



Minutes - Final
City Council

Tuesday, August 21, 2012

4:30 PM

Council Chambers

Call to Order

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

Present 9 -

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

Staff Presentations

1

West Nile Virus - Presented by Jim Cummings, Environmental Services Director

Cindy Mendez, Environmental Services Manager, stated that 43 states have cited cases of West Nile virus and half of the cases have been found in Texas and one-fourth of those found in Texas have occurred in Dallas County. There have been 262 cases of West Nile in Dallas County and 212 in Tarrant County. In the past two years there were no positive cases in mosquitoes or humans. Of all people who get bitten 80% have no symptoms; 20% get West Nile Virus; 1% of those get the West Nile Neuroinvasive disease; and there is a 9% fatality rate.

Ms. Mendez explained the reasons for aerial spraying including: 60% of mosquitoes in traps carried the West Nile virus; the Center for Disease Control (CDC) and the State Health Commissioner recommended spraying; a significant increase in human cases; and rain was forecasted and this would lead to a probable increase of mosquitoes. There has been no spraying since 1966. Aerial spraying will be done with a chemical called Duet. The Environmental Services Department has posted a chemical information sheet online and the two spray events in Grand Prairie on Sunday, August 19, and Monday, August 20, were communicated through news releases, e-blasts, and the Reverse 911 system.

An Emergency Declaration which Mayor England signed on August 15 allows the city to request resources from the State and gives the city the ability to continue ground spraying if challenged in court. Ms. Mendez stated that an agenda item had been placed on this agenda to extend the declaration to September 21.

Council Member Swafford asked how the previous night's rain affected the aerial spraying. Ms. Mendez said the effect will be evaluated, but as long as it is not raining when the spraying is occurring there should be little effect because it is actually the droplet hitting the mosquito that kills them. She said there is no residual that keeps killing the mosquitoes. The CDC has dispatched two teams to Texas to evaluate how effective the aerial spraying has been. Council Member Thorn asked if there was any place in city where citizens can get tablet to treat the water. Ms. Mendez said the tablets can be purchased at Home Depot, and when the city receives any complaints

about standing water on public property, the city treats those areas, but there are no giveaways of the tablets. Mr. Thorn said that might be something the city should consider.

Presented

2

Discussion of Payday and Car Title Loan Establishments

Mayor England stated he had received letters from the Mayors of Dallas and Fort Worth asking Grand Prairie to look at pay day loan places. Bill Crolley, Planning Director, stated there was a specific definition of a check cashing business, pay day advances and car title loans in the Unified Development Code (UDC). Specific Use Permits are required for these types of businesses in General Retail, Commercial, Heavy Commercial and Light Industrial zoning. Mr. Crolley also pointed out the proximity requirements for these businesses: 1,000 ft. of separation from each other and 300 ft. from a residential or agricultural zoning district; and 500 ft. from the city limit. These businesses can not be in any existing Overlay Districts. He stated there are 24 of these businesses in Grand Prairie and are concentrated around Main Street and on SH303 and I-20.

Don Postell, City Attorney stated that in May 2011, the City of Dallas passed zoning regulations similar to Grand Prairie. In June 2011 they introduced regulatory provisions and were sued in July over those provisions. Some of the restrictions which Dallas implemented include: required registration; payday cash advance can not be greater than 20% of gross monthly income; a title cash advance can not be great than 3% of gross annual income or 70% of car value; repayment must be four installments or less; and can refinance no more than three times. Mr. Postell said the Cities of Austin and Houston have adopted similar restrictions, and the next Legislature may consider such restrictions. He said he will continue to monitor such legislation and the city can consider adopting requirements if Council desires.

Council Member Swafford asked for the status of Dallas's lawsuit. Mr. Postell said that a temporary restraining order has been denied and the city is continuing to enforce the requirements. Council Member Hepworth asked what would happen if an existing facility sold their business to another similar business. Mr. Crolley stated it would fall under a non-conforming use and if the city is aware of it, can enforce restrictions. However, if there is no reason for them to get a Certificate of Occupancy, the city may not know about it. Council Member Giessner asked if pawnshops were excluded. Mr. Crolley replied that they were excluded. Mayor England noted that the people being hurt are the ones that can least afford it. Mr. Postell stated that at a minimum the city can include this in the legislative package for some state regulation. Mr. Crolley said there is a lot of discussion in planning circles as to what can be done or not and having a state law to depend on would help cities. Mr. Postell said industry reps are more inclined to accept more regulation than in the past with more cities enacting regulations and they may see an advantage to a compromise at the State level. Council Member Swafford asked Mr. Postell to include in the city's legislative package what Senators Davis and Corona are proposing with regard to this legislation.

Between this presentation and the next staff presentation, Police Chief Steve Dye updated Council on the grand opening of the Paragon Outlet Mall. He said over the grand opening weekend there were 19 officers, 6 traffic signal techs, and four Public Works employees working to ensure that traffic kept moving. He added that there were more cars than parking places and overflow parking took place at High Point Church. There were estimated to be 72,000 vehicles on Friday with 2,500 parking spaces and an additional 1500 spaces in overflow parking. He said he would be meeting with Paragon on Wednesday to discuss traffic challenges that will be

ongoing. Chief Dye said the city agreed to cover expenses for the grand opening in exchange for a police storefront. He said they will help develop a traffic plan and it will depend on what Paragon wants to spend. He said the Police Officers did a great job as well as Transportation and Public Works employees.

Tom Cox, Deputy City Manager, reminded Council that the budget dinner would be held Friday night at JR's in Colleyville and that a bus is being provided for those who do not want to drive.

Presented

3

Discussion of QuikTrip Park Improvements

Tom Hart, City Manager, stated that the city had funded marketing and bridge improvements to QuikTrip Park in the spring, but deferred the discussion of funding for additional parking and AstroTurf. Scott Berry, AirHogs owner, stated that they had made marked improvements in many areas including the bridge and the coordinated marketing with the City's Marketing Director, Amy Sprinkles, has helped to get information out. He said that AstroTurf is a crucial element to make the ballpark a multi-use facility. They have secured some college tournaments and would like to get the turf and additional parking.

Mr. Hart said he would like a general discussion on these proposed improvements, but no vote at this time. He said Mr. Berry had worked hard to make this venue successful. Mr. Hart added that Mr. Berry has also requested a centerfield concert stage, but that he personally felt this would be a conflict with Verizon Theater. He said the cost of the turf is substantial and staff thinks that the turf would be beneficial because it is less maintenance and operationally opens up other events. He added that he did not think it will be the defining difference of whether they will be successful or not. He said he did favor the additional parking. Mr. Hart said a revenue source had not been identified, but there is cash in some funds that could be allocated. Council Member Hepworth said that when this was previously discussed, Council and staff seemed to be moving toward AstroTurf which would help them with other events. Mr. Hepworth said staff had indicated if the city had to take over the facility, they would favor AstroTurf, so if we are looking to go to AstroTurf anyway, why not do it now. Mr. Hart said he had not heard Rick Herold, Parks and Recreation Director, say we have to have it, but it would cut expenses and would help programmability but it is not a necessity. Mr. Hepworth said between water and maintenance it costs \$100,000/year and with added events, maintenance would cost more. He said he would like the city to consider funding marketing, AstroTurf and parking. Mayor Pro Tem Jensen said he agreed if we are going to do it anyway, we might as well do it now. He noted, however, that each Council Member has projects they would like to have done and this will be another CIP item. He said he would like to see what this would replace at \$1.7 million.

Mr. Hepworth said when this was discussed previously it was decided to see what happens with how they are performing. They have made some improvements and Council has been looking at this for months. Council Member Thorn said we need to look at what happens with that asset if the city has to take it over. Council Member Swafford said we need to look at what we have right now. He said that have not been any firm recommendations on pricing or funding and Council Members each have things in their districts that they have been waiting for years to fund on the CIP. He said that money needed to fund these projects would come from some CIP funding source. Mr. Hart said he would put together numbers on funding as if the city was operating the facility to see what the payback would be on investing in these proposed improvements and bring the figure to the budget worksession on August 24. so that Council can approach this from a business perspective. Mr. Swafford said

if this was our facility that is one thing, but Mr. Berry's operating costs are not our problem.

Council Member Giessner asked if the owners were asking for anything else other than turf, the stage and parking. Mr. Hart said the team owners were asking for marketing funds and the city could possibly do some cross marketing. They are also asking for an IT media scoreboard at \$125,000; AC improvements at \$150,000; and a future CIP fund of \$150,000. Mr. Giessner asked if AstroTurf is the highest priority. Mr. Berry said to make these types of businesses successful, they have to be more than a seasonal business and the transition from grass to various events is important. Games and events can get rained out but with AstroTurf the chance of getting rained out is practically non-existent. He said if they have insurance dollars from hail damage they may be able to fund some of these projects. Council Member Giessner asked Mr. Berry if his insurance company had made them whole. Mr. Berry said some damage may not have to be repaired and the insurance funds can be reallocated. He said AstroTurf is the most important improvement and gives the most competitive edge. Council Member Swafford asked Mr. Berry to give Mr. Hart a schedule of planned events for Friday's budget meeting. Mr. Hart asked Mr. Berry to give him maintenance expenses for Friday. Mayor England commented that those operating numbers were there when they purchased the franchise. They bought it as a baseball facility, not a concert facility. He said he had been to a lot of baseball games and not many baseball fields have AstroTurf--the Texas Rangers do not have AstroTurf. He said the turf and sprinkler system will take maintenance and this is part of doing business and AstroTurf is not what will make the business successful.

Mayor England said he did not see the need for extra parking spaces when there is a huge parking lot available at Lone Star Park and it is not a very far walk. Mr. Berry said QuikTrip is at the mercy of Lone Star Park for parking for events that are not a baseball game and there has been an issue for most of the events. Mayor England said there is not an issue with Lone Star Park and QuikTrip had not had to cancel events because there was no parking. Mr. Berry said there are issues, but they have not had to cancel events. Craig Brasfield, AirHogs General Manager, said Lone Star Park makes deals with other events. Mr. Swafford asked how many times has that happened. Mr. Brasfield said it has happened twice in this season. Mr. Berry said Lone Star Park works with the AirHogs but there have been times they say the AirHogs cannot use their parking although they have a parking agreement with them.

Council Member Hepworth said he would like to see these improvements not because it is in his district but this is what is good for the city. Council Member Thorn said we have an asset and if it fails, it does not go away and the city should assist them because if they do not succeed the city has an empty building. He said the city can do something to lower their operating costs and help them succeed. Mayor England said this is one of the best facilities in the country and they were aware of maintenance costs when they bought it. He said there are a lot of other teams that would want to use the facility and he said the city does not need to put in artificial turf which is not especially good for baseball. He said Council needs to see a lot more numbers and he would like to have attendance records for this year for the Budget Workshop on Friday.

Presented

Agenda Review

Council Member Jensen stated that the City Secretary had provided Council with a proposed meeting calendar for 2013. He said that he would like to propose only one meeting in January (January 15) and one in July (July 16) and to leave the remaining dates as proposed. There were no comments on the items on the Consent Agenda.

Executive Session

Mayor England convened an executive session at 5:45 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.087 "Deliberations Regarding Economic Development Negotiations." The executive session was adjourned at 6:12 p.m.

Recess Meeting

Mayor England recessed the meeting at 6:12 p.m.

6:30 PM Council Chambers

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

Deputy Mayor Pro Tem gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Council Member Bill Thorn.

Consent Agenda

Deputy Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe, to approve items 4 through 18 on the Consent Agenda. The motion carried unanimously.

4 Minutes of the August 7, 2012 Meeting

Approved on the Consent Agenda

5 Price Agreement for Lawn Chemicals from Innovative Turf Supply in the amount of \$138,458, for one-year period with the option to renew for four additional one-year periods totaling \$692,290 if all extensions are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms

Approved on the Consent Agenda

6 Purchase of In-Car Video Systems from L3 Mobile-Vision in the amount of \$116,955 through an inter-local agreement with City of Dallas

Approved on the Consent Agenda

7 One year price agreement with Casco Industries and Municipal Emergency Services for Personal Protective Clothing at an annual estimated cost amount

of \$110,000 per year, and authorize the City Manager to execute up to four one year renewals with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms.

Approved on the Consent Agenda

- 8 Contract with Parkscapes Construction the amount of \$128,830.24 for Tangle Ridge Golf Club bridge and cart path improvements.

Approved on the Consent Agenda

- 9 Payment in Lieu of Taxes Agreement with Grand Prairie Metropolitan Utility Reclamation District

Approved on the Consent Agenda

- 10 Change Order/Amendment No. 1 with Keeton Surveying Company in the amount of \$45,000 for additional on-call surveying services

Approved on the Consent Agenda

- 11 Final Reconciliation Change Order/Amendment No. 5 with Jackson Construction in the negative amount \$88,054.04 for Forum/Crossland Construction Project

Approved on the Consent Agenda

- 12 Ordinance amending the Traffic Register to rescind the existing school zone on Southwest 3rd Street from 175' North of Pioneer Parkway to 575' South of Freetown Road

Adopted

- 13 Ordinance amending the Traffic Register to establish reduced speed school zones on Vera Cruz Drive

Adopted

- 14 Ordinance amending the 2011 Calendar Year Section 8 operating budget(s)

Adopted

- 15 Resolution adopting the City-Wide Drainage Master Plan for Fish Creek

Adopted

- 16 Resolution nominating Bell Helicopter Textron, Inc. for an Enterprise Zone Project

Adopted

- 17 Resolution authorizing a 50%/7-year partial tax abatement on the added ad valorem real estate improvements and added business personal property for RSR Group, Inc.

Adopted

- 18 Resolution adopting the City-Wide Drainage Master Plan for Cottonwood Creek

Adopted**Public Hearing Consent Agenda**

- 19 SU120804 - Specific Use Permit - 1702 W. Main Street (City Council District 5). Approval of a Specific Use Permit for tire sales and installation in an existing auto repair shop on 0.385 acres. The subject property is zoned Commercial (C) District and is generally located west of State Highway 161 at the northwest corner of W. Main Street and N.W. 17th Street. The property is within Central Business District One (CBD-1) and the State Highway 161 (SH-161) Overlay District. The owner is Al-Aboody Abrahamim, the applicant is M.S. Keeton, and the agent is Joe Diaz. (On August 6, 2012, the Planning and Zoning Commission tabled this case by a vote of 9-0 until the applicant reactivates the case.)

Council Member Jensen moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and table case SU120804. The motion carried unanimously.

Ayes: 9 -

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

- 20 Z120802/SU120805 - Zoning Change/Specific Use Permit - 615 W. Jefferson Street (City Council District 2). Approval of a Zoning Change from Central Area (CA) District to a Planned Development (PD) District for all uses allowed in the Central Area (CA) District plus a Specific Use Permit for auto tire repair and auto accessory sales and installation on 0.178 acres. The subject property is zoned Central Area (CA) District and is within Central Business District Number Two (CBD-2) Overlay District. The property is generally located east of S. Carrier Parkway on W. Jefferson Street. The owner is Arturo Torres and the applicant is M.S. Steve Keeton.(On August 6, 2012, the Planning and Zoning Commission tabled this case by a vote of 9-0)

Council Member Jensen moved, seconded by Deputy Mayor Pro Tem Jackson,

to close the public hearing and table Case Z120802/SU120805. The motion carried unanimously.

Ayes: 9 -

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

Public Hearing on Zoning Applications

21

S120801 - Site Plan - Castal Retail- 902 E. Pacific Avenue (City Council District 5). Approval of a Site Plan for a retail facility on 0.347 acres. The subject property is zoned Commercial (C) District and is located at the northeast corner of E. Pacific Avenue and S.E. 9th Street, being generally situated north of E. Jefferson Street and east of S. Belt Line Road. The subject property is located within Central Business District Three (CBD-3) Overlay District. The owner is Fariborz Hadidi and the applicant is Mo Kaeini. (On August 6, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Bill Crolley, Planning Director, presented Case S120801, a site plan for a retail facility on the northeast corner of E. Pacific Avenue and SE 9th Street. Council Member Shotwell expressed concern about traffic on SE 9th Street at the McDonald's Restaurant. Mr. Crolley said the driveway will line up with the McDonald's driveway. He said there had been some discussion about coming in off Pacific Avenue, but there was a concern about turning Pacific into a more heavily traveled street. Council Member Shotwell asked Jim Sparks, Transportation Director, if he was comfortable having two entrances off SE 9th Street. Mr. Sparks said there is not a lot of parking, so there would not be a huge amount of traffic. He said the biggest concern was a one-way sign at McDonald's. He said there may need to be additional signs or pavement striping to turn right only. He said he did not want Pacific to have two-way traffic. Mr. Shotwell asked if the turning radius was big enough for garbage trucks. Mr. Crolley said they will be coming in off Pacific and there will only be access to the dumpster, there will be connection to the parking lot.

Mr. F. Hadidi, P.O. Box 42, Addison 75001, was present to answer questions.

Council Member Shotwell moved, seconded by Council Member Swafford, to close the public hearing and approve Case S120801. The motion carried unanimously.

Ayes: 9 -

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

22

SU120801 - Specific Use Permit - 3549 S. State Highway 360 (City Council District 4). Approval of a Specific Use Permit for a fifteen foot (15') extension to an existing telecommunications tower. The subject property is currently zoned Planned Development District 37 (PD-37) and is located within the State Highway 360 (SH-360) Overlay District. The subject property is generally located east of S. State Highway 360 and north of Interstate

Highway 20 West. The owner is American Tower, the applicant is Metro PCS, and the agent is Chris Mayo with Site Property Co. (On August 6, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley said the applicant requested another 15' on an existing telecommunications tower. He said there are proximity requirements for towers in a residential zoning district and the applicant has requested an appeal. Because the closest single family residence is 585' to the east and the property to the northeast is located in the floodplain, staff is recommending approval of this request.

Chris Mayo, 6720 Hanover Road, was present to answer questions.

Council Member Fregoe moved, seconded by Mayor Pro Tem Jensen, to close the public hearing and approve Case SU120801. The motion carried unanimously.

Ayes: 9 -

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

23

SU120803 - Specific Use Permit - 1172 107th Street (City Council District 1). Approval of a Specific Use Permit for an auto body and paint shop in a proposed auto collision repair and customization facility located on 1.67 acres. The subject property is zoned Light Industrial (LI) District and is generally located east of N. State Highway 360 and south of Avenue J East. The owner is BJCI Industrial Properties LTD and the applicant is Tuan Ngo. (On August 6, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated this case was for an SUP for an autobody and paint shop in an existing building on 1.67 acres. There were no appeals requested by the applicant.

Council Member Hepworth moved, seconded by Council Member Giessner, to close the public hearing and approve Case SU120803. The motion carried unanimously.

Ayes: 9 -

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

24

S120803/SU120806 - Site Plan/Specific Use Permit - 4320 S. State Highway 360 (City Council District 4). Approval of a Site Plan and Specific Use Permit for a retail with mini-storage facility on 6.06 acres. The subject property is zoned Planned Development District 140 (PD-140) and is within the State Highway 360 (SH-360) Overlay District. The property is generally located east of S. State Highway 360 and south of Claremont Drive. The owner is Lodge Realty Partners LLP and the applicant is Shawn Valk. (On August 6, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated that this case was for a mini-warehouse and retail facility. He said the first phase of retail and warehouse would be built at the same time. The applicant did not request any appeals.

Council Member Fregoe moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case S120803/SU120806. The motion carried unanimously.

Ayes: 9 -

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

25

Z120801/SU120807 - Zoning Change/Specific Use Permit - 2389, 2361, 2357, 2325 W. Jefferson Street (City Council District 1). Approval of a Zoning Change from Light Industrial (LI) and Commercial Office (CO) District to a Planned Development (PD) District for all uses allowed in Light Industrial (LI) District plus a Specific Use Permit for accessory auto parking and outside storage on 1.154 acres. The subject property is zoned Light Industrial (LI) District and Commercial Office (CO) District and located within Central Business District One (CBD-1) Overlay District. The property is generally located on W. Jefferson Street east of S. Great Southwest Parkway. The owner/applicant is Grand Prairie LLC. (On August 6, 2012, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Mr. Crolley stated the applicant is a supplier to GM and plans to demolish some of the existing building and put a new facade on the building facing W. Jefferson Street and will completely demolish some of the buildings to consolidate parking for employees. Mr. Crolley said the applicant had done a good job planning the renovations and providing additional landscaping and will be putting up a screening fence on the south side of the property.

Mr. Mark Jones, Grand Prairie LLC, was present to answer questions.

Council Member Hepworth moved, seconded by Council Member Shotwell, to close the public hearing and approve Case Z120801/SU120807. The motion carried unanimously.

Ayes: 9 -

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

Items for Individual Consideration

26

License to DFW Midstream Services, LLC for gas pipelines along and across City property and streets near Camp Wisdom Road, Matthew Road and Lake Ridge Parkway

Mayor Pro Tem Jensen declared a conflict of interest and left the Chambers during discussion and vote on this item.

Mr. Crolley said the license with DFW Midstream would be for 20 years with a 9-year renewal option. He said a big portion of the proposed low pressure gas transmission pipeline is in the Oncor easement. He added that there have been protective measures included in this process.

Council Member Swafford asked if DFW Midstream would go to condemnation if the Council denied this license. Mr. Crolley said they are a common carrier so they would have that option to go through the eminent domain process. Mr. Swafford asked if the city would get lease payments if DFW went through eminent domain. Mr. Crolley said there would be some compensation but it would not be a lease agreement. Don Postell, City Attorney, said if they went to condemnation they would condemn an easement but the city would just get a one-time payment; there would be no rental or license agreement. Council Member Swafford asked if Council were to grant the easement, what would be the term and amount. Mr. Crolley said DFW would pay \$587,620 for a 20-year term with 9-year renewal option. Mr. Postell said the renewal would remain at the same cost.

Council Member Hepworth asked Mr. Crolley to expound on some of the safety concessions from DFW for their pipelines. Mr. Crolley said there will be a protective cap of concrete on top of the lines and most of the pipeline will be bored and underground. When the pipeline is adjacent to residential areas, they will put a concrete cap for additional protection. These will all be low pressure pipelines.

Council Member Swafford asked if the money for this lease was all upfront. Mr. Crolley said DFW has provided a check in the full amount and if Council approves the license, the check will be cashed.

Council Member Giessner clarified that they will use a boring technique with minimal disruption to traffic. Mr. Crolley stated that was correct.

Council Member Swafford moved, seconded by Council Member Thorn, to approve a license to DFW Midstream Services. The motion carried unanimously with Mayor Pro Tem Jensen abstaining.

Ayes: 8 -

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

Excused: 1 -

Mayor Pro Tem Ron Jensen

27

Confirm the appointment of Robert Fite as Grand Prairie Fire Chief, in accordance with Local Government Code, Section 143.013(a)(1), effective November 19, 2012

Mr. Hart said it was a pleasure to bring forth Robert Fite as Fire Chief to replace Fire Chief Clif Nelson who is retiring at the end of October. He said Mr. Fite is currently the Fire Chief in Georgetown and has an extensive background in fire departments as well as Bachelors and Masters Degrees.

Council Member Fregoe moved, seconded by Deputy Mayor Pro Tem Jackson, to appoint Robert Fite as Fire Chief effective November 19, 2012. The motion carried unanimously.

Ayes: 9 -

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

28

Ordinance confirming the appointment of an Interim Fire Chief

Mr. Hart indicated that an Interim Fire Chief would need to be appointed between the time Chief Cliff Nelson retires and the time the new Fire Chief starts (November 1, - 18, 2012).

Council Member Swafford moved, seconded by Council Member Shotwell, to appoint Mike Sieg as Interim Fire Chief from November 1 - 18, 2012. The motion carried unanimously.

Ayes: 9 -

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

29

Resolution extending the Declaration of a local State of Disaster regarding West Nile Virus

Jim Cummings, Environmental Services Director, stated that on August 15, 2012, Mayor England signed a Declaration of Emergency and asked for funding assistance from the State for aerial spraying to combat West Nile Virus being carried by mosquitoes. Mayors in the area consulted with Dallas County Commissioners and extended aerial spraying to the entire city. Aerial spraying took place on Sunday, August 19, and Monday, August 20. The declaration would expire tonight, but the outcome is uncertain as to the effectiveness of aerial spraying. The Center for Disease control will be bringing in teams to do an assessment. He said there is potential for further spraying since the mosquito season extends to October. In order to be able to request further assistance from the State, staff is asking Council to extend the declaration to September 21. Council Member Hepworth clarified that extending the declaration allows the city to take action but does not require it. Mr. Cummings said many citizens have concerns about aerial spraying, but when staff made their recommendation to the mayor, the question was asked if aerial spraying was safe and will it assist in combating the outbreak and the answer was "yes."

Council Member Thorn moved, seconded by Council Member Giessner, to extend the Declaration of Disaster to September 21. The motion carried unanimously.

Ayes: 9 -

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

30

Public Hearing on Proposed Tax Rate - Hold a Public Hearing seeking citizen comments on Proposed Tax Rate of \$0.669998 per \$100 assessed valuation in accordance with the Texas Property Tax Code

Diana Ortiz, Finance Director, stated that the proposed tax rate (\$0.669998 per \$100 assessed valuation) is the same as it has been the past 10 years. She stated that the

city is required to hold two public hearings to hear citizen input. She stated that the State Legislature requires a specific calculation and it generates an effective tax rate (requires the same level of dollars as generated in the prior year, but it does not include new value or TIF (Tax Increment Financing) value). Mayor England reiterated that the actual tax rate is not changing and is the same as it has been for many years.

Jeni Bobbitt, 2532 Euclid Drive, stated that the city's website indicates that there is an increase in the tax rate, so there are a lot of citizens wondering why with the new mall you want to increase taxes (1.18%). Ms. Bobbitt said the traffic at Traders Village and Paragon blocked traffic at Forum and Great Southwest Parkway this past weekend. She said she called the Police Department Dispatcher who told her to find another way out of her neighborhood. Ms. Bobbitt said that was an unacceptable answer. She said there were very few on city council who care about the citizens. She said Paragon had a great grand opening and she was happy for them, but it took her 20 minutes to get from Forum to I-20 and that is unacceptable. Ms. Bobbitt suggested one option would be to make Traders Village one way in and one way out.

Harold Willis, 538 Lindly, said he wished to voice his continued support of the city. He said in ten years the tax rate has not increased, but services have increased, including ambulance service. He said compared to many other cities, Grand Prairie is doing pretty well. He said the opening of the Paragon Mall was an historic event in the city and it will attract many people who will be spending money in Grand Prairie. He said he expected there will be growing pains, but the mall is an overwhelmingly positive event. He said there is tremendous momentum going on in the city and thanked the Council.

Mr. Hart said he was aware of the inconveniences for citizens with the opening of the mall. He thanked the Transportation Department and the Police Department who all worked very hard to keep those inconveniences at the lowest possible level. The weekend event will be reviewed on Thursday to make sure we are looking at every way to improve the traffic situation. There are some additional roads that will eventually improve traffic flow.

Mr. Hart said the tax rate calculation is confusing, but if citizens would look at what they paid several years ago, they are probably paying less city taxes today. Mayor England said tax rolls are down and we are getting less taxable income than last year, but it is called an effective tax rate increase. Council Member Shotwell said he was confused too about the tax rate. But, he added, how much I have to pay is the bottom line and it has been the same for many years. Mr. Shotwell said the City Council has lowered the tax rate one time and added a senior tax exemption and instituted a freeze on senior citizen taxes. He said the Paragon mall should help the tax rate since this is all new money that was not being spent in Grand Prairie before. Council Member Shotwell said he drove down Great Southwest Parkway on Saturday and there was a lot of traffic but he hoped this was an anomaly and that it gets better as time goes on. Council Member Swafford said the tax rate calculation is difficult to understand. He said there are less funds this year with the same tax rate, but money from property taxes is less. However, some other revenues have increased so we can run the city as we did last year plus fund some increases. The effective tax rate is a calculation of what it would be if property tax remained the same or went up. This is the first year it went down and we are required to hold the public hearing and this causes misunderstanding. He said, bottom line, the tax rate is the same as it has been for 10 years.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and set the next public hearing for September 4, 2012. The motion carried unanimously.

Ayes: 9 -

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

31

2013 Council Meeting Schedule

Mayor Pro Tem Jensen moved, seconded by Council Member Fregoe, to adopt the 2013 meeting schedule as proposed by the City Secretary except hold only one meeting in January (January 15) and one meeting in July (July 16). The motion carried unanimously.

(2013 meeting dates: January 15; February 5 and 19; March 5 and 19; April 2 and 16; May 7 and 21; June 4 and 18; July 16; August 6 and 20; September 3 and 17; October 15; November 5 and 19; December 10)

Ayes: 9 -

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

32

Appoint members of the Crime Control and Prevention District Board

Mayor Pro Tem Jensen moved, seconded by Council Member Giessner, to reappoint members whose terms have expired (Richard Fregoe, Mark Hepworth and Ron Jensen) to the Crime Control and Prevention Board with a term to expire 2014. The motion carried unanimously.

Ayes: 9 -

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

33

Board and Commission Appointments

Deputy Mayor Pro Tem Ruthe Jackson moved, seconded by Council Member Swafford, to appoint Brenda Paduch, DVM, and Danielle Tate to the Animal Shelter Advisory Committee; and appoint Reg Crump to the Civil Service Commission. The motion carried unanimously.

Citizen Comments

Harold Willis, 538 Lindly, stated that he had recently been appointed as the Community Development Specialist at the new Parkland Clinic in Grand Prairie. He expressed his appreciation to all Council and the city for providing the land and some of the funding for the clinic. He said the clinic can be a great economic development tool for the city as well as a health care facility. He said he will need a 12-citizen advisory board including police and fire and other citizens to serve. Mayor England said he was proud that a Grand Prairie citizen who was born and raised in the city and who has such a passion for the city will be working at the clinic.

Adjournment

Mayor England adjourned the meeting at 8:10 p.m.

The foregoing minutes were approved at the September 4, 2012 meeting.

Catherine E. DiMaggio, City Secretary