City of Grand Prairie

Minutes - Final
City Council

Temporary Meeting Place
Grand Prairie ISD
Administration Building
2602 S. Beltline Road
Grand Prairie, Texas

Tuesday, November 15, 2011 | **4:30 PM** | **Grand Prairie ISD Board Room**

Call to Order

Mayor England called the meeting to order at 4:45 p.m.

Present 9 -

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

Staff Presentations

1 Prairie Lights - A Brand New Beginning - Presented by Beverly Grogan

Beverly Grogan was unable to attend the meeting, so the presentation was given by Rick Herold, Director of Parks and Recreation. Ms. Grogan will be making a presentation at the December 13 meeting.

2 Grand Prairie Police Department Medication Disposal Program - Presented by Chief Steve Dye, Police Department

Police Chief Steve Dye reported a new medication disposal program being implemented by the Police Department. He said that improper disposal of medication has led to small quantities of various drugs being found in public drinking water. Also, overdoses from prescription painkillers has now exceeded the combined toll from heroin and cocaine abuse. The new medication disposal program is free to residents and accepted items can be taken to the Police Department Monday through Friday from 8:00 a.m. to 4:00 p.m. Medications will be destroyed in accordance with departmental policy and will be coordinated with the city's Household Hazardous Waste Program.

3 Lake Ridge Widening from Great Southwest Pkwy. to Marina Entrance - Presented by Romin Khavari, City Engineer, and Jim Sparks, Director of Transportation

Romin Khavari, City Engineer, and Jim Sparks, Transportation Director, gave a presentation on the Lake Ridge Widening Project. The project will cover 1.8 miles of pavement from Great Southwest Parkway to the Marina entrance and will widen this stretch of road from four lanes to six lanes. The low bid for this project came from McMahon Contracting in the amount of $7,942,490.76 with an add alternate for fiber optic in the amount of $100,819. The project is estimated to take approximately 13 months to completed. Mr. Sparks explained the difference between a TxDOT let and a local let. The local letting is a process triggered by federal funds and the local government chooses to manage construction. The city pays the contractor and the state will reimburse the city. TxDOT processes will be followed with TxDOT

oversight. The local let reduces TxDOT review time and reduces project costs and the city has more control over the project. Change orders will require TxDOT approval and will require extensive documentation. A full-time inspector will be required along with extensive reporting and periodic TxDOT inspections. The total cost for TxDOT reporting, the inspection team and TxDOT coordination and audit is $274,122. Mr. Sparks said that $2,176,000 will be reimbursed by Tarrant County.

Agenda Review

Chief Dye made a presentation on the Police Take-Home Vehicle Proposal (Agenda Item 31). He stated that the purpose of the program was to enhance public safety through increased visibility and to improve response times to various incidents, increase vehicle lifespans and lower maintenance costs. Assignments of these vehicles will be based on those working in the field operations division, their residence within the city, and departmental seniority. There will be a signed contract for each employee; personal use will be limited to the city; they will not be making routine traffic stops; and appropriate attire will be worn when off-duty in the vehicle. Non-police personnel may be in the vehicle when the officer is off-duty. Passengers must be safely discharged at an appropriate location before responding to an emergency call. The cost of purchasing 22 vehicles will be funded by transferring $1,941,000 to the Equipment Acquisition Fund. An annual amount of $100,000 would be desposited into this fund, as well as an operating expense of $150,000 each year. Chief Dye commented that this program would not replace the need for additional staffing.

Mayor Pro Tem Swafford asked to remove Item 5 for individual consideration. Council Member Jensen stated he would be declaring a conflict of interest on Item 9 and would need to be excused from discussion and vote on this item.

Executive Session

Mayor England convened an executive session at 5:58 p.m. pursuant to Chapter 551 of the Government Code, V.T.C.A., Section 551.072 Real Property. The executive session was adjourned at 6:20 p.m.

In accordance with Chapter 551, Subchapter D of the Government Code, V.T.C.A., Section 551.072, "Deliberations Regarding Real Property," Mayor England recessed the regular meeting and convened an executive session at 5:58 p.m. The executive session ended at 6:20 p.m.

Recess Meeting

Mayor England recessed the meeting at 6:20 p.m.

6:30 PM GPISD Board Room

Mayor Englaned reconvened the meeting at 6:58 p.m.

The invocation was given by Deputy Mayor Pro Tem Ruthe Jackson and the Pledge of Allegiance to US Flag and to the Texas Flag was led by Council Member Ron Jensen.

Consent Agenda

Deputy Mayor Pro Tem Ruthe Jackson moved, seconded by Council Member Fregoe to approve Item 4, table Item 5, approve Items 6 through 8, remove Item 9 for individual consideration, and approve Items 10 through 25 on the Consent Agenda. The motion carried unanimously.

4 Minutes of the November 1, 2011 Meeting

5 Architectural contract with Magee Architects in the amount of $45,727 for architectural design services, reimbursable expense totaling $6,900 and approve a 5% contingency in the amount of $2,286, for a total cost of $54,913 for the Loyd Park Camp Store and Cabin Project, to be funded from the Lake Capital Projects Fund (318793), WO #01202303 in the amount of $36,624 and Hotel-Motel Building Fund (310217), in the amount of $18,289 (tabled at the November 15, 2011 Council Meeting)

Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to table Item 5 on the Consent Agenda. The motion carried unanimously.

Ayes: 9 - Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

6 Change Order No. 2 in the amount of $56,587 with Jackson Construction for Forum/Crossland Paving, Drainage and Water Improvements; and Wastewater Improvements on Robinson Road and along the west Side of SH 161 between Hopi Lane and Mayfield Road

7 Engineering Consultant Contract with Freese and Nichols, Inc. in the maximum amount of $274,122 for Engineering Construction Inspection services for the Lake Ridge Parkway widening project between Joe Pool Lake Marina and Great Southwest Parkway

8 Purchase of John Deere Model 6140D Cab Tractor for $50,353.37 and John Deere HX20 Flex-Wing Rotary Cutter for $17,566.20 from Brazos Valley Equipment Company through an interlocal cooperative agreement with HGAC.

9 License to DFW Midstream Services, LLC for gas pipelines along and across portions of Lake Ridge Parkway, Matthew Road, Prairie Lane, Polo Road, Robinson Road, Barn Owl Trail, High Hawk Boulevard and tracts of City

owned land in the High Hawk at Martins Meadow Addition (tabled at the November 15, 2011 Council Meeting)

Council Member Ron Jensen left the Chambers during the discussion and vote on this item due to a conflict of interest. Mayor Pro Tem Swafford noted that Council had received an email from Rosemary Reed expressing concerns about this pipeline in light of the Council Moratorium on drilling activities near the Joe Pool Lake Dam and the Corps of Engineers letter asking for the moratorium on drilling activities near the dam. Mr. Swafford asked City Attorney Don Postell for his opinion on whether the pipeline constitutes "drilling activity." Mr. Postell stated that the request is for a gathering line that is not tied to just one well. He said that technically this does not apply to the Corps letter or to the Council drilling moratorium. He said that practically speaking the pipeline would not go down to the area where the Corps has expressed concern about the structural integrity of the dam. Mayor England said he felt that approving this pipeline would not be in compliance with the spirit of what the Corps letter requested or the city's drilling moratorium. He asked that staff obtain a ruling from the Corps of Engineers regarding this activity.

Mayor England moved, seconded by Mayor Pro Tem Ruthe Jackson, to table Item 9 to the December 13, 2011 meeting. The motion carried.

Ayes: 7 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Tony Shotwell and Council Member Bill Thorn

Nayes: 1 -
Council Member Mark Hepworth

Excused: 1 -
Council Member Ron Jensen

10 Award bid to Baby Jack II Automotive ($430,438) for Chevrolet Tahoes and Grand Prairie Ford ($49,995) for Ford Fusions

11 Three (3) Year Price Agreement Contract for On-Site Fleet Parts Distributor from National Automotive Parts Association (NAPA) ($500,000); and authorize the City Manager to execute up to two additional, one-year renewals so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal term and as long as the total cost of the price agreement does not increase by twenty-five percent (25%) of the original contracted amount.

12 Purchase a John Deere Utility Tractor and Flex-Wing Mower at a cost of $57,731.29 through a cooperative purchasing program with the Houston-Galveston Area Council of Governments

13 Purchase of one (1) replacement Fire Engine in Fiscal Year 2011/2012 using the BuyBoard price agreement at a cost of $530,111 which includes a $7,824 discount for a prepayment of $260,805 due 15 days after purchase order issuance; plus $36,839 for hose, nozzles, tools and equipment to be purchased from City price agreements and miscellaneous items such as decals, hardware,

small hand tools to be purchased from area vendors; and authorize the City manager to commit to purchase one (1) replacement Fire Engine planned in Fiscal Year 2012/2013 to receive a multi-truck discount of $5,000 and a savings of $32,276 in price increases effective for commitments made after November 30, 2011; the cost of the engine using BuyBoard price agreement is $532,935, which includes the discount and savings plus and estimated cost of $37,000 for hose, nozzles, tools and loose equipment to be purchased from City price agreements and miscellaneous items such as decals, hardware, small hand tools to be purchased from area vendors to be paid with FY 2012/2013 funds.

14 Upgrade of existing voice and web payment platform from Tele-Works, Inc., a sole source provider, in the total amount of $102,400

15 Purchase Traffic Signal Opticom (preemption) Equipment from Consolidated Traffic Controls, Inc. through a cooperative purchasing program with the Houston-Galveston Area Council of Governments (HGAC), as funding allows through April 30, 2013 at an annual cost of $55,000

16 Five year lease of Pitney Bowes mail and postage equipment, through BuyBoard, to process outgoing City mail at a cost of $11,040 annually

17 Annexation Ordinance - Case No. A-02-11: Annexation of Two Segments of Street Right-of-Way for Duncan Perry Road (City Council District 5). Said rights-of-way being situated in the P. H. Ford Survey, Abstract Numbers 1713 and 542, Tarrant County, Texas.

Adopted

18 An ordinance amending the 2010-2011 Lake Parks Fund Operating Budget by appropriating $38,583 from the ending resources and adding $90,065 from increased revenues.

Adopted

19 An ordinance amending the 2010-2011 Cemetery Operating Budget by appropriating $36,573 from the ending resources and adding $107,167 from increased revenues.

Adopted

20 Ordinance Amending the FY 2011/2012 Capital Improvement Project Budget;Change Order/Amendment No. 3 with North Texas Contracting for the Carrier/Conover Improvements in the total amount of $114,691

Adopted

21 Ordinance amending the FY 2011/2012 Capital Improvement Projects

Budget; Construction Contract with McMahon Contracting, L.P. in the base bid amount of $7,942,491 and alternate amount of $100,819 for a total contract amount of $8,043,310; Material Testing in the amount of $125,464; In-House Engineering in the amount of $79,425; 5% Contingency in the amount of $402,165 for a grand total project request of $8,650,364 for Lake Ridge Parkway Widening between Joe Pool Lake Marina and Great Southwest Parkway

Adopted

22 Ordinance amending the Prairie Lights Operating Fund; ratify contract with RPI Entertainment, Inc. in the amount of $81,880 for the Prairie Lights Holiday Magic Theater Show for 2011 with an option for renewal for up to two years to be funded from the Prairie Lights Operating Fund Budget

Adopted

23 Ordinance amending the FY 2011/2012 Capital Improvements Project Budget; and a construction contract with Durable Specialties, Inc. for traffic signal construction at four locations in the amount of $428,000; in-house engineering in the amount of $9,000; and 5% contingency in the amount of $21,400; for a total construction cost of $458,400.

Adopted

24 Ordinance amending the Wastewater Capital Projects Fund and an Engineering Contract with Espey & Associates in the amount of $60,000 plus a 5% contingency of $3,000 for Infiltration/Inflow investigations on the wastewater system and continued support on the wastewater collection system model

Adopted

25 Resolution adopting ethical and training standards for juvenile case managers

Adopted

Public Hearing on Zoning Applications

26 SU090104B - Specific Use Permit Renewal - 3230 E. Main/111 Hensley (City Council District 5). To renew Specific Use Permit No. 811A, Ordinance No. 7917, for used automotive sales in a Commercial (C) District. The subject property is generally located north of E. Main Street and west of Hensley Drive. A portion of the subject property is within the Central Business District-4 (CBD-4) Overlay District. The owner/applicant is Diamond Virami and the agent is E.D. Hill. (On November 7, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

Kevin Lasher, Chief City Planner, stated that staff had done an inspection of this site and the applicant has completed all required improvements. Therefore, he asked council to renew the SUP for final review by City Council in one year to ensure the site is in compliance.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU090104B, with final review by Council in one year. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

27 SU101002A - Specific Use Permit Renewal - 242 Idlewild Road (City Council District 5). To renew Specific Use Permit No. 851, Ordinance No. 9118-2010, for used automotive sales. The subject property is zoned Heavy Industrial (HI) District, and is located at the southwest corner of the intersection of E. Jefferson Street and Idlewild Road. The property is located within the Central Business District-Four (CBD-4) Overlay District. The owner is Shahriar Kasrai and the applicant is Navid Forutan. (On November 7, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

Mr. Lasher stated that the applicant is operating in compliance with city requirements and asked for Council approval.

Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case SU101002A. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

28 SU111101 - Specific Use Permit - 1000 Enterprise Drive (City Council District 4). Approval of a Specific Use Permit for a day care facility on 6.881 acres. The subject property is zoned Commercial (C) District and is generally located north of the intersection of Robinson Road and W. Pioneer Parkway. The subject property is located within the State Highway 161 (SH-161) Corridor Overlay District. The owner is Grand Prairie Housing Finance Corporation, the applicant is Boys & Girls Club, and the agent is Bill Hills, Director of Housing & Neighborhood Services. (On November 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Lasher stated that the Boys and Girls Club would like to formalize their child care facility to extend into the summer months. They will serve meals and will have a verifiable pickup and dropoff procedure. The Environmental Services Department has approved the facility and their operational plan.

Mayor Pro Tem Swafford asked if there were any State requirements for a day care center operational plan. Mr. Lasher replied that their operational plan is in

compliance with State requirements.

Council Member Fregoe moved, seconded by Council Member Hepworth, to close the public hearing and approve Case SU111101. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

29 SU111102 - Specific Use Permit - 3055 Kingswood Boulevard (City Council District 6). Approval of a Specific Use Permit for a general automotive shop on 0.5820 acres that also includes the following activities: indoor tire sales, oil/lube and tune service, engine/major component replacement, state inspection services, and muffler repair. The subject property is zoned Planned Development District 178 (PD-178) and is located east of the intersection of Kingswood Boulevard and State Highway 360. The subject property is located within the State Highway 360 (SH-360) Corridor Overlay District. The owner/applicant is Diab M. Alia. (On November 7, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Lasher stated that this applicant has done an excellent job operating a basic automotive operation and would like to add the sale of tires and transmission/engine replacement. There will be no storage of these parts since when the new transmission/engine is delivered the old one will be taken away by the same truck that delivered the new part. A noise study is being conducted because of the proximity to an elementary school and Mr. Lasher asked that approval of this study be placed as a stipulation for approval in the Council's motion.

Council Member Jensen moved, seconded by Council Member Thorn, to close the public hearing and approve Case SU111102, pending staff approval of a noise study. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Items for Individual Consideration

30 Authorize the City Manager to Enter into a Mineral Lease with Chesapeake Energy (tabled at the October 18, 2011 meeting)

Council Member Jensen left the Chambers during the discussion and vote on this item due to a conflict of interest.

Bob O'Neal, Economic Development Director, showed a map of the proposed city property (19 acres) and surrounding properties. He said that the 12-month lease would be for $5,500 per mineral acre, and a 25% royalty. Mr. O'Neal pointed out that Council had requested information from Chesapeake regarding the number of

parcels that had been individually leased. Chesapeake provided the following information: out of the 282 parcels that can be individually leased, 175 are currently leased (65%). He said staff recommended lease of this property and that if Council had any questions, Mark White from Chesapeake was available to answer them.

Council Member Thorn moved, seconded by Council Member Giessner, to approve Item 30. The motion carried unanimously.

Ayes: 8 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Tony Shotwell and Council Member Bill Thorn

Excused: 1 -
Council Member Ron Jensen

31 Ordinance amending the FY 2011/12 General Fund and Police Take-Home Vehicle Proposal

Mayor England noted that the Council had been briefed extensively on this item earlier in the meeting. Chief Dye said the program will add visibility and enhance response time and fits in the comprehensive crime reduction plan. He said it would also be a great recruiting tool and would hopefully keep officers living in the city. He thanked Council for their support. Mayor England thanked Chief Dye and Cathy Patrick, Management Services Department, for their efforts in putting together the numbers for the program.

Council Member Giessner moved to approve Item 31, seconded by Deputy Mayor Pro Tem and Council Member Hepworth. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

32 Board and Commission Appointments

Mayor Pro Tem Ruthe Jackson moved, seconded by Council Member Fregoe, to appoint Reuben Thigpen to the Keep Grand Prairie Beautiful Commission with a term to expire May 31, 2013. The motion carried unanimously.

Ayes: 9 -
Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Citizen Comments

There were no citizen comments.

Adjournment

Deputy Mayor Pro Tem Jackson thanked those who attended the Veterans Day

event on November 11, 2011 at the Veterans Memorial. Council Member Shotwell reminded everyone of the Christmas Tree Lighting at City Hall on December 1 followed by a candle light walk to the Market Square. On December 2, there will be a showing of "A Christmas Story" at the Uptown Theater with a party and an Ugly Lamp Contest. Mayor England invited everyone to Prairie Lights which will kick off on Thanksgiving night.

Mayor England adjourned the meeting at 7:35 p.m.

The foregoing minutes were approved at the December 13, 2011 meeting.

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Catherine E. DiMaggio, City Secretary