CITY OF GRAND PRAIRIE CITY COUNCIL MEETING MAY 15, 2012 MINUTES

The City Council of the City of Grand Prairie, Texas, met in the Grand Prairie ISD Board Room at 2602 S. Beltline Road, on May 15, 2012, with the following members present:

Charles England, Mayor
Jim Swafford, Mayor Pro Tem
Ruthe Jackson, Deputy Mayor Pro Tem
Richard Fregoe, Council Member
Greg Giessner, Council Member
Mark Hepworth, Council Member
Ron Jensen, Council Member
Tony Shotwell, Council Member
Bill Thorn, Council Member

Call to Order

Mayor England called the meeting to order at 4:37 p.m.

Staff Presentations

1. Sara Jane Parkway Extension from East Dead-End to Forum Drive

Romin Khavari, City Engineer, Khavari, stated that Sara Jane Trail will be a three-lane undivided road. Construction bids were opened on April 26 with 9 bidders for Alt. A and Alt B. Ed Bell Construction was the low bidder. Construction schedule for the extension is from June 2012 through June 2013. Bridge enhancements include stone wall facing and a special guardrail. The 12" water line is to be constructed to the Smith property and the remaining portion will be finished when the property is developed. This would be a cost savings of \$129,000. The cost of the project is \$4.4 million, with additional expenses including street lights; labor; contingency and material testing amounting to \$458,056, and right-of-way acquisition of \$1.2 million. The two property owners are Bob Smith Management Property and Winn/Gjetley. Mr. Khavari said it was staff's recommendation to include Bid Alternate A with the construction award, pursue as an assessment project, and construct the water line only from the dead end to the end of the Smith property and on bridge and abutments.

Mayor Pro Tem Swafford asked the amount of the Ed Bell Construction Company bid. Mr. Khavari said their bid was \$4.4 million. He said staff will come back to Council to reduce the scope of the 12" water line. Mr. Swafford asked what would be the estimated cost of putting 2100 feet back in. Mr. Khavari said that would be a \$129,000 change order at a future date.

2. Water drought Contingency and Water Conservation Plan Status

Ron McCuller, Public Works Director, said a Drought Contingency Plan (DCP) is a temporary measure that is only implemented under certain condition. The Water Conservation Plan is an ongoing, long-term effort to conserve water. He said the city has these plans because there is a significant shortage of water in the region and the State, they are required by State Statute and they are required by wholesale water supplier contracts.

Mr. McCuller said that Stage 2 of the DCP was implemented on August 2, 2011. Since that time, the water supply lakes have refilled but wholesale suppliers continued to require the restrictions until just recently. Since the wholesale suppliers lifted the requirements, the city has no authority to trigger the plan, therefore, it is not enforceable. The mayors of Fort Worth, Irving, Arlington and Dallas met to discuss extension of the two-time a week watering requirement and put it in their water conservation plans rather than implement a DCP. Dallas has done so, but the other cities have not. He said that 90% of the water the city purchases is purchased from Dallas.

Mr. McCuller said his recommendation would be to rescind the DCP immediately and amend the Water Conservation Ordinance to limit irrigation to two days per week.

Council Member Hepworth asked if the city's Parks program subscribes to the two times per week watering schedule. Mr. McCuller said they did and also to the restriction of not watering between 10:00 a.m. and 6 p.m., but he added that there is an exception for recently sodded yards. Mr. Hart said the golf courses have their own wells so they can water more than two times per week. Mr. McCuller said Central Park also has well water and the ordinance does not apply unless you are in the city water system.

Council Member Fregoe asked if the city would maintain the same dates of two days per week or would citizens be able to water on any two days. Mr. McCuller said that certain days must be assigned to be able to enforce the restriction.

Mayor England said the city had, in the past, had to buy additional water from Dallas and we are committed forever to purchase the same amount of water. He asked if this plan would affect the amount of water the city is committed to buy from Dallas. Mr. McCuller said the city has been using less water than we are paying for. He added, if a city takes less water for five years, it can go back down to a lesser amount. Mayor England said if Dallas has not dictated it, he was not sure we should restrict people to watering two days per week. He said he was concerned about repaying water bonds.

Council Member Jensen said if Council did not change anything at this time, it seems that staff could alert the Council very quickly if action needed to be taken. Mr. Jensen asked if there would be a warning prior to implementing the drought contingency plan. Mr. McCuller said the trigger is when there is less than 130 gallons per capita in storage, that is when we would declare the Drought Contingency Plan in force. Mr. McCuller said

Dallas County is currently exempt from the state mandate to start a groundwater conservation district but Grand Prairie is the biggest groundwater user in the County.

3. Volunteers in Policing, Citizens Police Academy, Police Internship, and Detention Center Training Program

Lt. Rob Severance made a presentation to Council on Community Policing Initiatives, partnerships and volunteer programs including the Problem-Solving Unit, IMPACT Team, School Resource Officers, School Crossing Guards, Police Reserves, Police Explorers, Volunteers in Police Service, Citizens on Patrol, and high school and college interns.

Kristin Spivey, Detention Manager, said the officers had recently celebrated National Correctional Officer Week May 7-12, 2012 which recognized the men and women who work in correctional facilities. A new on-line training course has been implemented and serves as a low cost alternative to outside training. A new internship program has been started with GPISD criminal justice students. The program provides detention center training for those students who might be interested in working at the center after they graduate.

Mayor Pro Tem Swafford asked what the minimum requirements were for a detention officer. Ms. Spivey said they must be 18 years of age, have a Texas driver's license with a low number of moving violations, a high school diploma, and must pass a physical and mental exam and also must pass a polygraph test. Mr. Hart commented that Ms. Spivey has done a great job at the detention center.

Executive Session

Mayor England convened an executive session at 5:23 p.m. pursuant to Chapter 551, subchapter D of the Government Code, V.T.C.A., Section 551.071 "Consultation with Attorney."

The executive session was adjourned and the regular meeting was recessed at 5:50 p.m.

Mayor England reconvened the meeting at 6:35 p.m.

Pastor Raphael Mnkandhla, Fellowship of Joy, gave the invocation. Council Member Fregoe led the Pledge of Allegiance to the US flag and to the Texas flag.

Council Member Hepworth introduced his mother, Lynn Bull, who was visiting from out of state. Mayor England welcomed Mrs. Bull to Grand Prairie.

Presentations

The Staff Award was postponed.

Consent Agenda

Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe, to approve Items 5 through 13 on the Consent Agenda.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously as follows:

- 5. Minutes of the April 24, 2012 Special Joint Meeting of the Council and GPISD School Board, and the Minutes of the May 1, 2012 Council Meeting
- 6. Contract with C. Green Scaping, LP in the amount of \$486,200, a 5% contingency in the amount of \$24,310, for a total amount of \$510,510, for the Lynn Creek Park Phase I Mitigation Construction Project
- 7. Price agreement with Environmental Lighting for street lighting maintenance in an annual amount of \$50,000, and authorize the City Manager to execute future renewals so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during renewal term and as long as total cost of price agreement does not increase by twenty-five percent (25%) of the original contracted amount.
- 8. Change Order No.3 for Cook Drive Drainage, Water and Wastewater Improvements with Circle C Construction in the net negative amount of (\$5,641)
- 9. Purchase a 2012 crew cab truck from Southwest International Trucks for \$109,410.30
- 10. Acquisition of right-of-way and easements from the Bob Smith Management Company, Ltd. for the Sara Jane Parkway Extension, TIF #2 Project, in the amount of \$276,194, and an amount not to exceed \$10,000 for closing costs
- 11. Ordinance amending the FY 2011/2012 Capital Improvements Project Budget; and a construction contract with Ed A Bell in the bid amount of \$4,419,960, for Sara Jane Parkway Extension from East Dead-end east to Forum Drive; material testing in the amount of \$57,500; in-house engineering in amount of \$104,558; and contingency in the amount of \$220,998, for a total requested construction amount of \$4,803,016; Oncor Street Lights in the estimated amount of \$75,000 for a total Project Cost of \$4,878,016
- 12. Ordinance amending the 2011/12 Capital Improvement Budget, and a construction contract with Bradley Douglas Construction Services, LLC, in the amount of \$135,343 for pavement repairs to Public Safety Building and Summit trench drain, miscellaneous expenses in the amount of \$4,000 and 5% contingency funds in the amount of \$6,767, for a total request of \$146,110

13. Resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) to enable the Police Department to be a participant in the proposed state-wide Crash Reporting and Analysis for Safer Highways (CRASH) system at no cost to the City

Public Hearing Consent Agenda

14. SU120402 - Specific Use Permit - 3018 E. Main Street (City Council District 5). A request for the approval of a Specific Use Permit for a used automotive sales lot, general automotive repair, auto body and paint facility on 1.3 acres. The subject property is zoned Commercial (C) District and is located at the northwest corner of the intersection of E. Main Street and N.E. 31st Street. The subject property is located within the Central Business District-Four (CBD-4) Corridor Overlay District. The owner/applicant is Diamond Verami and the agent is E. D. Hill.

Vance Roper, 3301 Trible Drive, submitted a speaker card in favor of this case.

Mayor Pro Tem Swafford moved, seconded by Council Member Jensen to close the public hearing and table Case SU120402.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

15. SU120201 - Specific Use Permit - 2735 Hunter Ferrell Road (City Council District 1). Specific Use Permit for truck parking on 2.223 acres. The subject property is currently zoned Light Industrial (LI) District and is generally located on the south side of W. Hunter Ferrell Road west of MacArthur Boulevard. The owner is Jose Fernandez and the applicant is Chris Castillo.

Council Member Hepworth moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table Case SU120201.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

SU100502A - Specific Use Permit Renewal - 1701A E. Main Street (City Council District 5). Renewal of a Specific Use Permit for used automobile sales, minor automotive repair, and a make ready service on 0.5886 acres. The subject property is zoned Light Industrial

(LI) District and is located along the south side of E. Main Street east of S.E. 16th Street. The subject property is located within the Central Business District-Three (CBD-3) Overlay District. The owner is Patrick Lawler and the applicant is Victor Gonzalez.

Mr. Vance Roper, 3301 Trible Drive, submitted a speaker card in favor of this case.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table Case SU100502A.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

Public Hearing on Zoning Applications

17. SU110503A - Specific Use Permit Renewal - 1210 Avenue J East (City Council District 1). A request for the renewal of a Specific Use Permit No. 872 for a reclamation and shipping company 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 and the applicant is Tina Lin. (On May 7, 2012, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 6-0.)

Kevin Lasher, Chief City Planner, stated that this case was a one-year renewal for an SUP for a reclamation and shipping company. He said the business had been operating in conformance with all ordinance requirements. Mr. Lasher said the applicant had closed the entrance facing west next to Hidden Creek so that there would be no truck traffic next to that residential development.

Council Member Hepworth moved, seconded by Council Member Giessner, to close the public hearing and approve Case SU110503A.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

18. SU120501 - Specific Use Permit - 1932 Galveston Street (City Council District 1). A request for the approval of a Specific Use Permit for an oil and lube/tire facility with minor automotive repairs on 0.4552 acres. The subject property is currently zoned Commercial (C) District and is generally located south of W. Jefferson Street and west of S.W. 19th Street.

The property is located within the Central Business District One (CBD-1) Overlay District. The owner is Ron Cornelius, the applicant is Mr. Radhwan Abdulkudhim Hashim, and the agent is Sam Engineering & Testing. (On May 7, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0.)

Mr. Lasher said the applicant requested an SUP to do oil and lube, tire, and minor automotive repairs in a Commercial C District. He said the site has two frontages and an existing building. Mr. Lasher said the applicant wishes to reverse the access to have the front entrance off Jefferson Street. This will be a relocation of a Kelly Tire store. He said the applicant will add a new concrete parking lot and drive approach off Galveston.

Mr. Lasher said the applicant has asked for a variance to the requirement for a stationary dumpster. The UDC requirement is for a dumpster enclosure for both aesthetic reasons and as secondary containment when the dumpster overflows. He said Dr. Patricia Redfearn, Environmental Services Department, recommended a stationary dumpster enclosed with a masonry fence. Mr. Lasher said the applicant has indicated they will not use a dumpster to capacity because they recycle most things. The Planning and Zoning Commission approved this case but with the enclosed dumpster.

Sam Al-Musawe, 1932 Galveston, stated he was present to represent the applicant. He stated that the applicant has another business which has had a 2 cubic yard rolling dumpster. The reason is that when he has it out, there are illegal dumpers who utilize the dumpster. Mr. Al-Musawe said tires, metal and oil will be recycled. He said the applicant wants to use the outside space to display tires. He added the applicant is spending his own money paving the area and the dumpster would not be overfilled.

Council Member Hepworth stated he had read the staff report and would like uniformity and that he liked the double containment of dumpsters. Council Member Shotwell asked if the location of this dumpster would be negotiable. Mr. Lasher said the location is negotiable as long as it has masonry screening. He said he could work with the applicant to get it located at the rear of the building facing Galveston.

Council Member Hepworth moved, seconded by Council Member Thorn to close the public hearing and approve Case SU120501 and deny the applicant's appeal of dumpster screening.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

19. SU120501 - Specific Use Permit - 1932 Galveston Street (City Council District 1). A request for the approval of a Specific Use Permit for an oil and lube/tire facility with minor automotive repairs on 0.4552 acres. The subject property is currently zoned Commercial (C) District and is generally located south of W. Jefferson Street and west of S.W. 19th Street.

The property is located within the Central Business District One (CBD-1) Overlay District. The owner is Ron Cornelius, the applicant is Mr. Radhwan Abdulkudhim Hashim, and the agent is Sam Engineering & Testing. (On May 7, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0.)

Mr. Lasher stated that this case was an SUP for an auto body and auto paint facility. He stated that the Planning and Zoning Commission had recommended approval. Mr. Lasher said the applicant will store some autos outside that are waiting to be repaired. There will be several improvements made to the site and an addition of 1100 sq. ft. will be made to the existing building. He said there is an existing metal fence on the street right-of-way and staff asked the applicant to move the fence back and they have agreed. Originally, the dumpster was at the very back of the site so the garbage truck had to go down a narrow drive. Mr. Lasher stated that the applicant agreed to change the dumpster site to the Poulin Avenue side.

Cruz Dominguez, 209 S. Jefferson, Irving, stated he was in favor of this item and asked for Council approval. Mr. Dominguez stated that the owner was present to answer questions.

Council Member Shotwell asked if the ordinance contained a stipulation of no salvaging. Mr. Lasher replied that it did and there would be a renewal in one year.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU120503.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

20. Z120501/SU120502 - Zoning Change/Specific Use Permit - 1400 W. Shady Grove Lane (City Council District 1). A request for the approval of a Zoning Change from Commercial-One (C-1) District to a Light Industrial (LI) District and a Specific Use Permit for an office and warehouse facility with outside storage on 3.8787 acres. The subject property is currently zoned Commercial-One (C-1) District and is generally located on the north side of W. Shady Grove Road west of Hardrock Road. The property is located within the State Highway 161 (SH-161) Overlay District. The owner is Grand Bank of Texas, the applicant is Warehouse Equipment Solutions, and the agent is Walter Nelson. (On May 7, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 6-0.)

Mr. Lasher said this case was for an office/warehouse facility with outside storage for a commercial display rack installer. He said that most product will not be stored at this site and will use the site behind the building for some storage as needed. The applicant will use mostly the southern half of the site. Mr. Lasher said the applicant has requested an appeal

to repair a 6 ft. fence on the east and west side rather than installing a masonry fence. The applicant will have to replace several panels and install a top rail. The second appeal is to waive the masonry screening for the dumpster which will be located behind the building. The Planning and Zoning Commission approved all appeals.

Walter Nelson, 3012 Hobble Court, agent for applicant, said he was in agreement with all of staff's comments and asked for Council approval.

Council Member Hepworth said he was comfortable with the dumpster appeal because it is in the back of the site and enclosed in a 6 ft. fence.

Council Member Hepworth moved, seconded by Council Member Shotwell, to close the public hearing and approve with the two appeals.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

Items for Individual Consideration

Council Member Shotwell introduced Boy Scouts from Troop 540, who were attending the Council Meeting. Mr. Shotwell also congratulated Scout Leader Vance Roper on the birth of his new granddaughter.

21. Case AV120501- Alcoholic Beverage Sales - Costa del Sol Restaurant, 3404 E. Main Street (City Council District 5.)

Mr. Lasher stated that the Alcoholic Beverage Commission measures the distance from a church facility from the front door of the restaurant to the front door of the nearest church building. The variance is required because the restaurant is within 300' of the existing church. The pastor of the church at 3408 E. Main Street has submitted a letter in support of this variance. Mr. Lasher stated that staff recommended approval based on the church's support of the variance.

Vance Roper, 3301 Trible Drive, submitted a speaker card in support of this variance.

Council Member Shotwell stated he had spoken with the restaurant owner and Council has had a case close to the school that was against a variance, and then another similar case on Jefferson and the adjacent church was against the variance. In this case the church is in favor of this variance.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to approve the variance for alcoholic beverage sales at 3404 E. Main Street.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously.

22. Public Hearing and Standards of Care Ordinance for 2012 After School Programs and Summer Camps

Danny Boykin, Parks and Recreation Department, stated that the city is exempt from state child care licensing for children's programs, but the city is required to have an annual public hearing and council would need to adopt the standards of care ordinance.

Mayor England opened a public hearing, but there were no citizens who wished to speak.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and adopt the Standards of Care Ordinance.

Ayes: Council Members Fregoe, Giessner, Hepworth, Jensen, Shotwell, Thorn, Deputy Mayor Pro Tem Jackson, Mayor Pro Tem Swafford, and Mayor England

Nays: None

The motion carried unanimously

Citizen Comments

There were no citizen comments.

Adjournment

Mayor Pro Tem Swafford stated that he had attended the Cinco de Mayo celebration and the organizers had presented a plaque to Mr. Hart. Mr. Swafford presented the plaque to Mr. Hart.

Mayor England congratulated Council Members Giessner, Jensen and Shotwell who were reelected at the May 12, 2012 city election. He thanked the citizens for their overwhelming support of the ½ cent sales tax for the Crime Control and Prevention District. Mayor England said with the new outlet mall (Paragon Outlet Mall) much of the sales tax will be paid by people from out of town. He said without the support of the citizens, the Council and staff would not be able to continue to improve the way of life in the city.

Deputy Mayor Pro Tem Jackson thanked everyone for their prayers for her, and stated that thankfully she would not have to wear a back brace.

Mayor England adjourned the meeting at 7:15 p.m.

The foregoing minutes were approved at the June 5, 2012 meeting.

Catherine E. DiMaggio, City Secretary