



Minutes - Final  
City Council

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Tuesday, January 21, 2014

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** 9 - Mayor Ron Jensen  
Mayor Pro Tem Greg Giessner  
Deputy Mayor Pro Tem Richard Fregoe  
Council Member Jorja Clemson  
Council Member Jeff Copeland  
Council Member Tony Shotwell  
Council Member Jim Swafford  
Council Member Lila Thorn  
Council Member Jeff Wooldridge

**Staff Presentations**

*Tom Hart, City Manager, introduced Chase Wheeler, new Emergency Management Coordinator.*

- 1** Mitigations Plans for the Rock Island Road Bridge over Bear Creek -  
Presented by the Dallas County Public Works Department

*County Commissioner Elba Garcia gave an overview of partnership projects between the city and the county. Ms. Alberta Blair, Director of Public Works, went over completed and current Grand Prairie/County projects since 2000 including Hunter Ferrell Road; Wildlife Parkway; and Camp Wisdom Road. John Mears, Assistant Public Works Director, went over new projects including Wildlife Parkway and Camp Wisdom Road. He said the Rock Island Road annexation was completed in October 2013. The temporary protection of the bridge header banks and substructure will take place in 2014. Ms. Blair said the total estimate for a four-lane bridge is \$6 million and would be a 50/50 split participation. She went over upcoming actions in 2014 including Hunter-Ferrell annexation; Rock Island Road Bridge Mitigation; Wildlife Parkway and Camp Wisdom Road Pre-Design Charrettes; project agreements; and 6th Call for Projects. Dr. Garcia stated that bridge mitigation will begin in 2014 and added that the city needs to let the county know if they are willing to go for the \$6 million split for a new bridge.*

**Presented**

- 2** Economic Development Update - Presented by Bob O'Neal, Economic Development Director (postponed from the December 10, 2013 meeting)

*Bob O'Neal, Economic Development Director, introduced member of his staff: Terry Tate, lead analyst; Rita Heep, Retail Manager; and Terry Jones, Retention Manager. He said Single Family valuation stands at \$99.7 million and is trending up. Single family building permits increased in 2013 while foreclosures decreased substantially*

in 2013. Total sales of homes are increasing and average sales prices per square foot have risen to \$68 in 2013 from \$62 in 2012. The unemployment rate is 6.3% down from 8.4% in 2008. Commercial Permits for large warehouse projects have returned with 2.9 million sq. ft. added in 2013 at \$73.4 million in commercial permits. Sales Tax Revenue for 2013 was \$24.45 million, a 7% increase over 2012. In the first three quarters of this year sales tax has been flat and Mr. O'Neal said he would keep Council posted on any issues that come up. There is a 7% vacancy in retail space which is a decrease from 2012. The Premium Outlet mall went over what was projected and they are encouraging residents from the local area to use the mall and will be focused on this marketing. Asia Times Square I and II are completed with many restaurants in the new phase and also a new electronics store. Mr. O'Neal said he and his staff had a booth at the ICSC conference in Dallas to market the city. The Downtown Face Phase II is almost complete and Phase III will be across from the courthouse. The Main Street Restaurant has done a soft opening and will open soon. The old Fire Station No.1 is being marketed for a potential restaurant.

#### **Presented**

3

Prairie Lights Re-Cap - Presented by Rick Herold, Parks and Recreation Director

Beverly Grogan, Parks and Recreation Department, updated Council on Prairie Lights. She said that the VIP night was canceled due to harsh weather and the Sneak-a-peek Run dates had to be changed. Weather during the first weekend of December resulted in five lost nights. Ms. Grogan said the final figure for attendance is 163,500 visitors from 19 countries, 38 states, and 281 communities. She said word of mouth has been a big marketing tool. Volunteers from 26 community groups, civic and service clubs, churches and city departments helped to run Prairie Lights. Because of the lost days 5 days were added to the season to extend after New Year's. Ms. Grogan said that Prairie Lights again received national Media attention in the Wall Street Journal. The City of Round Rock hosted Rock N Lights using 2012 Prairie Lights Displays and staff is working on a contract with Sugarland.

Council Member Copeland said this year was the best ever and he is very proud of the event. He asked Ms. Grogan how the 163,500 visitor number was formulated. Ms. Grogan said she follows a formula to estimate numbers in cars and busses. Mr. Copeland said there is still a traffic problem at Great Southwest Parkway at I-20 and a solution is needed so that this does not discourage people from attending. Ms. Grogan said staff has discussed what can be done to advise people about the backup and they have worked with Public Works to put out wait signs. She said she would like to do a VIP Night where you pay a premium and you get in first or use a different entrance. Council Member Copeland asked if there is someone who consults on these types of problems. Rick Herold, Parks and Recreation Director said the Transportation Department, and the Police and Fire Departments have provided great assistance as far as dealing with traffic. One possible option is to have visitors come to another location and bus them in and there is also a back way to get into the park. Also, Lynn Creek Parkway needs to be utilized more. Mr. Copeland asked if there was a price point to provide an express lane. Mr. Herold said staff would review these issues and bring in some mid-year strategies. Council Member Shotwell said he was pleased that Prairie Lights stayed open later in the year. He said he went to an event in east Texas (Santa Land in Lindale) and was amazed at the backup which reached 9 miles on the service roads. He added that one possible solution is to get more people in less vehicles.

#### **Presented**

## Agenda Review

*Mayor Jensen said there are three restaurants that currently allow smoking want the ordinance passed (including Theo's, Beto's and Don Pablo's). He said there were no restaurants in opposition. Mayor Jensen said if Council did not object, he would put bingo parlors in the exempt class with the caveat that no one under 18 would be allowed. Council Member Wooldridge said there were currently not any bingo parlors but there is one now wishing to open. Mr. Cummings said the ordinance could be amended to include an exemption for bingo parlors. Mayor Pro Tem Giessner said he had three points of opposition that have now been satisfied: exemption for golf and camping; freedom of private business owners to allow them to use a legal product in their establishments; and have now allowed an outdoor facility to allow smoking. Council Member Shotwell asked if the ordinance requires businesses to put signage on their doors. Mr. Cummings said he would maintain this wording in the existing ordinance. Mr. Shotwell said indoor places that are being exempted should have a notice on the door that smoking is allowed so a non-smoker or someone with children can make the decision to leave. Mr. Cummings said he would advertise the ordinance so well and he had not seen any city that requires this signage, but it could be done by an amendment. Council Member Copeland pointed out that camping and golf courses have been addressed and the draft ordinance does not specifically state that. Mr. Cummings said the ordinance provide in the agenda packet includes this language. Mayor Jensen introduced Clyde Coburn, Chairman of the Public Health Advisory Committee, and thanked him and the committee members for their work on the smoking ordinance.*

## Executive Session

*There was no executive session.*

## Recess Meeting

**Mayor Jensen recessed the meeting at 5:40 p.m.**

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## 6:30 PM Council Chambers

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**Mayor Jensen reconvened the meeting at 6:30 p.m.**

**The Invocation was delivered by Chaplain Larry Land, Grand Prairie Chapter of Victim Relief Ministries. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Mayor Pro Tem Greg Giessner.**

## Presentations

- 4** Presentation of Proclamation to Joseph Graves by Edward Lopez, Capital Partner, Linebarger Goggan Blair & Sampson, LLP
- Mr. Ed Lopez, Linebarger Goggan Blair & Sampson recognized Joseph Graves, Code Enforcement Department, for his assistance to the firm and presented a*

*proclamation from the city.*

**Presented**

## **Consent Agenda**

**Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Giessner, to approve Consent Agenda Items 5 through 13. The motion carried unanimously.**

- 5** Purchase seven LifePak 15 Defibrillators from sole source vendor, Medtronics/Physio-Control of Redmond, WA, for a total cost of \$251,202.70

**Approved on the Consent Agenda**

- 6** Purchase of FY 2013/2014 city vehicles:  $\frac{3}{4}$  ton trucks and Animal Control trucks; award bid to Randall Reed's Prestige Ford (\$23,680) for  $\frac{3}{4}$  ton Ford utility body truck, Sam Pack's Five Star Ford (\$171,081) for  $\frac{3}{4}$  ton crew cab and Animal Control trucks

**Approved on the Consent Agenda**

- 7** Contract Renewal #1 for Engineering Gas Well Inspection Services, with Larry O. Hulsey and Company. The initial contract year was \$325,000 and the remaining four optional renewal years at an estimated annual cost of \$400,000, totaling \$1,925,000 if all renewal options are exercised. Authorize the City Manager to execute any additional 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 term(s).

**Approved on the Consent Agenda**

- 8** Ratification of a software support contract and payment to Azteca Systems, Inc. (CityWorks) (\$40,000 annually) for one year with the option to renew for two additional one year periods totaling \$120,000 if all extensions are exercised; additional renewals after the third year may be adjusted according to Grand Prairie's population growth and Consumer Price Index (CPI) 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 and authorize the City Manager to execute the renewal options.

**Approved on the Consent Agenda**

- 9** Art commission contract with Larry and Charlotte Enge/Montage 48/61 in the amount of \$48,250, for a new mosaic artwork piece to be designed, fabricated, and constructed on the tower element of the new Fire Station No 1.

**Approved on the Consent Agenda**

- 10** Professional Engineering Contract with RPS Espey Consultants, Inc. for the Ave. K to TRA Capacity Upgrade in the amount of \$84,220, 5% contingency of \$4,211 for a total project cost of \$88,431  
**Approved on the Consent Agenda**
- 11** Resolution determining local preference for the purchase of FY 2013/2014 city vehicles: ½ ton and ¾ ton trucks and passenger and cargo vans; award bid to Grand Prairie Ford (\$153,734) for the trucks and vans  
**Adopted**  
Enactment No: RES 4670-2014
- 12** Resolution in support of the submission of an application for reclamation G\grant funding from the U.S. Department of Interior 2014 WaterSMART Funds  
**Adopted**  
Enactment No: RES 4671-2014
- 13** Ordinance amending the FY 2013/2014 Risk Management Fund for shade structure fabric replacement for multiple locations in the Park System damaged by hail and ice storms in 2012 and 2013, and award a contract to USA Shade and Fabric Structures, Inc. in the amount of \$193,900  
**Adopted**  
Enactment No: ORD 9662-2014

### **Public Hearing Consent Agenda**

- 14** SU121101A - Specific Use Permit Renewal - 135 SE 16th Street (City Council District 5). Consideration of a request for the renewal of a Specific Use Permit for an automotive repair facility on .559 acres. The subject property is zoned Light Industrial (LI) District and is located within Central Business District Three (CBD-3). The property is generally located south of E. Main Street and east of SE 14th Street. The agent is E.D. Hill and the owner is Juan Barbosa. (On January 6, 2014, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)  
*Bill Crolley, Planning Director, stated that this item was for an SUP renewal which was scheduled for a one-year review and staff recommended renewal.*  
**Council Member Shotwell moved, seconded by Council Member Clemson, to close the public hearing and approve Case SU121101A. The motion carried unanimously.**  
Enactment No: ORD 9663-2014
- 15** SU140102 - Specific Use Permit - 2535 Hunter Ferrell Road (City Council District 1). Consider a request for the approval of a Specific Use Permit for

Automotive and Associated Uses; including, Auto Repair, Auto Body Repair, Trucking, and Outside Storage on 1.962 acres. The subject property is zoned Light Industrial (LI) District and is located west of Macarthur Boulevard on the south side of W. Hunter Ferrell Road. The owner/applicant is Angelo Chokas. (Staff recommends the City Council table this case until it is heard by the Planning and Zoning Commission.)

**Council Member Shotwell moved, seconded by Council Member Clemson, to close the public hearing and table Case SU140201. The motion carried unanimously.**

### Items for Individual Consideration

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Ordinance amending the Code of Ordinances, Chapter 13, "Health and Sanitation," Article VIII. "Smoking"

*Jim Cummings, Environmental Services Department reviewed revision to the city's smoking ordinance and stated the last revision was done in 1986. He said staff and the Public Health Advisory Committee had been working since last June on the proposed meetings and have held public meetings to get public input. He said that staff recommends approval of the ordinance.*

*Esmerelda Rodriguez, 1322 Clark Trail, said she supported the smoking ordinance and that she wished to go to restaurants and not worry about smoke because she has asthma and more people want to enjoy public places with their families without negative reactions from smoking. She thanked the Council and staff who surveyed the citizens and asked Council to vote in support of the ordinance.*

*Tracy Casto, 704 Gunnison Court, Arlington, and Bill Nash, 1734 Avenue B, submitted speaker cards in support but did not wish to speak*

*Don Postell, City Attorney, called the names of those who wished to speak in opposition to the ordinance.*

*Yolanda Cepak, 2422 Kingsbridge, said she was a health care professional and educates on the harmful effects of second-hand smoke. She said the health of those who work in smoking establishments should be protected. She said this would be in line with Get Fit Grand Prairie. Ms. Cepak said repeated exposure to second-hand smoke can kill people and bar workers have a higher exposure than other workers in general. She said other cities such as New York have enacted laws against smoking in public places. Ms. Cepak asked that no exemption be included for restaurants, bars and bingo parlors.*

*Connie Kerr, 5403 Rome Court, Arlington, said she was a volunteer with the American Heart Association (AHA). She said that comprehensive smoke-free ordinances are designed to protect the health of individuals who are exposed to second-hand smoke. Ms. Kerr said the AHA strongly asks to include all businesses, restaurants, bingo halls and bars. She said that establishments who do not allow smoking have an increase in food sales and increase in mixed drinks. Ms. Kerr said city government has the responsibility to provide for public health of citizens and visitors. She said there is a serious health risk for children and food service workers and bartenders and separate sections do not work and ventilation systems do not work.*

*Denni Cravens, 1760 Sea Star Drive, said people have a choice not to smoke and to*

*not to go where people smoke. She said she would love to support Grand Prairie businesses and did not support those where she can not breathe clean air. Ms. Cravens said young workers deserve someone to speak for them and if the ordinance is passed, this might be their only time without smoke if they live with smoking parents. She said she would like to include bingo halls and bars.*

*Michael Kappelman, 1626 Birch Street, asked to include all businesses in the smoking ordinance and not approve the one before them. He said this is a problem for everyone, everywhere.*

*Dennis McDaniels, 558 Mercer Street, said people have the freedom to choose and tobacco is a legal product. He said this ordinance would take away citizens' right to smoke, or allow smoking in a business, or patronize a business that allows smoking. Mr. McDaniels said the city should let the free market be an indicator. By passing this law, Council outlaws his power to choose and it is not in the city's charter to authorize this. He said Grand Prairie has a welcoming demeanor and he would not have imagined that the city would outlaw personal freedom. He asked Council to let the people vote on this issue.*

*Ralph Wiegman, M.D., 3525 Racquet Club Drive, said he has been a physician in Grand Prairie for 40 years and a member of the Public Health Advisory Committee. He said the Council should strengthen the ordinance to include bars, bowling alleys and bingo parlors. He said he wanted to see patrons protected from exposure to smoke. Dr. Wiegman said that 20 years ago he became aware of how smoking and passive smoke affects babies -- learning disabilities are increased and they have less birth weight. He said personal freedoms that impinge on others' personal freedoms are wrong.*

*Andrew Wilson, 8711 Angora Street, Dallas, addressed Council on behalf of Smoke Free Coalition and the American Lung Association of North Texas. He asked Council to consider strengthening the ordinance to be a 100% comprehensive ordinance. Mr. Wilson said that government should protect the health and safety of its citizens. He said this ordinance protects all workers and all citizens and does not prohibit personal freedoms; it facilities working in a safe environment and breathing clean air. Mr. Wilson said smoke-free laws are good for health and good for business and he asked that no exemptions be allowed.*

*John Carlo, 2103 St. Francis Avenue, Dallas, TX, Chair of Council of Science and Public Health, and Dallas County Medical Society, recognized Jim Cummings for his work. He asked Council to consider an amendment to remove the exclusions. Smoke-free policies improve the health of citizens and if exemptions are not taken out, the outcome the city desires will not be accomplished. He asked what is different about bars and any other businesses--smoking and drinking go hand in hand. He said he wants people to curb their smoking habit and exempting bars does not help with that goal.*

*Sharon Ives, 3423 Marquita Drive, Fort Worth, said she was negotiating a lease for 1806 S. Carrier Parkway, for a bingo parlor. She said she was just informed of this smoking ordinance. Ms. Ives said when Grand Prairie bingo was in operation they generated \$433,455 in revenue for the city during that time. Pioneer Bingo is in Arlington and they allow smoking and Fort Worth, Arlington and Cedar Hill allow smoking in bingo parlors. She asked Council to consider language to exempt bingo parlors.*

*Kay Kamm, 8900 Carpenter Frwy., Dallas, American Cancer Society, said the ordinance being considered is inadequate to protect public health. She asked*

*Council to delay and revise the ordinance to be a comprehensive one. She said Council should consider all health risks associated with smoking and second-hand smoke and also consider workers where smoking has been permitted and adopt an ordinance to protect them.*

*Mr. Postell read the names in opposition to the ordinance who did not wish to speak: Racheal Kane, 10900-B Stone Lake Blvd., Austin; Trina Hall, 926 S. Center; Joel Romo, 10900-B Stone lake Drive, Suite 300, Austin.*

*Council Member Shotwell asked If an ordinance passes, how was the wording going to get out to businesses. Mr. Cummings said staff has prepared letters to businesses. Mr. Shotwell referred to the list of exempted places, and noted that nothing in the ordinance stipulates they must be smoking--they can do what they want.*

*Deputy Mayor Pro Tem Fregoe stated he is the Chairman of the Public Safety, Health and Environmental Committee. He recognized those who have worked on this ordinance and who have tried to get as much input as possible from businesses and citizens through meetings and surveys. He said this ordinance is a big leap forward from the current ordinance which is currently in place. Mr. Fregoe added that If the proposed ordinance is implemented, it can be reviewed and/or amended at any time and needs to be reviewed periodically.*

**Deputy Mayor Pro Tem Fregoe moved, seconded by Council Member Wooldridge, to approve the smoking ordinance with an amendment to delete bingo parlors from Section 13-132 and add the following to Section 13-134: "(9) Bingo parlor that: a. Does not allow or employ persons under the age of eighteen (18) years within the establishment; and b. Does not open into a food establishment, hotel, motel, or any other establishment in which smoking is prohibited under this article."**

**Council Member Shotwell offered an amendment, which was accepted by Deputy Mayor Pro Tem Fregoe and Council Member Wooldridge, to add a signage requirement for businesses exempted in Section 13-134, except private residences, so that people are aware that smoking is allowed on premises.**

**The motion and amendment carried unanimously.**

**Ayes:** 9 - Mayor Ron Jensen; Mayor Pro Tem Greg Giessner; Deputy Mayor Pro Tem Richard Fregoe; Council Member Jorja Clemson; Council Member Jeff Copeland; Council Member Tony Shotwell; Council Member Jim Swafford; Council Member Lila Thorn and Council Member Jeff Wooldridge

Enactment No: ORD 9664-2014

## **Citizen Comments**

*John Stewart, 4315 Hampton Circle, thanked Council for their time and service. He said many students and adults have graduated from college and have a student loan bill and if they are not getting employed, they have no means to pay back the loans. Mr. Stewart said there needs to be some type of coming together for businesses and there is a need to have some way to educate students but not have student loan bills hanging over their head.*

*Trina Hall, 926 S. Center Street, said there would be a crafts and arts show and she*

was hoping this would be a start for a bigger and better event. She said there are many creative people who need a place to display their works of art and she would like to have a city-wide art and craft show and asked for some assistance from the city.

Carolyn McGrath, 1802 Wellington Drive, stated that recycling is not being done in numbers that we need to be doing it. She said some businesses said they could not get their recyclables picked up so they stopped recycling. Ms. McGrath said at the Summit plastic bottles are not picked up for recycling. She added litter is a problem in the city and trash receptacles need to be put in places where it is a real problem. Ms. McGrath said less than ¼ of people in the city are recycling and there needs to be more awareness.

## Adjournment

Mayor Jensen stated that former Mayor Joe Colwell (1970-72), had recently passed away and the funeral would be Friday, January 24. Mayor Pro Tem Greg Giessner thanked everyone for their emails and wishes for his father who was in the hospital after suffering from cardiac arrest and was currently in a medically induced coma and friends and family are hoping that he will come out of this well. Mr. Giessner said It was very touching to receive the phone calls, texts and emails from so many.

**Mayor Jensen adjourned the meeting at 7:35 p.m.**

*The foregoing minutes were approved at the February 4, 2014 Meeting.*

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Catherine E. DiMaggio, City Secretary