



Minutes - Final  
City Council

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Tuesday, November 19, 2013

4:30 PM

City Hall - Briefing Room  
317 College Street

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**Call to Order**

**Mayor Jensen called the meeting to order at 4:30 p.m.**

- Present** 7 - Mayor Ron Jensen  
Mayor Pro Tem Greg Giessner  
Council Member Jorja Clemson  
Council Member Jeff Copeland  
Council Member Tony Shotwell  
Council Member Jim Swafford  
Council Member Jeff Wooldridge
- Absent** 1 - Deputy Mayor Pro Tem Richard Fregoe

**Staff Presentations**

- 1 Proposed amendment to the gas drilling ordinance - Presented by Cindy Mendez, Environmental Services

*Cindy Mendez, Environmental Services Manager, reviewed the proposed changes to the current gas drilling ordinance. She said there were currently 48 padsites; 181 wells permitted; 143 drilled wells of which there are 126 with sales.*

*Ms. Mendez went over the current requirements for permitting versus the proposed requirements. She said the ordinance amendment contains an option for the applicant to submit a notice of intent to drill and pay a \$100 non-refundable fee and then they would later pay the application fee at the time of the actual application submittal.*

*Ms. Mendez said there was no change in the process for an application for a padsite or for the time restrictions for permits issued after 1/18/2011 which expire five years after the permit was issued. Other existing padsites (44) have no restrictions on drilling times.*

*The current proposal for compressors is that they must build a permanent structure around the compressor if the compressor is on site for longer than 90 days. Council Member Swafford asked what happens if a company puts a compressor onsite for 89 days then removes it and brings it back. Ms. Mendez said the compressors are very difficult to move and they are also costly to move back and forth, but there is nothing in the proposed ordinance to keep them from moving them. She added the compressors would need to have a sound wall if they are onsite less than 90 days.*

*Ms. Mendez said the driller must have a 300' recorded "no build" easement from the well. Between 300-500' the current ordinance says a house cannot be built unless the site is already permitted. The setback is currently 700' from the padsite, but they could put a well within 500-700' of a home with 70% waivers from homeowners or a*

variance from the City Council. Ms. Mendez said the proposed amendment does not affect setbacks, it only allows gas companies to protect their right to drill.

Mr. Hart said staff has tried to determine what is right for homeowners and what is right for the gas companies drilling. He said this amendment allows the padsite to be protected for five years so they can wait the five years to drill the first well. If they do not drill within that five years, staff could add a two-year extension, and after that time they must appeal to the Council. So, if a development encroaches on the proposed padsite during those 5-7 years, those homeowners have an opportunity to come and address Council. This amendment only applies to sites permitted after January 18, 2011.

Mayor Pro Tem Giessner said all the city is doing is preserving the gas company's rights to drill even if they are encroached upon and each well has the \$100 filing fee to protect them for 7 years. Mr. Hart clarified that the 44 existing padsites do not have this option, but once they drill the first well and there is no planned encroachment any time soon, they could permit additional wells many years later. Mayor Jensen said there are a lot of mineral rights in north Grand Prairie and we do not want more padsites in Grand Prairie than we have to. This is a happy medium between mineral rights owners and developers and not having to stop the drilling. This amendment does not change setbacks.

Council Member Swafford said D.R. Horton has agreed to notify the owners of the houses that they are within a drilling area. He asked if this ordinance is in place and D.R. Horton comes in a month later, can Council stipulate on their zoning ordinance that they are required to notify a purchaser that they are in a gas well zone. Don Postell, City Attorney, said he believed the city could require them to put a note on the plat that requires them to notify a purchaser and the title company would put it as an exception in the title policy. Mr. Copeland said that "easement" is a general term, but typically you cannot build something in an easement. The recorded easement could be a lender issue, but this is really not an easement because it can be built on. This is an exception that the title insurance company could not overcome. Mr. Swafford said if the plan required a notification to the seller this had to be an exception on the title. Mr. Copeland said this would typically be a lender issue. Mr. Hart said there was a similar issue in Euless with the airport and they started signing an avigation easement. Mr. Copeland said we just have to make sure the easement allows building inside it.

Council Member Shotwell asked how long the notice of intent to permit would be effective. Ms. Mendez said this applies only to those permitted after 2011. Mr. Shotwell asked if the gas company paid the \$100, how long would it be effective. Mr. Cummings said it would be effective for five years and could be extended by staff for two years and could be extended if Council approved an extension.

Council Member Shotwell suggested requiring the gas company to post notices on their padsites. Ms. Mendez said they are already required to post signs. Council Member Swafford said he wanted to make sure that title companies are required to specifically disclose the padsite location at closing.

#### **Presented**

**2**

Proposed Smoking Ordinance amendments - Presented by Jim Cummings,  
Environmental Services Director

Mr. Cummings stated that staff had been working with the Public Health Advisory Committee on the proposed smoking ordinance amendment and they hosted a public meeting on October 8, 2013. He said staff had also met with the Council Public

Safety, Health and Environmental Committee on November 6, 2013 and plan to bring the ordinance to Council on the December 10, 2013 agenda. Mr. Cummings gave results of the internet survey which had 1500 responses. He said that 84% of respondents felt second hand smoke is a serious or moderate health hazard and 85% prefer a smoke free restaurant. Mayor Jensen said he did not want to rush this ordinance and asked that the ordinance not be placed on the December 10, 2013 agenda for Council consideration.

Mr. Cummings reviewed various facilities that were considered and made comparisons between the current ordinance, staff's recommendation and the Public Health Advisory Committee (PHAC) recommendations:

Bar, billiard parlor, hookah lounge – staff and PHAC recommends smoking be allowed but no one under 18 to be admitted and no staff under 18.  
Bingo Parlors (currently no parlors in Grand Prairie) – staff and PHAC recommend prohibiting smoking  
Bowling Centers – staff and PHAC recommend prohibiting smoking  
Child/Adult Care Centers – Staff and PHAC recommend prohibiting smoking  
City Facilities/Grounds – Staff recommend no smoking (staff recommend Parks Director and City Manager can have discretion to allow smoking (i.e golf, campfires, etc.); PHAC recommends no exceptions  
Multiple Dwelling Common Areas – staff and PHAC recommend prohibiting smoking  
Food establishments - staff and PHAC recommend prohibiting smoking  
Hotels/Motels – staff and PHAC recommend prohibiting with 25% of rooms dedicated to smoking  
Hospital/Health Care – staff and PHAC recommend prohibiting smoking  
Libraries/museums/galleries – staff and PHAC recommend prohibiting smoking  
Lone Star Park – Staff and PHAC recommend allowing smoking (set their own policy)  
Non-Public places of employment (i.e. factory) staff recommend allowing smoking; PHAC recommend prohibiting

Council Member Shotwell asked staff to make an attempt to contact Bobby Meadows, Bowling Alley.

Mayor Jensen asked that Mr. Cummings continue his presentation on the proposed smoking ordinance at the December 10, 2013 Briefing.

Mayor Jensen noted that Joe Caldwell, former Mayor, has been transported by EMS but he is currently stable. Also Bill Strong was back home and feeling better.

Mr. Copeland asked if a business posted a No Smoking sign, would the business have the ability to enforce it. Mr. Cummings replied if a business wanted a smoking policy, it must be written, then that becomes enforceable under city ordinance.

#### **Presented**

### **Agenda Review**

Mayor Pro Tem Giessner stated that Rick Herold, Parks and Recreation Director, asked that Council table Agenda Item 14 (Repairs to Kirby Creek Natatorium). Council Member Shotwell said he might want to discuss Agenda Item 24 (Street Maintenance Sales Tax Program) but would try to get his question answered before the 6:30 meeting. Mayor Jensen referred to Agenda Item 32 (QuikTrip No. 953) and asked if the Chevron station would be razed. Mr. Hinderaker said that QuikTrip had agreed to raze the Chevron Station. Council Member Wooldridge referred to Item 34 (Church on Rush Creek request for temporary buildings) and said he had met with church officials and they have requested the temporary building for five years.

## Executive Session

*There was no executive session.*

## Recess Meeting

Mayor Jensen recessed the meeting at 5:35 p.m.

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## 6:30 PM Council Chambers

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**Pastor Tom Watson, Bowles Baptist Church, gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Mayor Pro Tem Giessner.**

- 3 Administer Oath of Office to Jeff Copeland, Council Member, Place 7 at large
- City Attorney Don Postell administered the Oath of Office to Jeff Copeland, Council Member, Place 7, at large. Council Member Copeland stated it was an honor to serve on Council and to follow in Ruthe Jackson's footsteps. He said he was hopeful that he could accomplish half as much as she did and would feel successful if he could. He thanked his constituents for their support.*
- Approved**

## Presentations

- 4 2013 Holiday Ornament - Presented by Mrs. Rebecca Jensen
- First Lady Rebecca Jensen presented the 2013 hand-made holiday ornament. She stated that Council Member Jorja Clemson donated books from her mother, Ruthe Jackson, to make some of the ornaments. Mrs. Jensen said that the city would be selling the ornaments made from Ruthe Jackson's books for \$15 and others made from recycled library books will sell for \$11, with all proceeds from the sale of the ornaments to go to charity. Mrs. Jensen presented a special tree to Council Member Clemson made from Ruthe Jackson's antique nursery rhyme book.*
- Presented**
- 5 Presentation of check from the Rotary Club of Grand Prairie to Rotary International in memory of Ruthe Jackson - Presented by Linda Elliott, Foundation Chair and Past District Governor
- Linda Elliott, Grand Prairie Friday Rotary, presented a check in memory of Ruthe Jackson to Rotary District Governor Ean Sullivan in the amount of \$3,260. Mr. Sullivan said this amount would be matched by the Gates Foundation to prevent polio and would provide 17,000 immunizations.*
- Presented**

## Consent Agenda

**Mayor Pro Tem Giessner moved, seconded by Council Member Swafford, to approve Items 6 through 13 on the Consent Agenda, table Item 14, and approve Items 15 through 24. The motion carried unanimously.**

- 6** Minutes of the November 5, 2013 Meeting
- Approved on the Consent Agenda**
- 7** Bank Depository Contract with Wells Fargo Bank, NA is estimated at an annual cost of \$95,030.04 for three years and includes the option to renew for two, additional one-year periods totaling \$475,150.20 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**
- 8** Annual Hardware and Software Support with Tyler Technologies, Inc. in the amount of \$50,122.19.
- Approved on the Consent Agenda**
- 9** Increase in Annual Hardware and Software Support and Maintenance to North Central Texas Council of Governments (NCTCOG) in the amount of \$82,181
- Approved on the Consent Agenda**
- 10** Amendment #1 to extend the Interlocal Agreement with the City of Round Rock for a Holiday Lighted Outdoor Drive through January 31, 2014
- Approved on the Consent Agenda**
- 11** Ratification of a one year agreement/lease with Texas Family Musical (TFM) for the production "Holiday Happiness" at Prairie Lights, with three potential one-year extensions, with a cumulative value if all extensions are exercised at \$140,000 (\$35,000 x 4 years)
- Approved on the Consent Agenda**
- 12** Change Order/Amendment No. 1 on the construction contract with Pavecon, Ltd. in the amount of of \$10,842.41 for Dickey Road Paving and Drainage Improvements
- Approved on the Consent Agenda**
- 13** Amendment to the amount of a price agreement from \$20,000 to \$30,000 annually for the purchase of emulsion from Professional Coating

Technologies, through a Master Interlocal Agreement with the City of Dallas, and renew the agreement for one year

**Approved on the Consent Agenda**

- 14** Contract with DCC, Inc., through TASB BuyBoard, for swimming pool shell repairs at the Kirby Creek Natatorium in the amount of \$75,338.40, and a 5% contingency in the amount of \$3,767, for a total of \$79,105.40

**Tabled**

- 15** Purchase of GPS Equipment and compaction calculation software from Geoshack for \$154,903 for software and equipment and \$5,818 for annual maintenance, for a total of \$160,721, through a national inter-local agreement with the Department of Information Resources (DIR) cooperative purchasing agreement

**Approved on the Consent Agenda**

- 16** Change Order/Amendment No. 5 in the net negative total amount of -\$28,335 with Barson Utilities, Inc for FY 11/12 I & I Replacement Improvements

**Approved on the Consent Agenda**

- 17** Water use payment to Cedar Hill in the amount of \$56,476.68

**Approved on the Consent Agenda**

- 18** A resolution authorizing the City Manager or his designee to execute an Interlocal Agreement with the City of Mansfield, the City of Arlington, and the City of Kennedale relative to a shared digital services portal

**Adopted**

Enactment No: RES 4662-2013

- 19** Resolution authorizing the City Manager to apply for funding to the Tarrant County 9-1-1 District Public Safety Answering Points Assistance Program, in the amount of \$79,375 to purchase 9-1-1 related equipment and supplies

**Adopted**

Enactment No: RES 4663-2013

- 20** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Guaranteed Maximum Price (GMP) construction contract to Pogue Construction, Inc. in the amount of \$3,856,295 for a new Replacement Fire Station No. 1; plus a 5% construction contingency in the amount of \$192,815; a \$190,000 furnishings budget allowance; a \$65,000 offsite utility work allowance to serve the site; a \$50,000 allowance for mosaic artwork piece to be installed on the building; for a total funding request in the amount of \$4,354,110

**Adopted**

Enactment No: ORD 9638-2013

- 21** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget and a contract with Symone Construction in the amount of \$527,021 for the base bid and additive alternates 1, 2, & 3, for construction of the Lodge at Loyd Park

**Approved**

Enactment No: ORD 9639-2013

- 22** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget for the rehabilitation of Ruby Road in the amount of \$150,000

**Adopted**

Enactment No: ORD 9640-2013

- 23** Ordinance calling the December 10, 2013 Runoff Election for Council Member, District 3

**Adopted**

Enactment No: ORD 9641-2013

- 24** Ordinance amending the FY 2013/2014 Street Maintenance Sales Tax Program as outlined for Grand Prairie Streets, Alleys and Pavement Leveling, utilizing approved Price Agreements and Service Contracts

**Approved**

Enactment No: ORD 9642-2013

## Public Hearing Consent Agenda

**Mayor Pro Tem Giessner moved, seconded by Council Member Clemson, to table Items 25 and 26 on the Public Hearing Consent Agenda and approve Items 27, 28 and 29, and table Item 30. The motion carried unanimously.**

- 25** SU131101 - Specific Use Permit - Laundromat at 2301 W. Jefferson Street (City Council District 1). Consider a request for the approval of a Specific Use Permit for a Laundromat in an existing facility located on .404 acres. The property is zoned General Retail (GR) District, located on the southwest corner of W. Jefferson Street and S.W. 23rd Street and within Central Business District One (CBD-1). The agent is Dina Hassan, the applicant is Amirali Panjwani, and the owner is Shukri Hassan. (On November 4, 2013, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case.)

**Tabled**

- 26** SU080802B - Specific Use Permit Renewal - 425 SE Dallas Street (City Council District 5). Consider a request to renew a Specific Use Permit for chemical etching operations as an associated use in a manufacturing facility located on 1.35 acres. The site is zoned Planned Development 337 (PD-337) District and is generally located west of S.E. 5th Street and south of S.E. Dallas Street. The owner/applicant is Harris Manufacturing. (On November 4, 2013, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case.)

**Tabled**

- 27** SU120804A - Specific Use Permit Renewal - 1702 West Main Street (City Council District 5). Renew a Specific Use Permit for tire sales and installation in an auto repair shop with tire sales and storage 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 Number One (CBD-1) and the State Highway 161 (SH-161) Overlay District. The agent is Joe Diaz, the applicant is Steve Keeton, Keeton Surveying, and the owner is Al-Aboody Abrhamim. (On November 4, 2013, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 8-0.)

**Adopted**

Enactment No: ORD 9643-2013

- 28** SU120805A - Specific Use Permit Renewal - 615 West Jefferson Street (City Council District 2). Renew a Specific Use Permit for auto tire repair and auto accessory sales and installation on 0.168 acres. The subject property is zoned Planned Development 339 (PD-339) District and within Central Business District Number Two (CBD-2). The property is generally located east of S. Carrier Parkway on W. Jefferson Street. The applicant is Steve Keeton, Keeton Surveying and the owner is Arturo Torres. (On November 4, 2013, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 8-0.)

**Adopted**

Enactment No: ORD 9644-2013

- 29** SU120902A - Specific Use Permit Renewal - 2717 East Main Street (City Council District 5). Renew a Specific Use Permit for an auto body and paint shop with auto sales retail and wholesale as a part of an automotive use facility located on 8.89 acres. The subject property is zoned Light Industrial (LI) District, located east of N.E. 29th Street on the south side of E. Main Street and within Central Business District 4 (CBD-4). The agent is Winkelmann, Winkelmann & Associates, Inc. and the owner is Patrick Lawler, Lawler Enterprises LTD. (On November 4, 2013, the Planning and

Zoning Commission recommended approval to renew this SUP by a vote of 8-0.)

**Adopted**

Enactment No: ORD 9645-2013

**30**

Z131102 - Zoning Change - Mira Lagos PD-298A Amendment (City Council District 6). Approval of a zoning change from Agriculture (A) District and Planned Development 298A (PD-298A) District to PD-298A with single family and townhouse residential uses. The 124-acre property, zoned PD-298A, is located at the northeast corner of the Charles England Parkway/Arlington Webb Britton Road intersection and is within the Lake Ridge Overlay District. The agent is Thomas Juhn, JBI Partners, Inc., the applicant is Ben Luedtke, Hanover Property Company, and the owner is Robert Morris. (On November 4, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

**Tabled**

### **Public Hearing on Zoning Applications**

**31**

S131002 - Site Plan - 1402 W. Shady Grove Road (City Council District 1). Approval of a Site Plan for a warehouse, manufacturing and office facility. The 8.55 acre property is zoned Light Industrial (LI) District, located west of N. Highway 161 on the north side of W. Shady Grove Road, within the State Highway 161 (S.H. 161) Overlay District. The owner Fabco, LLC and the applicant is David A. Vilbig, P.E., R.P.L.S. (On November 4, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Jim Hinderaker, Chief City Planner, reviewed Case S131002 for rebar manufacturing, warehouse and office facility. He said the first phase is located on the back side of the property where there will be a 22,500 sq. ft. masonry building. Phase II extension on the west will have another 22,500 sq. ft. building and they will be expanding the office. The facility will have paved parking and a fire lane. Phase III will add 40,500 sq. ft. and additional office space. He said this site is in the Overlay District and meets overlay requirements. There were no appeals.*

**Council Member Clemson moved, seconded by Council Member Shotwell, to close the public hearing and approve Case S131002. The motion carried unanimously.**

**Ayes:** 7 - Mayor Ron Jensen  
Mayor Pro Tem Greg Giessner  
Council Member Jorja Clemson  
Council Member Jeff Copeland  
Council Member Tony Shotwell  
Council Member Jim Swafford  
Council Member Jeff Wooldridge

**32**

SU131102/S131102 - Specific Use Permit/Site Plan - Quick Trip No. 953: Belt Line and I-30 (City Council District 1). Approval of a specific use

permit and site plan to construct and operate a convenience store with gasoline sales. The 1.72-acre property located at 1111 Belt Line Road is zoned Planned Development 217 (PD-217) District and is within the Belt Line Corridor Overlay. (On November 4, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Mr. Hinderaker reviewed Case SU131102/S131102 for a QuikTrip at I-30 and Beltline. He stated that the existing Chevron adjacent to this site will be razed. The site is 1.72 acres, with a 5,858 sq. ft. store and 12 gas island with 24 pumps. He said the applicant has met all requirements. He said that access has been reviewed and there will be additional access off Beltline and an additional lane will be added. As a result of discussion regarding the landscape plan at the Planning and Zoning Commission meeting, additional landscaping will be added to bring them in compliance with the Overlay District. Mr. Hinderaker commented that this is the same proposal as council approved at the Lake Ridge site with a flat roof with cornice. The Overlay District requires Spanish style but there has been some change over the past few years. He said staff was comfortable with the proposed design. He added that the Planning and Zoning Commission recommended a pitched roof and canopy. The SUP ordinance can include a specific provision that the Chevron station be razed.*

*Mayor Jensen commented that with regard to the pitched roof, the Lake Ridge QuikTrip was already approved and this station should have the same style as that one. Council Member Swafford asked if the property to the north (Chevron station) was being purchased by QT. Mr. Hinderaker said QT will remove the station but the property will not be owned by QT.*

*Jason Accord, 1120 N. Industrial, Blvd. Euless, stated he was representing QuikTrip. He said there were two issues discussed in the Planning and Zoning Commission Meeting: the pitched roof and landscaping, but the landscaping issue was worked out. He said he would prefer that the agreement to raze the Chevron station agreement would be made subject to issuance of a CO rather than a building permit.*

*Mayor Jensen stated that there are only certain developments that can go on hard corners and he was excited this will spur other development there. Council Member Swafford said the Planning and Zoning Commission allowed the appeal for the Spanish style but included a pitched roof and he said he would support a pitched roof. Mr. Acord said this is the only design they have and have not done a pitched roof for some time and if that is a deal killer, he would need time to go back and look at it. He said he would appreciate an approval tonight.*

*Mayor Jensen commented that he liked the development at I-20.*

*Council Member Shotwell said he could not support this case because there are five gas stations in this area and this would take a hard corner on which TXDOT and the Transportation Department worked to get service roads. He added that all other construction met the Overlay District standards (i.e. pitched roof and canopy). The Overlay District includes the Shell station and Grand Prairie Ford and they both met the standards. During the election for Lone Star Park Council told voters this would bring hotels and restaurants but that has not happened.*

*Mayor Pro Tem Giessner stated this was a new corporate design and asked Mr. Acord if they would consider building a sloped roof building again. He added it would be beneficial to get the Chevron building torn down. Mr. Acord said he was not prepared at this time to offer that. He said QT has offered stone on the building and if more articulation would change Council's mind, he would like to offset that. He said*

QT did not have another option and to go back to the old design would be a rectangular box design that would not be as attractive. He said the Chevron building being in the middle of the site does not bring in the types of development Council would like.

Mayor Jensen said that he had discussed this with staff, and there are a lot of things that are not suitable for a hard corner. He said that Bob O'Neal, Economic Development Director, believes this will spur development behind it. Council Member Copeland asked if QT would be removing the underground tanks when the Chevron is razed. Mr. Hinderaker stated that they would and it is part of the ordinance. Mr. Copeland asked how much the 1.72 acres would take out of the entertainment district. Bill Crolley, Planning Director, said he was not sure of the acreage of the overall entertainment district. He said on the south side of the future Palace Parkway there would be 18 acres. He said there should still be plenty of acreage for restaurants and hotel.

Council Member Copeland said this does not change the direction of the entertainment district, and would not change the opportunity for development.

Council Member Clemson stated this site is in District One and it has been a concern if this is the best use of this property. She said she felt the biggest selling point is that we are getting rid of the Chevron building. With the Chevron being taken down, the same number of service stations remains and there are very few gas stations on west-bound I-30 for several miles. Council Member Clemson said with this in place there should still be ample acreage to bring in a hotel.

**Council Member Clemson moved, seconded by Mayor Pro Tem Giessner to close the public hearing and approve Case SU131102/S131102 to include a specific provision that the Chevron station be razed prior to the issuance of a Certificate of Occupancy and the roof to be built as requested by the applicant. The motion carried.**

**Ayes:** 5 - Mayor Ron Jensen  
Mayor Pro Tem Greg Giessner  
Council Member Jorja Clemson  
Council Member Jeff Copeland  
Council Member Jeff Wooldridge

**Nayes:** 2 - Council Member Tony Shotwell  
Council Member Jim Swafford

Enactment No: ORD 9646-2013

**33**

SU131103 - Specific Use Permit - 1818 Dalworth Street (City Council District 5). Approval of a Specific Use Permit for a Laundromat in an existing facility located on .96 acres. The property is located on the northeast corner of Dalworth Street and N.W. 19th Street, zoned General Retail (GR) District and within the State Highway 161 (SH-161) Overlay District. The owner/applicant is Christopher Dao. (On November 4, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Mr. Hinderaker said Case SU131103 is for a self-service laundry with 3500' sq. ft. The applicant will be remodeling the exterior of the facility and remodeling the laundry area itself. Hours of operation will be 7 a.m. to 11 p.m. The applicant will be adding a canopy area on the west side of the building for nine parking spaces. Mr. Hinderaker said the applicant has met all requirements of the Comprehensive Plan and there were no appeals.*

*Christopher Dao, 6305 Shorewood Drive, Arlington, submitted a speaker card in support of this case, but did not wish to speak.*

*Council Member Swafford asked why they are covering nine parking spaces. Mr. Hinderaker replied that they just wanted some spaces out of the elements.*

**Council Member Shotwell moved, seconded by Council Member Swafford, to close the public hearing and approve Case SU131103. The motion carried unanimously.**

**Ayes:** 7 - Mayor Ron Jensen  
 Mayor Pro Tem Greg Giessner  
 Council Member Jorja Clemson  
 Council Member Jeff Copeland  
 Council Member Tony Shotwell  
 Council Member Jim Swafford  
 Council Member Jeff Wooldridge

Enactment No: ORD 9647-2013

**34**

Z131101/S131101 - Zoning Change/Site Plan - The Church on Rush Creek (City Council District 6). Approval of a zoning change of a portion of Planned Development 318A (PD-318A) District to a Planned Development 318B (PD-318B) to allow for a church, religious activities, and allowing for the use of temporary modular buildings; and approval of Site Plan. The subject property is located on the east side of E. Seeton Road and is within the Lake Ridge Overlay District. The applicant/owner is Marty Collier, The Church on Rush Creek. (On November 4, 2013, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Mr. Hinderaker said Case Z131101/S131101 is a request from the Church on Rush Creek to allow two temporary modular classrooms. He said this was a new church and the zoning code allows for some temporary placement. The church would like five years for the temporary buildings or until the second phase of the church is completed. Mr. Hinderaker said there were no appeals.*

*Council Member Swafford asked Mr. Hinderaker where the sanctuary was located on the site map. Mr. Hinderaker indicated the church was located in the center of the property. Mr. Swafford pointed out this site is located across from Mansfield High School.*

*Jeff Kirkpatrick, 2350 SW Green Oaks Blvd, submitted a speaker card in support of this case, but did not wish to speak.*

**Council Member Wooldridge moved, seconded by Mayor Pro Tem Giessner, to close the public hearing and approve Case Z131101/S131101. The motion carried unanimously.**

Enactment No: ORD 9648-2013

## Items for Individual Consideration

**35**

Ordinance amending the Code of Ordinances, Chapter 13, "Health and Sanitation," Article XIX, "Gas Drilling and Production," Section 13-504(b) "Gas Well Permit Required," and Section 13-515(e)(1) "Lift Compressors," to

include additional permitting options and to address temporary compression

*Jim Cummings, Environmental Services Director, stated this modification to the gas drilling ordinance was to provide an opportunity to secure a future gas drilling permit without the actual total filing and fee. He said that there is one modification to the draft amendment that was provided to Council which is: "Subsequent to the administrative or City Council approval of a gas drilling permit, an applicant may choose to file an Intent to Permit Notice with the Regulatory Authority for a future drilling permit for any padsite permitted after January 18, 2011". This would apply to four current padsites and any future padsites. He said the amendment maintains a balance of driller investment and those who live in the area and they will know exactly what is happening on each padsite. He added there was no change to setbacks.*

*Susan Read, 508 Edgeview Drive, stated this was a complicated issue. She asked how many amendments there had been to the gas ordinance since 2005 that have been brought to Council. Mr. Cummings said there had been eight amendments, the last being January 18, 2011. Ms. Read said she had not been notified of this meeting. She said the Public Safety, Health and Environment Committee reviewed the amendments and asked again why she was not notified of that meeting. Ms. Read said she did not believe gas drilling should be anywhere near their neighborhoods because gas drilling is very dangerous. She said that there is a setback of 700' and asked why the ordinance does not say this is an exclusion zone. Mr. Cummings said houses can be built within 300'. He said the easement is 300' from the center part of the bore. Ms. Read asked if the amendment was intended to protect people or developers. Mayor Jensen replied it was a little of both. Ms. Read said people are generally uninformed and they do not understand what drilling is all about and she thought the city should protect people.*

*Charles England, 2815 Fairway Park, submitted a speaker card in support of this item, but did not wish to speak.*

*Council Member Shotwell said there are railroad tracks in Districts 1 and 5 and home buyers they know they are there when they buy a house, but people who are buying a house should be notified that a gas well will be drilled in proximity to their house.*

**Mayor Pro Tem Giessner moved, seconded by Council Member Shotwell, to approve an ordinance amending the gas drilling ordinance to include the sites permitted after January 18, 2011. The motion carried unanimously.**

**Ayes:** 7 - Mayor Ron Jensen  
 Mayor Pro Tem Greg Giessner  
 Council Member Jorja Clemson  
 Council Member Jeff Copeland  
 Council Member Tony Shotwell  
 Council Member Jim Swafford  
 Council Member Jeff Wooldridge

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Board Appointments

*Lisa Greenwell was appointed to the Library Board and Carlton Adams was appointed to the Commission on Aging.*

**Council Member Swafford moved, seconded by Mayor Pro Tem Giessner, to appoint Lisa Greenwell to the Library Board. The motion carried unanimously.**

**Council Member Wooldridge moved, seconded by Council Member Shotwell, to**

**appoint Carlton Adams to the Commission on Aging. The motion carried unanimously.**

**Ayes:** 7 - Mayor Ron Jensen  
Mayor Pro Tem Greg Giessner  
Council Member Jorja Clemson  
Council Member Jeff Copeland  
Council Member Tony Shotwell  
Council Member Jim Swafford  
Council Member Jeff Wooldridge

## **Citizen Comments**

*Mary Ann Bolton, 824 Beechcraft Avenue, spoke regarding the appointment of Amy Sprinkles as Library Director. Ms. Bolton stated that she felt that a Library Director should have been chosen who had an MLS Degree and experience with all aspects of library management, including acquisition, reference, collection development and programming.*

*Mr. Hart stated that the decision to name Ms. Sprinkles as the Library Director was entirely his decision, not the City Council's decision.*

## **Adjournment**

*Council Member Clemson thanked Mrs. Jensen for the ornaments and the special trip to her mother, Ruthe Jackson. Ms. Clemson also thanked the Rotary Club for their generous memorial that was presented earlier in the meeting. She welcome Jeff Copeland to the Council and said he was filling a special chair. Council Member Clemson added that we can follow in her footsteps but no one will ever fill her shoes.*

*Council Member Shotwell reminded city residents that Prairie Lights will begin Thanksgiving night through New Years Eve. Hours are Sunday to Thursday from 6:00 -9:00 p.m. and on Friday, Saturday and Holidays from 6:00 to 10:00 p.m.. He encouraged everyone to go early in the season because later in the season lines get very long.*

*Mayor Pro Tem Giessner thanked Mrs. Jensen for the holiday ornaments and acknowledged former Mayor England who was in the audience. Mr. Giessner welcomed Jeff Copeland to the Council.*

**Mayor Jensen adjourned the meeting at 7:45 p.m.**

*The foregoing minutes were approved at the December 10, 2013 Meeting.*

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*Catherine E. DiMaggio  
City Secretary*