

# **City of Grand Prairie**

City Hall Plaza 317 College Street Grand Prairie. TX

# Minutes - Final City Council

Tuesday, June 7, 2011 4:30 PM Council Briefing Room

### Call to Order

Mayor England called the meeting to order at 4:00 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**

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Discussion of Forum Drive - Presented by Jim Sparks, Director of Transportation and Romin Khavari, City Engineer

Jim Sparks, Transportation Director, addressed the Council regarding the proposed Forum Drive Paving and Medican Streetscape Improvements from Watewood to Great Southwest Parkway.

Romin Khavari, City Engineer, said staff has reviewed the condition of the existing roadway on Forum Drive, a portion of which was built in 1978, and other portions to the north were built in 1998-2003. He said there are different pavement depths with various remaining service life. Mr. Khavari explained the Geotech recommendations for the various sections of pavement. Some sections are to be repaired by the Streets Department in panels. The section to the west of Great Southwest Parkway has a median and the PID has maintained that median. In the section under construction (east of Waterwood), the sections are too narrow to put in turn lanes. There is not enough room for streetscaping and it is proposed to be hardscaping. Mr. Khavari said staff is proposing to landscape the sections in between similar those to the west of SH161. The cost estimate to remove existing concrete and put in the median section and streetscaping is \$479,464 plus a 5% contingency.

Council Member Swafford asked how much had been spent already on engineering to ascertain the condition of the street. Mr. Khavari said engineering is included in the amount of \$86,228, which also includes geotechnical work. Mr. Swafford asked how this would be paid for. Mr. Sparks said it could be included in the 2012 CIP budget, or it could be funded now from the bottom line of the street bond fund. Mr. Swafford asked how much was available in that fund because Council would need to know that before a decision could be made on this project. He said he thought the project should be included in the 2012 CIP process. Mr. Sparks said staff was bringing it up now instead of the 2012 CIP because the contractor is currently building Forum and can do it for the numbers presented at this time. He added that the contractor may be gone by the time it is included in the 2012 CIP. Mr. Sparks said the reason the landscaping was not done was the cost would be enormous to do this section.

Mayor England said this was such short notice and Council and staff do not know if the greenscaping, median, etc. can be done for the amount estimated and this project should not be put ahead of other projects on the CIP. The project that runs by the senior center from Freetown to Robinson Road should be a higher priority. He said Forum Drive has no safety issues and to do this simply for aesthetics is not reasonable.

Deputy Mayor Pro Tem Fregoe said the only reason to consider it at this time is there could be savings in the project from Waterwood to Great Southwest Parkway. Mayor England said this is a five lane road and it is safe; this is only for aesthetics and we should not bump this project ahead of others until we have time to think about the project. Mr. Fregoe commented that initially the thoroughfare plan included a median all the way to Waterwood and the plan was changed by a staff decision a long time ago. After discussion, Mr. Hart said the consensus seemed to be to move the project to the 2012 CIP.

Council Member Shotwell said he agreed if the contractor is already there this project should be done, but \$600,000 is a large change order. He said there should be a PID agreement to maintain the median. If the project is moved to the CIP, it should get good consideration to be completed as soon as possible. He asked Mr. Khavari if the repairs to sections of the street would still be done since if the repairs are done, we may have to come back and tear them out for this project. Mr. Khavari said the panels could be done with street sales tax. Council Member Giessner asked if the landscaped median is part of a PID. Mr. Sparks said it is part of a PID. He said he would like to take out the stamped concrete at Waterwood if Council approves this project.

Discussion of City Redistricting - Presented by Council Member Tony Shotwell, Chairman of the Council ad hoc Committee on Redistricting

Council Member Shotwell, Chairman of the Council ad hoc Committee on Redistricting, stated that the criteria and guidelines used to create the proposedCouncil redistricting map were approved in two resolutions passed by Council. He said the committee believes that the proposed map meets all of the criteria and guidelines approved. Mr. Shotwell pointed out that the committee tried to use major streets, streams, and the County Line to mark district boundaries. City Attorney Don Postell pointed out that there was one street which was not identified on the map just north of Lakeview which is SE 14th Street.

Mr. Shotwell said the city's minority population is spread out with large pockets in the northeast and north central areas, but other than that the city is very diverse. He said he believed the proposed map meets all the criteria that exists: it definitely meets Council criteria and he believed it also meets Justice Department requirements.

Council Member Hepworth said if an entirely new map were to be drawn up would districts look the same. Mr. Shotwell said that was a hypothetical question and he could not answer it. He said the committee started with the three predominantly Hispanic districts and the current map is down to two, but it bumped up the numbers of Hispanics in those two districts. Mr. Postell said those districts were significantly underpopulated, so inevitably there would be a loss somewhere when trying to meet population and minority requirements. Mr. Shotwell pointed out that it does not matter, according to Mr. Postell, if every one of the council districts is majority/minority and we are not drawing any specific Caucasian districts. He said he would like Council's blessing to go to the public with the proposed map. Mr. Postell said the recommendations from the committee would be to hold at least two public hearings with copies of maps at recreation centers, Prairie Paws Animal Shelter, any

city facility where there are a number of public visitors. The notice of the public hearings will be sent to PIDs, HOA's, individual leaders, mailed in water bills, etc.

Council Member Swafford referred to Council Member Hepworth's question regarding the proposed council districts and said if you just started drawing lines from scratch it probably would not look like the proposed one. However, the committee had a map with Council districts to start with. He said the committee tried to rearrange the districts to keep Council Member districts almost the same, making adjustments for population increases and decreases and minority increases and decreases in order to meet Justice Department requirements.

Council Member Hepworth asked if districts could be adjusted based on anticipated growth. Mr. Postell said that is illegal and we could not get two minority districts if we did that.

Mr. Shotwell said the committee tried to keep neighborhoods of interest together when determining lines. Council Member Swafford said the committee would like to come back to Council two weeks from today to set up public hearings and approve this as the map to be presented to the public.

Council Member Swafford asked Council to look at the numbers that were presented with the map. He said there are three things to consider: population; minorities and minority changes; and voting age population. He pointed out that the key column to the Justice Department is the Hispanic % of total population and Hispanic % of voting age population -- these numbers must be balanced.

Mayor Pro Tem Jackson asked if the committee had gotten a report from the individual Council Members prior to bringing the proposed map to Council. Mr. Shotwell said the committee had not because if a certain council member wanted to move something, it would necessitate another move somewhere else and that could go on indefinitely. He said he would like to hear from individual council members during the next two weeks and bring it back to Council in two weeks. Mr. Swafford noted that if a group wants to submit a different map/plan, they must submit an entire map and must meet all of the same criteria.

Mayor England said he had looked at the proposed map earlier and thanked the Council ad hoc committee for their time putting the map together. He said he appreciated the very distinct lines. Any council member who does not agree with the district lines, can bring it to the committee's attention in the next two weeks.

National Home Ownership Month - Presented by Bill Hills, Director of Housing and Neighborhood Services

Bill Hills, Director of Housing and Neighborhood Services, stated that National Home Ownership Month is when the city celebrates all the good things the Housing Department does. He presented a video which highlighted the functions and programs offered by the HNS Department. He invited everyone to attend National Home Ownership Night at QuikTrip Park on Friday, June 17.

Council Member Shotwell said he had spoken with a school teacher who lives on 29th Street who had her house redone through a HNS program, and after it was finished her husband died, so that women does not have to worry about home repairs.

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### **Agenda Review**

There were no questions on the agenda.

Tom Hart, City Manager, announced that Mike Foreman, Assistant to the City Manager, had been appointed the City Manager in Selina, Texas. Council Member Swafford said it has been a pleasure to work with Mr. Foreman who joined the city 18 years ago as an Assistant Code Enforcement Officer. He worked his way up and it will be his pleasure to speak with the Selina Mayor about him. He said Mike will make a great City Manager. Mayor Pro Tem Jackson said Mr. Foreman has received some unusual assignments in assisting her to out-of-the-city events.

#### **Executive Session**

Mayor England convened an executive session at 5:30 p.m. pursuant to Chapter 551, Subchapter D, of the Government Code, V.T.C.A., Section 551.072, "Deliberations Regarding Real Property." The executive session was adjourned at 5:45 p.m.

## **Recess Meeting**

Mayor England recessed the meeting at 5:45 p.m.

# 6:30 PM City Council Chambers

Mayor England reconvened the meeting at 6:43 p.m.

Mayor Pro Tem Ruthe Jackson gave the Invocation. Deputy Mayor Pro Tem Richard Fregoe led the Pledge of Allegiance to US Flag and to the Texas Flag.

# **Presentations**

Oath of Office for Council Members elected at the May 14, 2011 Election - Administered by Don Postell, City Attorney

Don Postell, City Attorney, administered the Oath of Office to Mark Hepworth, Ruthe Jackson and Bill Thorn. Council Member Hepworth and Mayor Pro Tem Ruthe Jackson were unopposed and Bill Thorn defeated his opponent in the May 14, 2011 election.

Employee of the Month - Charlotte Baccus, Police Criminal Case Technician

Police Chief Mike Shaw introduced Charlotte Baccus, Police Criminal Case Technician, as Employee of the Month for June. City Manager Tom Hart presented Ms. Baccus with a city shirt and clock and thanked her for her dedication to the city.

# **Consent Agenda**

# **Approval of the Consent Agenda**

A motion was made by Mayor Pro Tem Jackson, seconded by Deputy Mayor Pro Tem Fregoe, to approve Items 6 through 15 on the Consent Agenda. 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

Minutes of the May 17, 2011 Meeting and the May 19, 2011 Special Meeting

This that this Agenda Item be Approved by consent roll call

Change Order No. 4 with Utilitex Construction LLP in the net negative amount of \$11,528 for the Lake Ridge Extension Utility Relocation Project

This that this Agenda Item be Approved by consent roll call

Final Reconciliation - McKinstry Contract for the energy performance contract Recovery and Reinvestment Act (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) Programs for City Properties

This that this Agenda Item be Approved by consent roll call

Supplemental Agreement No. 3 to agreement with the Texas Department of Transportation (TxDot) for the installation and reimbursement for the Operation and Maintenance of Traffic Signals within a Municipality

This that this Agenda Item be Approved by consent roll call

Agreement with Dallas Area Agency on Aging for \$120,500 as a reimbursable nutrition program.

This that this Agenda Item be Approved by consent roll call

Lake Ridge Parkway Widening Project - Right-of-Way acquisition from Camp Wisdom/Lake Ridge Parkway, LP in the amount of \$75,000 plus closing costs

This that this Agenda Item be Approved by consent roll call

Contract with North American Information Systems, Inc in the amount of \$54,429 and contingency in the amount of \$2,721.45 for extending the City's network fiber infrastructure from the Public Safety Building (Central Park complex) to the new Airport location at 3116 South Great Southwest

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Parkway; purchase of fiber optic cable through price agreement with FMS Technologies in the amount of \$15,600; survey services by Keeton Surveying Company through a professional services contract in the amount of \$5,200

This that this Agenda Item be Approved on the Consent Agenda by consent roll call

Final Reconciliation - FY 07 Wastewater Master Plan Overflow Project with Utilitiex Construction

This that this Agenda Item be Approved by consent roll call

Resolution in support of a grant from the Comptroller of Public Accounts for a Distributed Renewable Energy Program in the amount of \$492,778.63 for a Photovoltaic System (solar panels) at the Summit Active Adult Center

#### **Adopted**

Ordinance transferring and appropriating \$98,556 from the unobligated fund balance in the Capital/Lending Reserve Fund (402690) to the Capital Reserve Projects Fund (402590), WO #01109903 (Summit Photovoltaic System) and an Energy Performance Contract with McKinstry, Inc. for Solar Photovoltaic System at the Summit in the amount of \$591,335 with grant funding of \$492,779

#### **Adopted**

# **Items for Individual Consideration**

Confirm the appointment of Steve Dye as Grand Prairie Police Chief, in accordance with Local Government Code, Section 143.013(a)(1), effective July 4, 2011.

Mr. Hart said he was excited to present Steve Dye for confirmation as Chief of Police by the Council. He said a lengthy search had been conducted for someone to lead the department. He said he had received over 100 applications and there were some very strong applicants from all over the country. An extensive screening and screening interviews were conducted by Andy White, Assistant to the City Manager; Anna Doll, Deputy City Manager; Tom Cox, Deputy City Manager; and Lisa Norris, Human Resources Director. Mr. Dye has the perfect combination of experience as an assistant chief in a large department (Garland) and as Police Chief of a smaller city (Colleyville). Mr. Dye is fluent in Spanish which will be a major asset in our community. Mr. Hart said Mike Shaw took theilnterim chief position and he always had absolute confidence in Chief Shaw and thanked him for his work during that time.

Deputy Mayor Pro Tem Fregoe thanked Mike Shaw for his recent work as Interim Police Chief and for his past work in the Police Department as well.

Deputy Mayor Pro Tem Fregoe moved, seconded by Mayor Pro Tem Jackson, to confirm Steve Dye as the City of Grand Prairie Police Chief. The motion carried unanimously as follows:

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Aves: 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

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Second and Final Reading of an Ordinance approving a negotiated resolution between the Steering Committee of Cities served by Oncor and Oncor Electric Delivery Company regarding Oncor's application to increase electric rates.

Council Member Shotwell asked when this rate increase would take effect. Mike Foreman, Assistant to the City Manager, stated a rate increase of \$2.35 monthly would take effect July 1, 2011.

Council Member Swafford moved, seconded by Council Member Thorn to approve the second and final adoption of an ordinance approving a negotiated resolution with Oncor Electric Delivery Company. The motion carried as follows:

Aves: 8 -

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 Jim Swafford and Council Member Bill Thorn

Nayes: 1 -

Council Member Tony Shotwell

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Public Hearing and an ordinance levying paving assessments for improvements to Forum Drive (tabled at the June 7, 2011 meeting)

Romin Khavari, City Engineer, said this public hearing would be to consider testimony on the Forum Drive (Waterwood to SH161) paving assessment. He said on November 16, 2010 Council approved the construction contract with Jackson Construction. The Forum Drive project was \$1.6 million (2200 feet) and a cost per foot of \$357.13. State law allows the levy of 90% of linear foot cost or \$321, or the enhancement in value to the property. City policy is only to assess a 45' roadway, which is for a commercial roadway. In this case it is half of that which is 22 1/2 or 90% of the adjustment, or \$289.28 cost per foot. Basically, 81% of the cost of the roadway is what we are able to assess for the property. There are three owners: William Campbell; Slink Enterprise Ltd.; and Tommy Winn and Leland Gjetley. Two owners negotiated with the city and the property was dedicated in lieu of the assessment. The Winn/Gjetley property has 2,562 feet of frontage property which amounts to an assessment of \$741,242. The enhancement is determined by a study performed by Danny Sherwood, Integra Realty Resources, and he has determined the enhancement is \$2.4 million and the city would take the lower value of either the construction cost or the enhanced value, therefore, the recommended assessment for this property is \$741,242.

Thomas Gaubert, 1130 N. Westmoreland Road, DeSoto, TX 75115, said he was present to speak on behalf of the property owners. Mr. Gaubert distributed a letter to Council regarding the assessment. Mr. Gaubert referred to the drainage easement at the east border of Mr. Winn's tract. He said that the drainage easement on the eastern border of this tract should have been shared by the property owner to the east, since half of the drainage was from their property. He said that at no time did the city request, nor did Mr. Winn and Mr. Gjetley give permission for, dirt excavated

from the drainage ditch to be piled on their property. Mr. Gaubert stated that the estimated cost to remove this dirt would be between \$150,000 and \$200,000. He said that the owners had requested that the city align Forum Drive as far south as possible to make this property a rectangular piece of property rather than triangular, making the property must more usable, but that did not happen. Mr. Gaubert said that the owners also requested that the intersection at Sara Jane Parkway be moved to the middle of this tract, but that was not done either. He said traffic will be moved off of SH161 and moved to Forum Drive and does not significantly improve the value of this property.

Mayor England asked if there were any more speakers on this assessment and there were none.

Council Member Thorn said this property was taken by the city and there is a dispute on the value of the property.

Council Member Thorn moved to table paving assessments for Forum Drive until the June 21, 2011 meeting. Mayor Pro Tem Jackson seconded the motion. The motion carried as follows:

Ayes: 8-

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 and Council Member Bill Thorn

Nayes: 1-

Council Member Jim Swafford

Public hearing and an ordinance establishing the PY 2011 CDBG and HOME Program budget.

Bill Hills, Housing and Neighborhood Services Director, presented the CDBG and HOME Program Budgets. He said the CDBG funds had been decreased by 18% to \$1,294,831; and the HOME funds had been reduced by 10% to \$491,285. He recommended reduction of public services of 18%, as recommended by the Housing and Community Improvement Commission. Mayor England asked if there were any speakers and there were none.

Council Member Shotwell noted that these funds should increase next year since Grand Prairie's population increased with the 2010 census, and these funds are based on population.

Council Member Shotwell moved, seconded by Mayor Pro Tem Jackson, to close the public hearing and approve the CDBG and HOME program budgets. 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

Grand Prairie Sports Facilities Development Corporation, Board of Directors Appointments

Council Member Swafford moved, seconded by Mayor Pro Tem Ruthe Jackson, to reappoint Ruthe Jackson and Ron Jensen to the Sports Facilities

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Development Corporation, for a two year-term, to expire May 31, 2013, and to reappoint Charles England as President for a one-year term. The motion carried unimously 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

#### Citizen Comments

Rosemary Reed, 277 Donnie Lane, Westchester HOA President, informed Council of an incident at the Corn Valley padsite. On May 26, Ms. Reed said she saw five semi trucks going to the padsite in the wrong direction (not on the approved truck route) and they unloaded many skids of product. Ms. Reed said she took pictures of the trucks coming and going the wrong way and sent them to Jim Cummings and Cindy Mendez and she also signed an affidavit for court proceedings. Ms. Mendez told her there was a leak in the frac pond. On June 2, they were fixing the frac pond and Ms. Reed went with her camera to take pictures of them draining the frac pond onto the ground and she also sent these pictures to Mr. Cummings and Ms. Mendez. Ms. Reed said she thought it was irresponsible to release this kind of water onto the ground and that this water should have been drained into a tanker truck. The water that comes out may not be clean since it is used for the fracturing process. Ms. Reed informed the Council that there is nothing in the city's ordinance requiring drillers to test the water that is released in these situations. She asked the city council to review this portion of the ordinance. Ms. Reed added that there are drilling accidents happening all over the U.S. She said she obtained a sample of the water coming out of the pipe from the frac pond.

Council Member Jensen stated on May 22, the annual west coast/east coast Run to the Wall took place and the participants spent the night in Grand Prairie at the LaQuinta. He said he read a proclamation on Sunday morning and was working to see if they will make a stop next year in Grand Prairie. The bikers end up in Washington, D.C. on Memorial weekend. Several of the participants also went to QuikTrip Park over the weekend.

Mayor England noted the passing of Billie Joe Armstrong, who was born and raised in Grand Prairie. He worked for 40 years at Graff Chevrolet and volunteered at events all over the city.

Mayor Pro Tem Jackson thanked all who had attended the Memorial Day event at the Veterans Memorial. She said it was the largest crowd in recent years.

# Adjournment

Mayor England adjourned the meeting at 7:25 p.m.

The June 7, 2011 Minutes were approved at the June 21, 2011 meeting.

Catherine E. DiMaggio City Secretary