Hart said he does not think this is going to be an issue. He said Mayor Jensen's travel is an exception to this limit. Mr. Hart said this item will be on the July 15, 2014 Council meeting for approval.

Mr. Swafford said the prior Travel Policy was not adopted by the City Council either. Council Member Thorn asked if Council will be given the budget information for Council Travel. Mr. Hart said this information will be given during the Budget Workshop to Mayor and Council. Mr. Jensen said that in his new role as Secretary to the RTC, he will be expected to attend some NLC events. Mayor Jensen said there is going to be some travel that is going to be an exception and those travel exceptions will be approved by the Mayor and City Manager. Mr. Hart said that any travel is reviewed and is tightly controlled.

Presented

2

Update on Drought Contingency Plan - Presented by Ron McCuller, Public Works Director

Ron McCuller, Public Works Director, provided an update on the drought contingency plan needed to manage the water system during drought. Mr. McCuller said this update did not require an agenda item because the City Manager can adopt the

revisions presented. Mr. McCuller said the drought contingency plan revisions are compatible with our wholesale suppliers. Mr. McCuller presented the non-essential water uses that may be restricted or curtailed under this plan. The city can declare or implement any or all of these non-essential water uses during a drought. These are in the city's existing ordinance. Mr. McCuller said the updated drought contingency plan will have 3 stages rather than 5 stages. Stage 1 is similar to the existing Stage 1; Stage 2 is similar to the existing Stage 2 and Stage 3 is similar to the existing Stages 4 and 5. Mr. McCuller said the City Manager or designated city official may grant variances in special cases after evaluation of hardship, need or customer efforts to conserve water.

Mayor Pro Tem Fregoe said the city is currently in Stage 1 and asked Mr. McCuller what his projection on the drought contingency plan is. Mr. McCuller said the city would be in Stage 2 before the end of summer.

Presented

3

Atmos sponsorship of Library Van Wrap - Presented by Amy Sprinkles, Marketing/Library Director

Amy Sprinkles, Library Director, introduced Mary Jean Moloney and Marilyn Ackmann, Manager of Public Relations, ATMOS Energy, and mentioned that ATMOS sponsored the Library van wrap. Ms. Sprinkles said this van is driven around Grand Prairie everyday to promote the Library. Mayor Jensen thanked them for ATMOS' sponsorship. Ms. Moloney said education is very important and ATMOS is proud to sponsor this van wrap for the City of Grand Prairie. Ms. Sprinkles added that ATMOS Energy donated 5,000 bookmarks for the Library's summer reading program.

Presented

Agenda Review

Mayor Pro Tem Fregoe reviewed the agenda. Deputy Mayor Pro Tem Shotwell asked that item 17 (Ordinance amending the Code, "Animals and Fowl") be moved to Items for Individual Consideration.

Deputy Mayor Pro Tem Shotwell said that Item 18 allows Mobile Food Vendors to sell pre-packaged items that are approved by the State.

Deputy Mayor Pro Tem Shotwell asked if item 19 (Ordinance amending the Code, "Food and Food Establishments,") was presented to the Council committees. Mayor Pro Tem Fregoe said it was present to the Public Safety, Health and Environmental and the Finance and Government Committees.

Executive Session

Mayor Jensen convened a closed session at 5:19 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.071 "Consultation with Attorney" City of Cedar Hill v City of Grand Prairie; Tommy Winn and Leland Gjetley v. City of Grand Prairie, Cause No. DC-11-08305-J and related cases. The executive session was adjourned at 5:50 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 Larry Land, Victim Relief Ministry Chaplain. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Deputy Mayor Pro Tem Shotwell.

Mayor Jensen thanked the Victim Relief Ministries for all they do for our city and citizens. Mayor Jensen said the Victim Relief Ministries have a big presence when something happens, they minister to our citizens, and are an extension to our police and fire departments. Mayor Jensen asked Chaplain Land to pass this information along to the Victim Relief Ministries members.

Presentations

Tom Hart, City Manager, recognized Jim Sparks, Transportation Director, who was leaving the city for a position with the Tarrant County Commissioner. Mr. Hart stated that he had left the city better off than when he came. Mr. Sparks said he was satisfied with his accomplishments and had enjoyed the time he worked with Council. Mayor Jensen said he had relied heavily on Mr. Sparks during his time serving on the Regional Transportation Commission.

- 4** Motorcycle Safety and Awareness Month - Presented to Vanessa Vaughn

Mayor Jensen read a proclamation for Motorcycle Safety Awareness Month and presented the proclamation to Brandon Aghamalian.

Presented

Consent Agenda

Mayor Pro Tem Fregoe moved, seconded by Deputy Mayor Pro Tem Shotwell, to approve items 5 through 16, remove item 17 to Items for individual consideration, and approve items 18 through 19 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the June 3, 2014 Meeting

Approved on the Consent Agenda

- 6** Price agreement for asbestos abatement services from 1 Priority Environmental Services, Inc. (\$100,000 annually) for one year with the option to renew for four additional one year periods totaling \$500,000 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

- 7 One-year price agreement not to exceed \$450,000 annually, with four one-year renewal options, for suppliers of temporary workers as follows: AppleOne Employment Services as primary and Ad-A-Staff as secondary supplier of temporary workers in the categories of clerical, accounting and finance; and P.I.E. Management, L.L.C. as primary supplier and Gonzales Labor Systems, Inc. as secondary supplier of temporary workers in the category of general and skilled labor; 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 annually in the budget process during the renewal terms

Approved on the Consent Agenda

- 8 One-year price agreement with Maxim Health Systems as a supplier of biometric screenings for \$38/person screened for an estimated annual amount of \$45,600, with four additional one-year renewal options at the same guaranteed rate for each renewal year. This accounts for a total estimated contract value over the five years of \$228,000. The City Manager may authorize the renewal options annually so long as the aggregate price fluctuations are the lesser of up to \$50,000 or 25%, in total, of the original contract rate and such costs are appropriated and approved annually in the budget by City Council to satisfy the City's obligation during the renewal terms.

Approved on the Consent Agenda

- 9 Amendment/Change Order No. 1 with Espey Consultants, Inc. dba RPS, for the Avenue K Street Relief Trunk Sewer Wastewater Pipeline in the amount of \$75,700

Approved on the Consent Agenda

- 10 Architectural Design Services Contract with Merriman Associates/Architects for Phase III of the Main Street Facade Renovation Program in the amount of \$100,000

Approved on the Consent Agenda

- 11 Construction contract to Moore Construction Management, Inc. in the amount of \$441,000 for three new digital sign structure installations at key locations in the City, plus a 5% construction contingency in the amount of \$22,050, for a total request of \$463,050

Approved on the Consent Agenda

- 12** Resolution in support of the Adequate Funding of the Transportation System (R14-03)
Adopted
Enactment No: RES 4699-2014
- 13** Ordinance authorizing the abandonment of an unneeded utility easement at 3008 Pamplona.
Adopted
Enactment No: ORD 9720-2014
- 14** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget by upgrading the current SCBA fill station at a cost of \$7,920 from August Industries, Inc of Carrollton, TX
Adopted
Enactment No: ORD 9721-2014
- 15** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget in the amount of \$400,000 for the repair of wastewater utility cuts in pavement
Adopted
Enactment No: ORD 9722-2014
- 16** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget in the amount of \$158,491; and authorize the purchase of a prefabricated office building for the landfill from Satellite Shelters, Inc. in the amount of \$98,295, office furniture from Office Depot in the amount of \$19,279, network services from Flair Data Systems in the amount of \$3,485, and site security set-up from Dallas Security in the amount of \$6,445, In-house services in the amount of \$27,500 and contingency in the amount of \$3,487
Adopted
Enactment No: ORD 9723-2014
- 17** Ordinance amending the Code of Ordinances, Chapter 5, "Animals and Fowl"

Jim Cummings, Environmental Services Director, stated that this amendment resulted from changes made to the Animal Shelter which allowed a spay/neuter clinic, and some additional general revisions to the ordinance. The city is designated at the caretaker if a straw is picked up. Also, changes were made to the dangerous animal section and to impounded livestock. A new section was added with regard to animals left in vehicles. Fees have been added for sterilization and spay/neutering which will be done in-house. Fees have also been increased to those who repeatedly leave animals.

Willard Smith, 3110 Leonard Street, asked for a change in the in the 150' foot rule for keeping chickens.

Ariel Odom, 522 SE 10th Street, asked for the current 150' distance rule to be changed to 50'.

Molly Morehead, 325 Sparks, asked to have the 150' restriction reduced because it eliminates most people from having chickens.

Joan Smith, 1708 Sunset Ridge, stated this was a bigger issue than chickens--it is about taking care of the environment. People may not want to live in Grand Prairie if they cannot raise chickens.

Luke Brigmon, 1709 Camara Court, asked for a reduction from 150' to 50'.

Alexis Brigmon, 1709 Camara Court, said other cities such as Arlington and Dallas have more relaxed ordinances with regard to keeping chickens. She said chickens are quiet and do not smell.

Andrew Maugham, 213 W. Dorris Drive, said he was in favor of reducing the distance for keeping chickens. He said he was concerned about the quality of the food he and his family eat.

Ted Presha, 125 Gramley Street, asked for a reduction in the 150' distance requirement. He said many cities have only a 50' requirement. He said the 150' requirement was probably put in place when city lots were much larger.

Calena Bush, 509 NE 31st, said that some people have larger lots in the older part of town. The compost from the chicken manure is very good for gardens. She said chickens are quiet and are low maintenance. Ms. Bush asked for a reduced setback.

Leana Bush, 201 E. Cober Drive, submitted a card not wishing to speak but supporting this issue

Deputy Mayor Pro Tem Shotwell said he had asked that this item be pulled from the Consent Agenda because of the number of speakers who wished to address Council. Mr. Shotwell said he had been approached by constituents on both sides of this issue and said that this item should have been brought to the Public Safety, Health and Environmental Committee. He said the Animal Shelter Advisory Board discussed this but two of the members are city staff. Mayor Pro Tem Fregoe said it would be okay to bring this to the Public Safety, Health and Environmental Committee. Mayor Jensen suggested approving the item but asking the Public Safety, Health and Environmental Committee to look at the distance issue with regard to keeping chickens.

Deputy Mayor Pro Tem Shotwell moved, seconded by Mayor Pro Tem Fregoe, to approve Item 17, with the stipulation that the Public Safety, Health and Environmental Committee will review the setback for keeping chickens. The motion carried unanimously.

Enactment No: ORD 9729-2014

18

Ordinance amending Chapter 13, Article XII. Mobile Food Vendors

Adopted

Enactment No: ORD 9724-2014

19

Amendment to the Code of Ordinance, Chapter 13, Article II. Food and Food

Establishments

Adopted

Enactment No: ORD 9733-2014

Public Hearing Consent Agenda

Mayor Pro Tem Fregoe moved, seconded by Deputy Mayor Pro Tem Shotwell to table items 20 and 21, and approve items 22, 23, 24 and 25. The motion carried unanimously.

Mayor Pro Tem Fregoe moved, seconded by Council Member Wooldridge, to table Items 20 and 21, and approve Items 22, 23, 24, and 25 on the Public Hearing Consent Agenda. The motion carried unanimously.

20

S140501 - Site Plan - Mira Lagos East Phase 2 (City Council District 6). Consider a request to approve a lot consolidation of two contiguous multi-family residential lots within the same development for the purpose of development review. The 12.44 acre property, located at 2629 S. Grand Peninsula Drive, is zoned Planned Development District 298-A (PD-298A) and is within the Lake Ridge Overlay District. The agent is Daniel Dewey, JBI Partners, Inc., the applicant is Ben McCaslin, Mira Lagos East Partners Ltd., and the owner is Walter Damon, Mira Lagos East Partners Ltd. (On June 2, 2014, the Planning and Zoning Commission tabled this case by a vote of 7 to 0 until the applicant reactivates the case.)

Tabled

21

S140602 - Site Plan - Wildlife Commerce Park Building II (City Council District 1). Approve a site plan to construct a 344,400-square-foot speculative warehouse building. The 17.22-acre property, generally located at the southwest corner of the Wildlife Parkway/Belt Line Road intersection, is zoned Planned Development 217C (PD-217C) for Commercial, Retail, and Light Industrial. The applicant is Lorelei Mewhirter, O'Brien & Associates. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Tabled

22

SU140601 - Specific Use Permit - Re-Teck (City Council District 1). Approve a request for a Specific Use Permit to allow Indoor Salvage/Electronic Recycling. The subject property is officially addressed 909 Avenue T, also known as 905 Avenue T, zoned Light Industrial (LI). The areas of operation will be located within suites 312B and 314. The agent is Ed Mitchell, Re-Teck and the owner is Gregg Morris, LPC. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Adopted

Enactment No: ORD 9725-2014

- 23** SU890201A - Specific Use Permit Amendment - 2765 N. Great Southwest Parkway (City Council District 1). Amend the approved Specific Use Permit and Site Plan. The subject property is 8.97 acres, located at 2765 N Great Southwest Parkway, and is zoned Light Industrial (LI) District with a Specific Use Permit (SUP-502) to allow vehicle maintenance, a fueling facility/storage, a wash bay, and outside storage. The owner is Guy Holbert, Penske Truck Leason.(On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Adopted

Enactment No: ORD 9726-2014

- 24** TA140604 - Text Amendment - Engineering Pro Rata. Approval of a Text Amendment to Article 22: "Fee Schedule" of the Unified Development Code related to pro rata charges and types of reimbursable costs, and repealing Section 26-81 of the Code of Ordinances. The owner/applicant is the City of Grand Prairie Planning Dept. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Adopted

Enactment No: ORD 9727-2014

- 25** TA140605 - Text Amendment - Article 15, Floodplain Management. Approval of a Text Amendment to Article 15, "Floodplain Management," of the Unified Development Code for the purpose of revising text to reference the most recent flood insurance study for Dallas County. Owner/applicant is the City of Grand Prairie Engineering Dept. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Adopted

Enactment No: ORD 9732-2014

Public Hearing on Zoning Applications

- 26** S140603 - Site Plan - Hills of Westchester Clubhouse (City Council District 3). Approve a site plan to develop an amenity center with a 2,149-square-foot clubhouse. The 1.07-acre property, located at 5754 Appalossa Drive, is zoned Planned Development 136 (PD-136) for general retail, single family detached, and garden home uses. The agent is Kim Weir, Vision Communities Management and the owner is Robert De Los Santos, Hills of Westchester HOA.(On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Jim Hinderaker, Chief City Planner, reviewed Case S140603, a site plan to develop a clubhouse and amenity center for the Hills of Westchester HOA. Mr. Hinderaker showed adjacent uses and stated that the application has met the parking

requirements of 24 spaces. The property is 1.07 acres and is surrounded by single family. He said there were no appeals or modifications requested by the applicant. Mr. Hinderaker said the property has quite a bit of existing landscaping. This will be a masonry structure and meets all requirements of the UDC. Mr. Hinderaker showed elevations of the clubhouse. Mr. He said the Homeowners Association cast 120 ballots out of 490 homes that were eligible to vote; 73 were in favor and 47 were opposed. He said staff recommended approval. Mayor Jensen said all 490 homes would be paying for the clubhouse and this is a mandatory HOA, and he would feel better if there had been a higher voter turnout since all would be responsible for paying for the project.

Kerri Kingsbery, 6305 Preston Road, Plano, stated she represented the Hills of Westchester HOA. She said there had been discussion about this land and its uses in the community. Ms. Kingsbery said that a clubhouse seemed to be the most consistent and practical option. There are some homeowners who would like to have a pool, and some want to leave it as is. This information was sent out to the homeowners through their website. She said the Association attorney put a ballot out to us to provide to the community and allowed the entire community to vote for or against and the homeowners had an opportunity to vote by proxy or to come to the meeting to ask questions. Some homeowners had some questions and some were in favor and some were not. The clubhouse committee will be working with the engineers on this project. Ms. Kingsbery said she wanted to assure the Council that she wished they had everyone's participation on this project but struggle to get even 10% feedback. She said she did not anticipate the dues would be raised in the next 5-7 years. The Association has more than 50% of the monies for the project in savings. The current dues cover the maintenance cost and \$8,000 in the budget will be placed in future reserve for future repairs. Ms. Kingsbery said the community board of directors has done a great job representing the the wishes of the community.

Mayor Jensen said he agreed that the HOA has the independent right to make this decision but also wished there was more participation.

Robert DeLosSantes, 335 E. Sandra Lane, President of the HOA, Hills of Westchester, said he was in support of this clubhouse. He said he had numerous meetings on this and had input from HOA members who were for and against the clubhouse. Mr. DeLosSantes said the HOA wanted to go forward with the clubhouse.

Clay Newsome, 655 E. Sandra Lane, stated that the Hills of Westchester used to be a mandatory HOA and the rules and regulations were enforced but today that is not happening. Mr. Newsome said he went down his block and got eight signatures who did not vote because they thought not voting was a no vote. He said he attended every HOA meeting and the general consensus was not to build the clubhouse. He said some of the homeowners said they were promised the clubhouse and the pool would be part of the community when they bought their home but it never happened. Two years ago this park was not mowed or watered and lost about \$30,000 in vegetation because of incompetence of the board. He expressed concern the clubhouse would not be taken care of and it would be turned over to the PID. He said many are not paying dues and he does not pay his own dues because the management is not enforcing HOA rules and regulations. Mr. Newsome said this building is not going to be an enforceable item as far as maintenance. He added that the homeowners that live in this area will not come in to speak for fear of retaliation.

Mayor Jensen said this property could not be taken over by the PID because it is not public property and so the deed would have to be transferred to the city and the city would not want this in the PID. Mr. Newsome asked what would happen if the

building is not being maintained. Mayor Jensen said it would not automatically go to the PID. Mayor Jensen said this is a site plan and the HOA has a right to build there. Council Member Thorn asked how it would be paid for because this is one of the neighborhoods that is a mandatory HOA and it becomes a concern when some are not paying their dues. Ms. Kingsbery said this community does not have a collections problem. Mr. Newsome is not paying his dues and the HOA will follow through with its abilities to collect delinquent dues. All of the homeowners in the HOA are required to pay association dues. The delinquency is probably under three percent and this is private information. This association does have the monies and specifically this information was included in the ballot that the cost of the clubhouse would be \$250,000, and there are savings of \$164,000 for construction and \$40,000 is available each year for mortgage payments and maintenance and \$8,000 per year will be put in reserve for savings and no increase in dues is anticipated as a result of this project. If homeowners were not paying dues, they would not have these savings or ability to make payments. Ms. Kingsbery said that out of 490 homeowners who were given the opportunity to vote, there were 120 total votes. She said the homeowners had been surveyed several times over the past years with regard to the various amenities they would like to have. Then it was narrowed down to the clubhouse and this information was brought to the homeowners. Council Member Swafford asked if there was a mortgage commitment to fund the balance of the mortgage. Ms. Kingsbery said there was an interest rate of 6% for a 10-year term.

Council Member Thorn moved, seconded by Council Member Swafford, to close the public hearing and approve Case S140603. The motion carried unanimously.

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

Mayor Jensen recessed the meeting at 7:46 p.m. and reconvened the meeting at 8:00 p.m.

27

SU140602/S140601 - Specific Use Permit/Site Plan - 2302 E. Pacific Avenue (City Council District 5). Approve a specific use permit and site plan to operate a tractor trailer sales business. The 11.07-acre property, located at 2302 and 2229 E. Pacific Avenue, is zoned Light Industrial (LI) District and is within District No. 3 of the Central Business District Overlay Corridor. The agent is Teo Kukic, Pacific Truck Sales and the owner is Nezira Gegic, Prime Central Realty. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Hinderaker, Chief City Planner, presented Case SU140602/S140601. He said the applicant has requested to operate a semi-tractor trailer sales business at 2302 E. Pacific Avenue. The property is zoned Industrial and there are a number of related businesses that are associated with this trucking business including a small restaurant and towing business, and the owner wishes to add semi-trailer tractor sales. This is located in the Central Business District. Mr. Hinderaker presented photographs of the property. The site is bordered by Bagdad and Pacific. The existing large trucking business has been in operation for quite some time. There would be a small office in the existing larger building. The existing site does not comply with the UDC standards because part of the parking lot is not paved. There

is no proposal for new construction of structures and staff recommended approval.

Teo Kvuic, 5711 Preston Oaks, Dallas, was in support of this item and stated he was present to answer any questions.

Max Coleman, 9 Heritage Court, did not wish to speak but recorded his support for this item.

Trina Hall, 926 S. Center Street, spoke in opposition to this case. Ms. Hall said she had a concern about this trucking firm. She said because of adding a sales component to this business, it will bring more danger to the residents on Bagdad on Pacific. Bagdad is a narrow two-lane street and Pacific is a narrow one lane street. She expressed concern about a semi-truck turning from a two lane to a one lane and blocking the railroad track and citizens on the railroad track who cannot get off. Ms. Hall said she was also concerned about school buses going through there. Ms. Hall said there are other businesses on Bagdad but they do not turn in off Pacific. She said there is no enforcement in this area. By approving this company to operate here it shows that it is okay for them to break the traffic laws. Ms. Hall showed a picture of this area and trucks daily turning from Bagdad onto Pacific. She asked Council to deny this case.

Mayor Jensen asked if the truck sales would have a trailer attached. Mr. Kvuic said they would not. Deputy Mayor Pro Tem Shotwell said when this case first came up he contacted Mr. Hinderaker about traffic. Mr. Kvuic said he wrote a memo agreeing not to use Bagdad and the truck sign has helped a lot but he said he could not control outside vendors. For instance, Coca Cola brings in product to the restaurant and he could not control those drivers. Mr. Kvuic said the drivers that work for him come in on 19th Street. He said the truck sales will not decrease or increase the truck traffic. Mr. Shotwell said Mr. Kvuic agreed to have his employee at the gate instruct drivers where to enter the property. He said the city is going to erect a "No Truck" sign westbound and "No Left Turn" sign onto northbound Pacific to Bagdad.

Deputy Mayor Pro Tem Shotwell said that is not a very wide street and you can get a truck and car go by but its tough, but not two trucks. So, there are no trucks going westbound but there is still going to be someone who does not follow the rules. Mr. Shotwell asked if that needed to be put in an ordinance in order be enforced. Mr. Sparks this does not need to be in an ordinance to be enforced.

Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Thorn, to close the public hearing and approve Case SU140602/S140601. The motion carried unanimously.

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

Enactment No: ORD 9728-2014

28

TA140601 - Text Amendment - Alcohol. Approval of Text Amendments to Article 4: "Permissible Uses", Article 5: "Specific Uses", Article 11: "Performance Standards" and Article 30, "Definitions," of the Unified Development Code to modify existing regulations related to ON-PREMISE alcohol sales and consumption in restaurants and multi-purpose special event centers. The owner/applicant is the City of Grand Prairie Planning Dept. (On June 2, 2014, the Planning and Zoning Commission recommended

approval of this request by a vote of 7-0.)

Mr. Hinderaker reviewed Case TA140601. He said the text amendment is directly related to alcohol sales for walk-up style restaurants. The types of alcohol sales allowed in Grand Prairie are off-premise for beer and wine only and on-premise for a full service restaurant, city approved venues, grandfathered bars, private clubs with SUP's and Hotels, motels, conference centers that have full service, on-site restaurants. Mr. Hinderaker said the focus here is on full service restaurants as an ancillary component. If a restaurant wants alcohol sales of more than 75%, it requires an SUP. The big issue is that in order to allow alcohol sales you must have a full service restaurant based on requirements in the UDC including a dining area of 2500 sq. ft., a printed menu, wait staff, outdoor seating area limited to 40% of required sq. ft. A bar/holding area is not allowed in restaurants less than 5,000 sq. ft. Mr. Hinderaker presented proposed changes to the UDC to allow walk-up style restaurants such as Fuzzy's and which the Taco Cabana in Grand Prairie is already doing. Restaurants over 5,000 sq. ft. can serve mixed drinks and can have the bar/holding area. The text amendment defines what a walk-up restaurant is and defines the bar/holding area. It requires 70% food sales to 30% alcohol sales.

Mayor Jensen said he had several discussions with Bob O'Neal, Economic Development Director, on this issue, and the city's ordinance needs to be tweaked to allow a Fuzzy's type restaurant in Grand Prairie.

Deputy Mayor Pro Tem Shotwell said the Development Committee has reviewed this issue two or three times to allow patrons to walk up and then allow a bar holding area. This just allows people to walk up and pick up an alcoholic beverage.

Council Member Swafford asked if the bar holding area is limited to 10% of the gross square footage. Mr. Hinderaker said that is the maximum they can have and they can serve beer, wine or mixed drinks with the proper TABC permit. If the restaurant is over 5000 sq. ft. the maximum is 20%.

Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Wooldridge, to close the public hearing and approve Case TA140601. The motion carried unanimously.

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

Enactment No: ORD 9730-2014

29

TA140603 - Text Amendment - Electric Fence. Approval of a Text Amendment to modify Section 3 - "Fencing" of Article 8: "Landscape and Screening" of the Unified Development Code related to the permitting of electric fencing. Owner/Applicant: City of Grand Prairie Planning Dept. (On June 2, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Hinderaker stated this text amendment is to modify the city's regulations related to electrified fences. He said this proposed amendment was presented to the Development Committee. What prompted this amendment was that an electric fence company came before the Zoning Board of Adjustments asking for a variance to the fence height requirement. The UDC did not address these fences in industrial areas. The end result is that the Development Committee is supportive of electrified fences in Industrial Districts. There are systems that are fairly small for residential

uses that have been included as exceptions. This must be a 12 volt system

Mr. Hinderaker said that an exception for residential zone property was if less than two energized strands and having a minimum height of less than 24'. Also, if keeping livestock on agriculture zoned property. A barrier fence must be in front of an electrified fence in industrial zoning. The one concern with staff and the Development Committee is that if the fence is adjacent to single family residential, the barrier fence must be solid to prevent any danger. Also, the fence cannot plug into an AC outlet and a warning must be placed on the fence. A Knox Box is required to give after hours access for Police and Fire.

Mr. Hinderaker said notices were not sent out to any electric fence companies. He said although it was not included in the draft ordinance, he would like to add a grandfather clause.

Deputy Mayor Pro Tem Shotwell moved, seconded by Council Member Wooldridge, to close the public hearing and approve Case TA140603 including a grandfather clause. The motion carried unanimously.

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

Enactment No: ORD 9731-2014

30

SV140601 - Sign Variance - Landings of Carrier Parkway Signage (City Council District 2). An appeal to the sign standards to allow a monument sign with an electronic message center to deviate from the requirements of Article 9. The 1.59-acre property, located at 915 Desco Lane, is zoned Planned Development District No. 175 (PD-175) and is within the State Highway 161 Overlay Corridor district.

Mr. Hinderaker said Case SV140601 was for a sign variance for an electronic digital sign and for non-masonry construction. Digital signs are not allowed within 200' of residential zoning or within residential zoning and it is required to be a masonry construction. Mr. Hinderaker said this is an apartment complex (PD175) with General Retail nearby and is located across the street from residential property. Mr. Hinderaker showed adjacent uses. The sign will be at the intersection of Desco and Carrier and would be approximately 150' from the residential property. The proposed sign is a monument sign with a digital component that is 8' x 8'. The primary purpose of the sign is to promote organ donor awareness. Mr. Hinderaker said staff did not recommend approval.

Council Member Swafford said there is a digital sign that Council just allowed at the Golden Chick and as it was discussed Council had asked staff to work that out with the developer. Mr. Hinderaker said the owner was asking for a pole sign at first, but worked out a 12' monument sign with a digital component that was approved. Mr. Swafford asked if the sign were to be moved 50' to the west, would it be in compliance. Mr. Hinderaker said it would not because the actual property it is sitting on is residential (single or multi-family). The Golden Chick is on General Retail property but is within 150' of residential property.

Ed Mitchell, 905 Avenue T, Suite 312-B, submitted a speaker card in support of this item but did not request to speak.

Rodney DeBaun, 516 Estate Drive, stated the Golden Chick sign is only 130' from the

residential zoning. He said the proposed sign is a perpendicular sign from Carrier Parkway and the main focus is to promote organ donor awareness. He said he offered to the Police and Fire Department use of the sign if needed. He would like to have the sign made of stucco because the Landings buildings are stucco and would like consistency.

Council Member Swafford said he could understand what Mr. DeBaun wanted to do for the Foundation and also possibly for other charitable purposes and asked him how he would feel if Council were to restrict the sign for that purpose only. Mr. DeBaun said he would not mind 90% of the time, but would like to give the apartments 10 minutes out of the hour to provide information on the Landings with their phone number which would scroll 2-3 minutes of each hour and the rest of the time for other charitable messages. Council Member Swafford said he did not have a problem with the sign as long as it will be used for charitable purposes, but he did not want to see the sign advertising apartments for rent.

Mayor Pro Tem Shotwell asked about how bright the sign would be. Mr. Hinderaker said the sign is perpendicular and would not affect the residents. Mr. Shotwell pointed out that stucco is a masonry material and perhaps the Development Committee should consider this as a text amendment to the UDC.

Council Member Wooldridge asked why was this not brought to the Planning and Zoning Commission. Mr. Hinderaker said the UDC requires a variance to come to the Council because it is a digital sign and a separation requirement.

Mayor Jensen said he would not mind allowing them to have the Landings name and phone number run once every hour but would support Council Member Swafford if he asked to restrict the sign to charitable messages only.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Shotwell, to close the public hearing and approve Case SV140601 and to include in the ordinance that the message center would only include messages for charitable organizations. The motion carried.

Ayes: 6 - Mayor Ron Jensen; Mayor Pro Tem Richard Fregoe; Deputy Mayor Pro Tem Tony Shotwell; Council Member Jim Swafford; Council Member Lila Thorn and Council Member Jeff Wooldridge

Nayes: 2 - Council Member Jorja Clemson and Council Member Greg Giessner

Items for Individual Consideration

31

Public Hearing and Resolution authorizing the City Manager to submit a FY 2015 grant application with the Federal Transit Administration (FTA) and the Texas Department of Transportation (TxDOT) for a total project amount of \$859,530 for Grand Prairie's transit system, "*The Grand Connection*"

Jim Sparks, Transportation Director, stated this action is taken by Council each year to secure funding for the Grand Connection. The Federal government cut the funds for the Grand Connection this fiscal year and the city is stepping up to make up the difference.

Council Member Swafford asked Mr. Sparks if the amount in the Council Communication was the amount that will be requested in the budget. Mr. Sparks replied that it was. Council Member Swafford asked what the city was requesting from the FTA and TxDOT. The FTA is funding Grand Connection in the amount of

\$142,883 and TXDOT's funding is \$181,343.

Mayor Jensen announced that this was a public hearing but no one present wished to speak.

Council Member Swafford moved, seconded by Mayor Pro Tem Fregoe, to approve the resolution. The motion carried unanimously.

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

Enactment No: RES 4700-2014

32

Public Hearing and Adoption of a Revised Drought Contingency Plan

Ron McCuller, Public Works Director, stated that the city is required to have a drought contingency plan and it is time to revise that plan in accordance with plans from the city's wholesale suppliers. The plan is amended to provide three stages rather than the current five stages which will require more severe restrictions earlier in the plan. Mayor Jensen announced that this was a public hearing, but no one present wished to speak.

Mayor Pro Tem Fregoe moved, seconded by Council Member Thorn, to close the public hearing and adopt the revised Drought Contingency Plan. The motion carried unanimously.

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

33

Settlement in the matter of the City of Cedar Hill v. the City of Grand Prairie

Don Postell, City Attorney, stated that sometime prior to 2008, a private developer interconnected with the public water systems of Grand Prairie and Cedar Hill. The interconnection allowed an unknown quantity of water to flow from the Cedar Hill water system into Grand Prairie until the connection was discovered in 2013. An independent engineering firm was retained to calculate the quantity of water that was transferred from the Cedar Hill system. Mr. Postell said staff recommends settlement with Cedar Hill in a lump sum payment of \$3,013,446. The cities agree to retain the interconnection for emergency use but to monitor the flow of any future connection.

Council Member Swafford moved, seconded by Council Member Giessner, to approve the settlement with Cedar Hill. The motion carried unanimously.

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

Citizen Comments

David Albert, 6510, LBJ Frwy., Dallas, said he would like to get approval for a billboard sign. He said he was in the outdoor advertising business and in the horse industry and has been at Lone Star Park and is concerned about the traffic and inadequate attendance and exposure for the city's entertainment district. Mr. Albert said he drove down SH161 after it opened and saw a location for a billboard sign that

would be great for advertising and spoke to Cory Johnsen about getting a billboard sign there. He said that Bill Crolley, Planning Director, told them they didn't have any jurisdiction over that location. In trying to get a permit went to the tollway authority and county and they did not have any objection. The railroad told me to go to the Texas Highway Department for permission. In the meantime, Grand Prairie has acquired the property and Mr. Albert said he was told if Grand Prairie agreed to the billboard they would not have any objection to the billboard. Mr. Albert said Grand Prairie has such a tremendous investment in Lone Star Park, the ballpark and theater. He said he would dedicate the billboard to the city for advertising which would be at a fraction of the cost they are paying for advertising. Mr. Albert said this would be such an outstanding location and he would go along with any type of restriction that the city might have. He said when Cory Johnsen took over the management at Lone Star Park, he instigated the charitable organization. Mr. Albert said the city should look to see how this could work as it would be a tremendous asset.

Carolyn Margraf, 1802 Wellington Drive, said she would be happy if any chickens come into my yard and could use the fertilizer in my yard. Trucks are not allowed to go down Marshall but they still do and it is dangerous. Those of us who live on the corner Huntington/Wellington by Marshall are very much in danger of things that happen here. Many vehicles have been through the properties there including one going through a garage. There is a phone station on the easement and someone tore it up so it had to be replaced. She said the residents need protection from vehicles running onto their properties, particularly trucks. Appreciated light at Robinson and Marshall. At around 2-3:00 a.m. on Saturdays do not see danger signs that have been placed there. Recently a 14-year old boy who was driving and landed at her front door. She asked Council to please look at some ways to prevent some of this property damage at this location. Ms. Margraf spoke about recycling and not using plastic bags. Because of the wind, the open recycling containers are not good. She asked for closed bins for residents and small businesses who are having a difficult time getting recycling picked up. Ms. Margraf said she would help promote this if needed.

Adjournment

Mayor Jensen noted that this meeting went longer than usual and would like Planning and Zoning cases to be brought to Council twice a month if the number of cases continues to grow.

Mayor Jensen noted that June 18 was the 10th anniversary of the passing of Sgt. Gregory Hunter. He invited everyone to attend the memorial service at the Walmart parking lot at 9:00 a.m.

Council Member Wooldridge invited everyone to the Walnut Creek cleanup on Saturday at Loyd Park from 8:00 a.m. to noon. He said there would be raffle prizes and lunch would be provided.

Mayor Jensen adjourned the meeting at 9:12 p.m.

The preceding minutes were approved at the August 5, 2014 Council Meeting.

Catherine E. DiMaggio, City Secretary

The foregoing minutes were approved at the July 15, 2014 meeting.

Catherine E. DiMaggio, City Secretary