City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final
City Council

Tuesday, September 3, 2013 | **5:00 PM** | **City Hall - Briefing Room**
317 College Street

Call to Order

Mayor Jensen called the meeting to order at 5:00 p.m.

Present 7 -
Mayor Ron Jensen; Mayor Pro Tem Greg Giessner; Council Member Jorja Clemson; Deputy Mayor Pro Tem Richard Fregoe; Council Member Tony Shotwell; Council Member Jim Swafford and Council Member Jeff Wooldridge

Staff Presentations

1 Hydrofracturing Study Update - City Moratorium Extension

Mayor Jensen declared a conflict of interest and left the meeting during the following presentation.

Jim Cummings, Environmental Services Director, review the history of the gas drilling moratorium. He stated that Agenda Item 15 was to extend the moratorium for one year. He said the moratorium affects two padsites adjacent to Joe Pool dam: Lynn Unit and Corn Valley. He said that Chesapeake and XTO can continue to produce from the existing wells but cannot drill additional wells. The Corps of Engineers study is ongoing with no future end date. They estimate completion in one year. The Corps is also looking at the extraction process in this study, but the city's moratorium does not cover extractions, only drilling and fracturing. If approved, the moratorium would be extended to October 1, 2014. Tom Hart, City Manager, said council needed to discuss the extraction portion because this had not been discussed previously. He said the Corps recommended including extractions, which is a major issue because there are active wells that are producing. Mr. Cummings said the Corps is done with the science portion of the study, but now they have to go through a political process so it is hard to tell if this will ever be resolved. Mayor Pro Tem Giessner asked if the Corps requested that the city include extractions in the moratorium. Mr. Cummings said the Corps originally discussed only fracturing and drilling. He said extractions remove space from between rocks and might cause a compression. Council Member Swafford clarified that the extension does not include extraction. Mr. Hart asked if any bore lines go under the dam. Mr. Cummings said they do not. Mr. Hart said the letter from the Corps asked the city to include extractions. He suggested sending a letter to the Corps telling them we passed the moratorium extension and that there are three active wells affected by the moratorium and if there is science for extraction request that they take action rather than the city. Mr. Cummings questioned whether the Corps could enforce this off of their property. Don Postell, City Attorney, said they would have a taking issue at that point and they would buy or condemn the gas rights. Mayor Pro Tem Giessner said he thought the only option would be to go forward with moratorium as it is written since it appeared that to be a consensus of the Council not to add extraction to the moratorium. Council Member Shotwell said

that Council could always come back at a later date to reconsider. Mr. Postell said it does not prevent the Council from coming back to add extraction if Corps studies find a problem. Mr. Hart asked Mr. Postell to write a letter to the Corps with the city's position.

Presented

Agenda Review

Mayor Jensen returned to the meeting.

Council Member Swafford stated that in Agenda Item 8 (sale of tax properties) the bid sheet had nine properties and the city received bids on six of them. He asked who sets the minimum bid and are they too high to get a bid. Mr. Postell said if the properties are foreclosed or no one bids, the price can be reduced.

Council Member Swafford asked a question regarding Agenda Item 9 (License to DFW Midstream Services) regarding to which account the permit fees would be deposited. Kathleen Mercer said that she had been moving these types of funds into an accrual account in the General Fund. Mr. Hart said the Lending Reserve Account gets royalties and lease money. Mr. Hart said these funds can be deposited in the Lending Reserve Fund. It was decided to pull this item off Consent Agenda and make this change. Deputy Mayor Pro Tem Fregoe asked for a summary of this item. Mayor Jensen said this would link a pipeline from one site to another. Mr. Hart said there were still some issues that had to be worked out with a developer. Bill Crolley, Planning Director, said this pipeline would serve the Race Partners and Auto Pound sites.

Council Member Swafford asked if Garner Elementary would be used as an early voting location. Cathy DiMaggio, City Secretary, replied that Dallas County Elections had agreed to use Garner Elementary as an early voting location.

Council Member Shotwell referred back to the gas pipeline installation and wanted to ensure they would bore under and not dig up streets. Mr. Crolley said there was still some technical and engineering plans that still need to be approved. Mr. Shotwell referred to Agenda Item 7 (Change Order for Gifford and Bagdad) which drops $105,000 out of the bottom line of the CIP that could possibly used if more funds are needed for the MacArthur right-of-way. Mr. Sparks said 8% of this may go back to the Council of Governments.

Diana Ortiz, Chief Financial Officer, said Item 13 was strictly a public hearing but no vote would be taken on the tax rate until the September 17 meeting.

Executive Session

There was no executive session.

Recess Meeting

Mayor Jensen recessed the meeting at 5:30 p.m.

6:30 PM Council Chambers

Mayor Jensen reconvened the meeting at 6:30 p.m. and noted that since the last Council Meeting, the city mourned the loss of Council Member Bill Thorn. He asked for a moment of silence in honor of Mr. Thorn.

Rev. Carl Allen, Fairview Baptist Church, gave the Invocation. The Pledge of Allegiance to the US Flag and to the Texas Flag was led by Council Member Swafford.

Presentations

2 Employee of the Month - Cora Snyder, Utility Customer Service

Doug Cuny, Revenue Management Manager, introduced Cora Snyder, Employee of the Month for September. Mr. Hart presented Ms. Snyder with an engraved clock and thanked her for her dedication to the city.

Presented

3 Recognition of Citizens on Patrol - Presented by Chief Steve Dye

Police Chief Steve Dye introduced the Citizens on Patrol and recognized them for receiving a statewide award.

Presented

4 Recognition of the Grand Prairie Firefighters Association for their Partnership with the Muscular Dystrophy Association - Presented by Chief Robert Fite

Fire Chief Robert Fite recognized the firefighters for raising $26,097 for the Muscular Dystrophy Association through the Fill the Boot campaign. He said they would be recognized on the MDA telethon for a large city giving over $10,000. He thanked the citizens for their generous donations.

Presented

5 National Payroll Week Proclamation

Mayor Jensen presented a Payroll proclamation to Cheryl Hazelwood, Finance Department.

Presented

Consent Agenda

Mayor Pro Tem Giessner moved, seconded by Council Member Clemson, to approve Items 6 through 12, with a correction to Item 8 to change an address from 613 SW 15th to 610 Austin; a correction to Item 9 that funds from the license to DFW Midstream would be transferred to the Lending Reserve

Account. The motion carried unanimously.

Council Member Swafford stated that Item 12 was to call a special election to fill a vacancy in District 3. He stated that early voting locations for this election would be at Garner Elementary for Dallas County voters and Asia Times Square for Tarrant County voters.

6 Minutes of the August 20, 2013 meeting

Approved on the Consent Agenda

7 Final Reconciliation Change Order No. 10 with Haydon Building Corp. for construction of paving, drainage, water and sanitary sewer improvements to Gifford Street and Bagdad Road in the total net negative amount of -$105,836.87

Approved on the Consent Agenda

8 Authorize Sale of Three Tax Foreclosure Properties (810 College; 1901 El Paso; 613 SW 15th)

Approved on the Consent Agenda

9 License to DFW Midstream Services, LLC for installation of a gas pipeline along and across City property and streets along future Great Southwest Parkway, Sunnyvale Road, Carrier Parkway, Lower Tarrant Road, Hardrock Road, West Oakdale Road and the City Impound Yard

Approved on the Consent Agenda

10 Agreement with Dallas Area Agency on Aging for $104,734 as a reimbursable meal ($86,736) and Transportation program ($17,998)

Approved on the Consent Agenda

11 Resolution authorizing Local Preference and Price Agreement for the purchase of Thermoplastic from Centerline Supply for an annual cost of $39,945 and secondary to Ennis Paint Inc. for one year with the option to renew for four additional one year periods totaling $199,725 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

Adopted

Enactment No: RES 4649-2013

12 Ordinance ordering the special election to fill a vacancy in the office of Council Member District 3

Adopted

Enactment No: ORD 9579-2013

Items for Individual Consideration

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

Council Member Swafford (Chair of the Finance and Government Committee) stated that the proposed tax rate would remain the same as last year at $.669998 per $100 valuation. Mayor Jensen asked anyone who wished to speak during the public hearing should approach the podium. No one wished to speak.

Approved

14 First Public Hearing on the FY 2013/2014 Operating and Capital Improvement Projects Budgets

Council Member Swafford stated this was the first public hearing on the budgets. He said Council will be voting on the adoption of the budgets at the September 17 Council Meeting. The combined budget is $285,681,586; the CIP budget is $51,875,472Mayor Jensen invited speakers to come to the podium during the public hearing. No one wished to speak.

Approved

15 Ordinance extending the Gas Drilling Moratorium for one year

Mayor Jensen declared a conflict of interest and left the meeting during discussion and action on the Gas Drilling Moratorium.

Mr. Cummings explained that Council had been briefed on this item earlier in the meeting. He said the existing moratorium which prohibits drilling and fracturing within 3000 ft. of Joe Pool dam would be extended until October 1, 2014 if Council approved the extension. He said the Corps of Engineers is still working on their report and are not ready to publish the study. Council Member Shotwell said the moratorium only affects drilling and fracturing within 3,000 ft. of the Joe Pool dam. Mr. Cummings said the moratorium only affect the Lynn and Corn Valley padsites.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve the extension of the gas drilling moratorium for one year. The motion carried unanimously.

Enactment No: ORD 9580-2013

16 Board and Commission Appointments

Carley Hanna was appointed to the Keep Grand Prairie Beautiful Commission with a term to expire July 31, 2015.

Council Member Wooldridge moved, seconded by Council Member Clemson, to remove Sam Hanna from the Keep Grand Prairie Beautiful Commission and appoint Carley Hanna for a term to expire July 31, 2015. The motion carried unanimously.

Ayes: 7 -

Mayor Ron Jensen; Mayor Pro Tem Greg Giessner; Council Member Jorja Clemson; Deputy Mayor Pro Tem Richard Fregoe; Council Member Tony Shotwell; Council Member Jim Swafford and Council Member Jeff Wooldridge

Citizen Comments

Adam Carreon, 1018 SW 4th Street, stated that he was speaking on behalf of his landlord regarding street and drainage improvements in Indian Hills on SW 4th Street between Bennie and Long. He said that after a rain there is water retention for five or six days. Mr. Carreon presented pictures of the standing water.

Vanessa Harris, P.O. Box 202506, Arlington, 76006, stated she had recently gone to the municipal court to pay a ticket and was offered deferred adjudication and was told to return at noon on a certain day. She added that the judge, marshal and clerk were all very helpful with this process. However, while she and others were waiting in line they were told that only a certain number of them would be seen by the judge and the rest would have to come back. After having seen the judge they then had to leave the courtroom and stand in another line to pay. She suggested a numbering system and a possibility of paying in the courtroom after seeing the judge.

Cindy Slocum, 2014 Wellington, said she had sent emails a number of times about the cost of classes at the Summit in addition to the annual dues. She said many fitness places have cheaper rates for classes and asked Council to reduce the costs for individual classes.

Carolyn Margraf, 1802 Wellington Drive, thanked Council for handling the water main break so well and commented on the city's wonderful Fire Department. She said that EMS was handled very well in the Fire Department. Ms. Margraf thanked Council for the repairs on Robinson between Marshall and SH303 but would like to see sidewalks between Robinson and Lake Park where the apartments are. She also asked to continue street repair to Lake Park and continue installation sidewalks. She asked for a sidewalk from the end of the apartments to Marshall and up to Huntington Street. She said she would also like to have guardrails from the creek to Huntington Road to keep vehicles from coming into the yard.

At the conclusion of Citizen Comments, Council Member Shotwell invited the audience to the Division Champion Playoff games for the AirHogs on September 4 and 5 at 7:05 p.m. at QuikTrip Park.

Mayor Pro Tem Giessner noted the passing of Mr. N.D. Hopkins who had been very active in the community in various capacities. He said the visitation would be the following evening from 6:00 to 8:00 p.m. and services on Thursday at 2:00 p.m. at the First Baptist Church.

Adjournment

Mayor Jensen adjourned the meeting at 7:12 p.m.

The foregoing minutes were approved at the September 17, 2013 meeting.

_____
Catherine E. DiMaggio, City Secretary