



Minutes - Final  
City Council

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Tuesday, March 15, 2011

4:30 PM

Council Briefing Room

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**Call to Order**

**Mayor England called the meeting to order at 4:35 p.m.**

**Present** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

**Staff Presentations**

- 1 Lake Parks - Visited by Over 500,000 Annually - Presented by Rick Herold, Parks and Recreation Director  
  
*Duane Strawn, Parks and Recreation Manager, made a presentation to Council on the Lake Parks. Mr. Strawn said revenues from lake parks facilities last year were \$2,138,859, with an operating profit of \$252,000. He updated Council on various events held at the park and said future projects include a paddling trail; an online reservation system; music festivals including a 40Fest music festival; Loyd Park upgrades will include a camp store, 50 amp service, a laundromat; and additional cabins.*
  
- 2 Farmers Market Schedule of 2011 Events - Presented by Amy Sprinkles, Communications and Marketing Director  
  
*Amy Sprinkles, Market Director, said the Farmers Market is now open and distributed a schedule of events to Council. She said that in conjunction with the Farmer Market there are events planned throughout the year including: master composters; rain barrels; adopt-a-pets; car show; square foot gardening and micro greens class; and a crawfish boil. There will also be fundraising events which include: Farmers Table to be held in May (evening dinner with chefs who participate in Farmers Market); and "Lit on Main" featuring an ugly lamp contest and silent auction for lamps donated by artists. Farmers Market T-Shirts are selling for \$10; and the Farmers Market cookbook is also for sale.*
  
- 3 Appointment of Council ad hoc Committee for Redistricting - Presented by Mayor England  
  
*Mayor England appointed an Ad Hoc Committee for Redistricting consisting of the Chairmen of the three Council Committees: Council Members Fregoe, Shotwell and Swafford.*

**Agenda Review**

*Council Member Swafford stated he had a correction to the February 15, 2011 Minutes and would like to have this item pulled from the Consent Agenda.*

**Executive Session**

*Mayor England convened an executive session at 5:02 p.m. pursuant to Chapter 551, Subchapter D, of the Government Code, V.T.C.A, Section 551.072, "Deliberation Regarding Real Property." The executive session was adjourned at 5:29 p.m.*

**Recess Meeting**

**Mayor England recessed the meeting at 5:29 p.m.**

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**6:30 PM City Council Chambers**

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

**Dr. Bill Skaar, First Baptist Church gave the invocation and Council Member Greg Giessner led the Pledge of Allegiance to the US Flag and to the Texas Flag.**

**Presentations**

- 4 DeMolay Proclamation - Presented by Council Member Tony Shotwell  
*Council Member Shotwell read the DeMolay Proclamation and Council Member Swafford presented the proclamation to the DeMolay members.*

**Consent Agenda**

**Mayor Pro Tem Ruthe Jackson moved, seconded by Council Member Fregoe, to remove Item 5 (Minutes) for individual consideration, and approve Items 6 through 18 on the Consent Agenda. The motion carried unanimously as follows:**

**Ayes:** 9 -  
Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

- 5 Minutes of the February 15, 2011 and March 1, 2011 Council Meetings

**Council Member Swafford entered a correction for the February 15, 2011 Minutes on Item 43 (Public Hearing and Resolution for the issuance of a Lake Parks 1H Gas Well Permit to Chesapeake Operating, Inc.). The Minutes will reflect that Council Members Jensen and Swafford abstained from the vote on this item.**

- 6 Amendment/Change Order No. 3 with Texas Standard Construction in the amount of \$19,059 for Drainage Improvements at various locations  
**Approved on the Consent Agenda**
- 7 Amendment/Change Order No. 3 to Engineering Services contract with Freese and Nichols in the net negative amount of \$38,850 for additional services and design modifications to the Sara Jane Extension from east dead end to Forum Drive  
**Approved on the Consent Agenda**
- 8 Change of Professional Services Agreement - Professional Engineer and Technical Services for Jefferson Bridge Improvements/Repair over Mountain Creek Tributary: Cancel the agreement with PBS&J Engineering in the amount of \$55,233, with a contingency of \$2,762; approve a new agreement with Cobb, Finley & Associates Engineering in the amount of \$55,233, plus a contingency of \$2,762 (the original contract was approved by Council on November 16, 2010)  
**Approved on the Consent Agenda**
- 9 Contract with Metheny Commercial Lawn Maintenance, Inc. for landscape maintenance (\$370,227) in Peninsula PID (Council District 6)  
**Approved on the Consent Agenda**
- 10 Dedication of right-of-way and drainage easements to TxDOT for I-30 Service Road improvements.  
**Approved on the Consent Agenda**
- 11 Gas pipeline license agreement with DFW Midstream Services, LLC for pipeline crossings of Timberlake Drive, Osler Drive, Hospital Boulevard, Sherman Street, Hines Street and Great Southwest Parkway.  
**Approved on the Consent Agenda**
- 12 Award contract to Lightasmic!, for design and construction of Prairie Lights holiday drive through park, for the estimated amount of \$129,174 for FY 2010/2011, with up to (4) one-year renewal options.  
**Approved on the Consent Agenda**
- 13 Ordinance amending the FY 2010/2011 Prairie Lights Fund in the amount of \$200,024 for the purchase of equipment in accordance with the new Prairie

Lights contract and additional contract expenses for current supplier.

**Approved on the Consent Agenda**

Enactment No: ORD 9173-2011

- 14 Ordinance calling a public hearing on the proposed paving assessments for Arkansas Lane paving improvements from the Tarrant County line east to Carrier Parkway

**Adopted**

Enactment No: ORD 9174-2011

- 15 Ordinance amending the FY 2010/2011 Capital Improvements Projects Budget, in the amount of \$27,030.60 for design of a blast fence for the air traffic control tower at the Grand Prairie Municipal Airport.

**Adopted**

Enactment No: ORD 9175-2011

- 16 Ordinance amending the FY2010/2011 Capital Improvement Projects Budget and Change Order No. 4 with UtiliTex Construction LLP in the amount of \$11,827 for FY 2007 Wastewater Master Plan Overflow Project

**Adopted**

Enactment No: ORD 9176-2011

- 17 Resolution determining the necessity for the acquisition of utility easement parcels needed for the South Sector Wastewater System by purchase or eminent domain

**Adopted**

Enactment No: RES 4488-2011

- 18 Resolution determining the necessity for right-of-way and easement acquisitions for Sara Jane Parkway TIF #2 Project

**Adopted**

Enactment No: RES 4489-2011

### **Public Hearing Consent Agenda**

- 19 SU090104A - Specific Use Permit Renewal - 3230 E. Main Street/111 Hensley Drive (City Council District 5). Consideration of a request to renew Specific Use Permit No. 811, Ordinance No. 7917 for used automotive sales. The subject property is generally located north of E. Main Street and west of Hensley Drive. The subject property is adjacent to the Central Business District-4 (CBD-4) Overlay District. The owner/applicant is Diamond Virami

and the agent is E.D. Hill. (On March 7, 2011, the Planning and Zoning Commission postponed this case by a vote of 9-0 until staff completes a code review for this property.)

**Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and table Case SU090104A. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

20

SU090202A - Specific Use Permit Renewal - Rudy's Auto Sales - 2409 E. Main Street (City Council District 5). Consideration of a request for the approval of a Specific Use Permit Renewal for used automotive sales on 1.35 acres. The site is currently zoned Light Industrial (LI) District and is generally located south of E. Main Street and east of Bagdad Road. The property is located in the Central Business District Four (CBD-4) Overlay District. The owner/applicant is Rodolfo De Anda and the agent is E.D. Hill. (On March 7, 2011, the Planning and Zoning Commission postponed this case by a vote of 9-0 until staff completes a code review for this property.)

**Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and table Case SU090202A. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

## Public Hearing on Zoning Applications

21

TA110202 - Text Amendment - Appendices F, I, L, S, T & U. A text Amendment to the Unified Development Code affecting Appendix "S", the IH-20 Overlay District; Appendix "T", the SH-161 Overlay District; and Appendix "U", the Lakeridge Parkway Overlay District; and further establishing a new IH-30 Overlay District as Appendix "I", a new SH-360 Overlay District as Appendix "L"; and updating and consolidating the development standards for each said overlay district into Appendix "F". The owner is The City of Grand Prairie and the applicant is Kevin Lasher, AICP. (On March 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Kevin Lasher, Chief City Planner, stated this text amendment covered Overlay Districts. He said the city needs to be competitive with other cities in the development market. A new overlay district had been added for I-30 and SH360. Mr. Lasher stipulated that these overlay district amendments will not modify the underlying zoning of any land; existing zoning designations remain the same.*

*Mr. Lasher showed the areas of the new overlay districts. A new area being added to the Lake Ridge Overlay District near where Lake Ridge and SH161 meet (i.e. including streets such as Vineyard Road in the event these lots transition to commercial development).*

*Mr. Lasher said text amendments had also been made for industrial development with regard to articulation zones and minor articulation zones (i.e. near entrances and next to major streets). Amendments for multi-tenant signs had also been made. Mr. Lasher asked that Council approve this case subject to Section 3.B.4 and 4.C.1.*

**Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and approve Case TA110202 subject to Section 3.B.4 and 4.C.1. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9177-2011

22

FE110301 - Fence Exception - 1210 Avenue J East (City Council District 1). An exception to the screening fence standards stipulated in Article 8, "Landscape and Screening," of the Unified Development Code for the purpose of replacing an existing chainlink fence with a metal screening fence in lieu of a masonry screening fence. 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 March 7, 2011, the Planning and Zoning Commission recommended approval

of this request by a vote of 9-0.)

*Mr. Lasher asked that this item be tabled.*

**Council Member Hepworth moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and table Case FE110301. The motion carried by the following vote.**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

23

SU090102A - Specific Use Permit Renewal - 405 E. Rock Island (City Council District 1). A request to renew Specific Use Permit No. 813, Ordinance No. 7924 for auto repair and body shop with a paint booth and state inspections. The site is currently zoned Commercial (C) District and is generally located south of Rock Island Road and east of Gilbert Road. The owner/applicant is C&S Autorama/Carlos Tafoya. (On March 7, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

*Mr. Lasher recommended renewal of this SUP.*

**Council Member Hepworth moved, seconded by Council Member Shotwell, to close the public hearing and approve Case SU090102A. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9178-2011

24

SU090201A - Specific Use Permit Renewal - 3024 E Jefferson Street (City Council District 5). A request to renew Specific Use Permit No. 812 Ordinance No. 7923 for used car sales lot. The site is currently zoned Light Industrial (LI) District and is generally located north of Jefferson Street and west of Camden Road. The property is located in the Central Business District Four (CBD-4) Overlay District. The owner/applicant is Calderon Auto Sales/Jose Calderon. (On March 7, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

*Mr. Lasher recommended renewal of this SUP.*

**Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and approve Case SU090201A. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9179-2011

25

SU050902B - Specific Use Permit Renewal - 3133 Roy Orr Boulevard (City Council District 1). A request to renew Specific Use Permit No. 745A, Ordinance No. 7918 for outside storage. The site is currently zoned Light Industrial (LI) District and is located south of Trinity Boulevard on the west side of Roy Orr Boulevard. The owner/applicant is Gary Mankin. (On March 7, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

*Mr. Lasher recommended renewal of this SUP.*

**Council Member Hepworth moved, seconded by Council Member Thorn, to close the public hearing and approve Case SU050902B. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9180-2011

26

SU091202A - Specific Use Permit - 520 W. Pioneer Parkway (City Council District 2). A request for the approval of an amendment to Specific Use Permit No. 829 (SUP-829) to permit an exception to the standard screening fence material required adjacent to residential properties. The subject property is currently zoned Planned Development District 56 (PD-56) and is generally located east of Carrier Parkway on the north side of Pioneer Parkway. The owner/applicant is Nader Farokhrouz. (On March 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

*Mr. Lasher stated the UDC requires a masonry wall on the west side of this site, but there is a wrought iron fence existing. There is 108' to the apartment building. The applicant has requested an appeal to allow 180' feet of shrubs. Mr. Lasher said staff wanted to ensure that noise from repair work remains within required decibels; if not they will have to build a fence. He said the Environmental Services Department will conduct a noise study to see if the additional landscaping will be a sufficient noise buffer. If not, the applicant will be required to build the masonry screening.*

**Council Member Swafford moved, seconded by Council Member Giessner, to close the public hearing and approve Case SU091202A subject to staff recommendations, including a noise study by the Environmental Services Department. The motion carried by the following vote:**



**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9181-2011

27

SU110301 - Specific Use Permit - 2970 W. Camp Wisdom Road (City Council District 6). A request for the approval of a Specific Use Permit for a restaurant with a drive-through window located on 0.84 acres. The subject property is zoned Planned Development District No. 114A (PD-114A for multi-family and retail uses) and is located at the northeast corner of the intersection of Magna Carta Boulevard and W. Camp Wisdom Road. The owner is One Prime Property, Inc./Hal T. Thorne, the applicant is Tim Bringedahl, and the agent is Lobsinger & Potts Structural Engineers, Inc./Justin Brammer. (On March 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Mr. Lasher stated this case is an SUP for a drive-through window for a Chicken Express Restaurant. He said the SUP is required because there is a townhome development on Magna Carta to the north of the proposed site. Mr. Lasher said there was some opposition from neighbors. The landscape plan exceeds UDC requirements and there is an upgraded fence between the neighbors to the north. Mr. Lasher recommended approval of the case.*

*Hal Thorne, 3550 Gifco Road, stated he was representing the entity that owns the townhomes to the north and was present to answer questions. Mr. Thorne noted that there was only one person in opposition at the Planning and Zoning Hearing and after the public hearing he was no longer opposed.*

*City Attorney Don Postell read into the record those present who supported this item but who did not wish to speak: Bryan Proctor, 13828 Delta Drive, Venus; Will Thorne, 314 N. Arlington; Jessica Proctor, 13828 Delta Drive, Venus Texas.*

*Tim McLarty, 2955 Barcellona Trail, spoke in opposition to this case. He said he owned a townhome on Magna Carta and when he purchased the townhome there was no mention of development within the fenced area. He said the highest and best use for the property on that corner is for commercial development and the arterial and collector street works perfectly for this development. He said he was not opposed to the restaurant, but was concerned about buffers that protect the townhomes. He said his bedroom window is within 200' of the proposed restaurant. Mr. McLarty said Mary Elliott, Planning Department, helped him and gave him information regarding lighting, fencing, traffic coming into the site, and landscaping. Mr. McLarty submitted drawings given to him by Ms. Elliott. He requested that the developer plant landscaping shown on Drawing C he submitted and extend the fence down property line 150'.*

*Mr. Lasher said this PD allows non-residential and the masonry fence is not required, but the masonry wall is in compliance. Mr. Thorne said the applicant had added more landscaping than is required. He said there was a meeting with the residents of the townhomes and the fence was raised from 6' to 7' and agreed to use masonry compatible with the townhomes. The masonry fence was brought 10' around the corner and that was not a requirement. Mr. Thorne said he measured and Mr.*

*McLarty's townhome is 350' from the restaurant and there will be two more townhome units behind his unit and he will not see anything but the back of those townhomes. Council Member Jensen said the extension of the fence is not a requirement.*

**Council Member Jensen moved, seconded by Council Member Giessner, to close the public hearing and approve Case SU110301 per the Planning and zoning Commission recommendation. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9182-2011

28

SU110302/S110301 - Specific Use Permit/Site Plan - High Prairie Business Park, Lot 5, Block D (City Council District 1). A request for the approval of a Specific Use Permit and Site Plan for a general contracting and construction services company with outside storage on 4.586 acres. The subject property is currently zoned Light Industrial (LI) District and is generally located east of Roy Orr Boulevard and south of Rock Island Road. The property is located within the State Highway (SH-161) Overlay District. The owner is MAR Management, LLC and the applicant is G&A Consultants, Inc. (On March 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

*Mr. Lasher said this case is for general contracting and construction services with outside storage in the SH161 Overlay District. He said there will be a 13,000 sq. ft office building and 14,500 sq. ft. warehouse. Vehicles will be stored on a concrete surface. Mr. Lasher said there was no opposition to this case. Mr. Lasher showed the building elevations and said the case meets all UDC and Overlay District requirements.*

*Matthew St. Marie, 611 Dallas Drive, Roanoke; and Wade A. Kolody, Architect, 4309 Glencoe Road, Corinth, were present to answer questions.*

**Council Member Hepworth moved, seconded by Council Member Thorn, to close the public hearing and approve case SU110302/S110301. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9183-2011

29

SU110303/S110302 - Specific Use Permit/Site Plan - 2920 E. Main Street (City Council District 5). A request for the approval of a Specific Use Permit and Site Plan for used automotive sales on 0.27 acres. The subject property is

zoned Commercial ( C ) District and is located on the north side of E. Main Street, west of MacArthur Boulevard. The property is located in the Central Business District-Four (CBD-4) Overlay District. The owner is Gerardo De Anda, the applicant is Juan Barbosa, and the agent is E. D. Hill. (On March 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

*Mr. Lasher said this business is in an area utilized primarily by auto-related businesses. This SUP will come back for Council review in two years.*

*Juan Barbosa, 422 Parkridge, submitted a speaker card in support of this item.*

**Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and approve Case SU110303/S110302. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9184-2011

**Mayor England recessed the meeting at 7:37 p.m. and reconvened the meeting at 7:47 p.m.**

30

SU071204A - Revocation of Specific Use Permit - 3402 S. Gilbert Road (City Council District 1). A recommendation by staff to terminate a Specific Use Permit with Conditions for a trucking company in a Light Industrial (LI) District. The site is generally located east of S. Gilbert Road and south of Josephine Lane. The owner/applicant is Jose Ibarra. (On March 7, 2011, the Planning and Zoning Commission recommended approval to terminate SUP 779 by a vote of 9-0.)

*Mr. Lasher said staff recommended revocation of this SUP which was originated in 2007. He said the Planning and Zoning Commission reviewed the case on March 7, 2011 and recommended termination of the SUP. Mr. Lasher showed the site and stated the area has a lot of Light Industrial with single family and this creates inevitable conflicts. This trucking company has had several fines and many are still outstanding. Compliance has not been achieved in several years working with the applicant. There is a conflict between the applicant and the residents to the east.*

*Mr. Lasher said the property is surrounded by Light Industrial and a lot of non-compliance but they have permits. He said this is a successful business but it has not done business in accordance with City codes. In 2003, the applicant started storing vehicles on the property and there were people living there without electricity and water. In 2004, there were no permits obtained. In 2005, the business expanded to the south and could not park on it because it was zoned Single Family so they got the property rezoned and got an SUP for a trucking company. Currently, there is a lot of repair going on and hours of operation are inconsistent. The applicant built a large shed in 2007 to repair trucks but the current SUP does not*

allow repair work. In 2009, the applicant built an office without a permit and no cross connection for public utilities. In 2009, the applicant was informed that the SUP would be revoked and not much progress has been made to become compliant. The nearby residents have complained that the city needs to enforce the requirements of the SUP.

There are other non-confirming businesses in the area and staff will also be addressing those businesses. Mr. Lasher explained the impact of revocation: existing trucking use will terminate; the Certificate of Occupancy will be revoked; all trucks and trailers will have to be removed; all structures and construction must be certified by a registered architect. If the structures are certified, the applicant can keep improvements. All structures and developments not certified must be demolished. Some of the violations at this site include repair work, oil spills and improper cleanup. Mr. Lasher said the site will require soil and water testing and tests found out of norm will require the property owner to do further testing and remediation at his expense.

Mr. Lasher said the nearly finished office structure was not permitted and can only be used when permitting is completed. A shed was also built without a permit and without the required 25' setback. Neighbors have expressed concern about the structural integrity of the shed roof and this structure will have to be removed. He said staff will work with the applicant to make sure the office building has proper utilities. If the SUP is revoked, the owner can maintain a business in the light industrial; this would just revoke the trucking use.

Virginia Thomson, 107 Loda Court, speaking in favor of the revocation of the SUP, said the owner has had plenty of time to be in compliance. She said when the company first went in they said it would just be a few trucks and no repair. Ms. Thomson said they wash the trucks and when the dump truck is raised the gate clangs loudly at all times and there is loud music at night. On a windy day, the roof on the shed was flapping. The drainage system on the back of property drains to the properties behind them. Ms. Thomson said she worries about the oil being spilled and washed into the creeks. She said Grand Prairie is trying to look better and be a better city and she wished these businesses would also care. She said the business is industrial, but they should consider their neighbors. Ms. Thomson asked Council to stop this business as the Planning and Zoning Commission recommended.

Tammy Nobriga, 103 Loda Court, said Mr. Ibarra is willing to make amends and to get compliant, but Council should vote in favor of this revocation. She said Council should consider the safety and well being of its residents. Ms. Nobriga said fluids going into the ground is dangerous. She said if Mr. Ibarra was concerned about his employees and his neighbors, he would become compliant. There have been numerous past citations given for non-compliance and new ones have been issued in 2011. She said they are just supposed to be parking trucks, but there is a lot of activity going on all times of the day-- there are no consistent hours of operation. There is loud music, banging, and working on trucks all hours of the day. There is also runoff of spilled oil and other fluids. Ms. Nobriga asked Council to terminate the SUP.

Keith Nobriga, 103 Loda Court, stated that the office on site does not have backflow preventers. There are above ground fuel storage tanks without a fire department permit. He said the Fire Department has ordered the tanks to be removed. Ms. Nobriga said the applicant has performed paving which was not permitted and he is in violation of environmental cleanup procedures. He asked Council to revoke the SUP.

*Ira Lee, 3411 Autumn View Drive, said he agreed with previous speakers. He said he was farthest from the site, but agreed about the noise at this site.*

*Bill Thomson, 107 Loda Court, said he was sorry the owner could lose his livelihood, but Mr. Ibarra created the problem himself. Mr. Thomson submitted a petition to Council to revoke this SUP. He said Council would never have allowed the homes in the area to be built with all the violations that Mr. Ibarra has on his property. Mr. Thomson said he was very concerned about the above ground fuel storage tank and the possibility of spills. He also cited the noise issues. He said Mr. Ibarra has promised repeatedly to take care of the non-compliance issues. He added that the roof on the shed is unsafe and is non-compliant.*

*Michael Castillo, 3430 Road, spoke in opposition to the SUP revocation. He said Mr. Ibarra was not aware of a lot of the laws in Grand Prairie. Mr. Castillo said Mr. Ibarra has been trying and has a lot of people he employs and they will lose jobs. He asked Council to give him a chance to make things right.*

*Cameron Gray, 422 North Street, stated there was no excuse and the owner is at fault for these violations. The neighbors have been through a lot and he said he apologized for that. Mr. Gray said Mr. Ibarra was upset at what he was hearing at the Planning and Zoning Commission. Mr. Ibarra has received 31 citations, and \$30,000 in fines and he has learned his lesson. Mr. Gray said Mr. Ibarra did not know he had to pay the fines and correct the violations. He said there was a cultural difference with Mr. Ibarra. Mr. Gray said he had proposed a plan to staff to table this item for 60 days and the carport would be taken down, Mr. Ibarra would obtain a permit and put it back up within requirements; and the above ground fuel tank will be taken down tomorrow. Mr. Gray said at 6:00 p.m. everything will be shut down and the cross connections to the building will be done in 60 days.*

*Jose Ibarra, 3402 W. Gilbert Road, the property owner, said he now understands that the city staff is doing a good job and he came to this meeting to ask for one more chance to come into compliance. He said he was asking for this on behalf of the families of employees.*

*Paul Gregory, 1520 Springtown Road, Springfield, TX, said Mr. Ibarra is a caring man and has made many contributions to various charities. Mr. Gregory said he did not realize there had been so many fines and past violations. He said Mr. Ibarra has spent many thousands of dollars on the office and concrete pavement. This business is surrounded by trucking companies and there is not one with concrete pavement and they also work on their trucks at all hours of the night and day. Mr. Gregory said there is a cultural difference; in Mexico if the fine is paid, that is the end of the problem. He said Mr. Ibarra will comply with whatever is worked out in the next 60 days.*

*Mr. Postell read into the record the names of those in opposition of revocation of the SUP but who did not wish to speak:*

*Don Postell, City Attorney, read into the record those opposed to this item: Jose Luis Marmoleja, 3333 Webb Chapel; Juan C. Castillo, 735 E Center Street, Duncanville; Severo Garibay, 1514 Carla Ave; Omar Esquivel, 2128 Glenwick Lane; Lorenzo Quinones, 7123 Seco Blvd, Dallas; Abimael Mora Cu5evas, 1727 Kingston Drive, Lewisville; Sergio Guerrero, 2725 W Pioneer #113; Irineo Cedillo, 1361 Beechwood Drive, Lewisville; Jorge Jorez, 1807 Ester; Aaron Perez, 4429 Chapman, The Colony; Sonia Ibarra, 1105 Mohawk Drive; Osbaldo Chavez, 11525 Lippitt Ave, Dallas; Omar Esquive, 2128 Glenwick Lane; Juan Gutierrez, 716 Port Richmond Way, Arlington; Mario H. Obrego, Irving; Gisel Cruz, 1700 Valley View Lane #3002, Irving; Yosvani*

*Bacallad, 1700 Valley View Lan #3002, Irving; Generosa Rodriguez, 1435 Cheyenne, Dallas; Roberto Inocencio, 3116 Dutton Drive; Rodolfo Araniva Quintanilla, 2733 Running Brook Lane, Dallas; Jose Arturo Ibanez, 2620 W 8th Ave, Corsicana; Jesus F. Valdes, 1613 Darr St #162; Raul Munez, 12800 Jupiter Rd #711, Dallas; Christian Acosta, 3809 Old Faithful Ct; Misael Ruiz, 1518 Jamestown, Irving; Richard Lopez, 3809 Old Faithful Ct; Jesus Cervantes, 2700 W Grauwylar Rd; Jose Quinteros, 3612 San Villa, Irving; Anup Mathew, 104 Loda Ct; Laura Rodriguez, 1213 Shufford St, Irving; Guadalupe Rodriguez, 1713 Dunning St, Irving; Sergio Akula, 820 E Thrush Dr, Irving; Maricela Cervantes, 2700 Grauwylar; Karla Esquivel, 2128 Glenwick Lane, Irving; Ponciana Esquivel, 2128 Glenwick Lane, Irving; Jose Ibarra, 1319 Meyers Rd, Irving; Martha P. Rivera, 512 Rustone Dr; Sonia Ibarra, 1319 Meyers Rd, Irving; Maria Obregon, 1713 Dunning St, Irving; Mario Obregon, Jr., 1713 Dunning St, Irving; Miguel Medina, 2645 Pinta; and Rogelio Syador, 318 Ave F, Dallas.*

*Council Member Hepworth said this was practically in his back yard and he was unaware of it until a month ago. He said this has been going on for 7 years with 31 violations. The Planning and Zoning Commission voted unanimously to revoke this SUP. Mr. Hepworth said he spoke with Mr. Ibarra and he is contrite, but he should have come to this conclusion years ago. This has gone too far to allow this to happen. Mr. Ibarra has a good trucking company but without permits.*

*Council Member Shotwell asked Mr. Lasher if Mr. Ibarra had come before Council in the last three years for zoning on the single family lot and were there conditions on that. Mr. Lasher said there was an SUP for outside parking in 2007 with that zoning. Mr. Shotwell said he was under the impression there was someone working with Mr. Ibarra to draw up pictures of the parking. Mr. Lasher said he had no recollection of that, but he could look that up. Mayor England said the Council gave him an SUP in 2007, but showed pictures of the property taken back to 2001. He questioned why Council gave Mr. Ibarra an SUP in 2007 if he had been conducting business in this way since 2001. Mayor England said he was disturbed it has been put up with by the neighbors for four years. He said Mr. Ibarra has been able to get away with paying fines and not coming into compliance for four years.*

**Council Member Hepworth moved, seconded by Council Member Swafford, to close the public hearing and approve Case SU071204A, terminating the SUP with conditions. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

Enactment No: ORD 9185-2011

## Items for Individual Consideration

31

Assignment and transfer of lease of baseball stadium.

*Mr. Postell said this item was for the lease of Airhogs stadium at QT Park. The new local owners will continue to operate under the Airhogs name.*

**Council Member Swafford moved, seconded by Mayor Pro Tem Jackson, to approve the assignment and transfer of the lease of the baseball stadium. The motion carried by the following vote:**

**Ayes:** 9 -

Mayor Charles England; 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 Jim Swafford and Council Member Bill Thorn

### **Citizen Comments**

*Rosemary Bowlby, 214 Dorris Drive, stated that she had problems with the city staff over Farmers Market. She said she had wanted to sell pecans and was told what she needed to do, and when she did that, there was always something else that needed to be done. Ms. Bowlby said she spoke to Rita Heep in the Economic Development Department, and was told that she would be able to sell if she got the pecan company in her own name and so she went to the county and got the business in her name. But, again this year she was told she could not sell pecans at the Farmers Market. Ms. Bowlby said the city had spent so much money for the Farmers Market and it is declining all the time; there were very few vendors last weekend and they are not open on Thursdays anymore. She said some changes need to be made and that department did not know what they were doing. The Farmers Market is a good idea, but something needs to be done to get some vendors there.*

### **Adjournment**

*Mayor Pro Tem Jackson noted that Sunday, March 20, would be the 102nd anniversary of the incorporation of the city.*

**Mayor England adjourned the meeting at 8:46 p.m.**

**The foregoing minutes were approved at the April 5, 2011 Council Meeting.**

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**Catherine E. DiMaggio, City Secretary**