



Minutes - Final
City Council

Tuesday, May 20, 2014

4:30 PM

City Hall - Briefing Room
317 College Street

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

- 1 Grand Prairie Fire Department Silver Award from the American Heart Association
Robert Fite, Fire Chief, stated that the Fire Department had received the STEMI award for putting protocols in place for treating certain types of heart attacks.
Presented

- 2 Improvements to QuikTrip Park - Presented by Tom Hart, City Manager
Tom Hart, City Manager, stated that the owner of the AirHogs had asked the city for financial assistance. He noted there are operational issues with cleanliness, operations, marketing, etc. The owner is willing to put money into the park and has asked the city to do the same. Mr. Hart said if minor league ball does not work at that location, there is still a market in the Metroplex for a stadium of this size, but he would like to see minor league make it here. He said attendance has always been a problem. He proposed to offer \$50,000 for marketing the entire entertainment complex plus rent abatement for six months. Mr. Hart said the city has required them to acquire modular staircases for emergency exits and will purchase those back for \$70,000. He added that these initiatives may or may not add to the success of the park.
Council Member Copeland said he wants to see the community at the ballpark and he respected staff's recommendation about the long-term. He said he really wanted to keep a minor league baseball team. Mr. Copeland said he met with the General Manager and coaching staff and said they are top notch and are dedicated to being here.
Deputy Mayor Pro Tem Fregoe asked if a different type of minor league team could play at the stadium. Mayor Jensen said they could not because of the proximity to

the Rangers stadium.

Council Member Thorn said she agreed with Mr. Hart and the proposed assistance. She said in the first few years many people in the community attended games but attendance has fallen. Council Member Thorn said she wanted to create that excitement from the first few years.

Mayor Pro Tem Giessner said he would like to see the team survive and staff has looked at the financials of this team. He asked if this type of assistance would need continue. Mayor Jensen said he met with owner and asked him if he thought he was going to make it before giving any financial support and the owner convinced the city that he is committed to keeping the team here. He added that they must still be audited and staff must review the special events they hold. Mayor Pro Tem Giessner was concerned about "spending good money after bad." Mayor Jensen replied if the owner shuts down, the city is not getting rent anyway and the city will keep the staircases.

Council Member Shotwell said the stairs are an asset, but would like to see the stadium return to what it was in the first few years. He asked if it would be a good idea to take one or two people to be liaisons from the Council to work with the ownership of the team to try to help them get that enthusiasm back. Council Member Copeland said he would be happy to work with the team to create some enthusiasm. He suggested a committee be formed to include Amy Sprinkles, Marketing Director, and some others. Mr. Hart said they are missing some creative marketing with churches and corporations. He agreed that a Council committee to work with Anna Doll, Deputy City Manager and Ms. Sprinkles would be a good idea. Council Member Copeland suggested not including Ms. Doll on the committee in order for her to maintain her landlord role. He said he would like to see an average of 2,000 a night in attendance and that is attainable.

Council Member Clemson asked if the \$50,000 for the marketing campaign would include other venues in the entertainment area. Mr. Hart said that was the intention, but this committee may have a different idea. Mayor Jensen asked for volunteers to serve on the committee and Council Members Copeland, Shotwell and Thorn volunteered. Mr. Hart said he would set up a meeting as soon as possible.

Presented

3

CDBG and HOME Program Budgets - Presented by Bill Hills, Housing and Neighborhood Services Director

Bill Hills, Housing and Neighborhood Services Director, said CDBG funding decreased \$3,593 from 2013 funding to \$1,350,254 and HOME funding increased by \$37,868 from 2013 funding to \$429,464. He said the CDBG Program Administration is used for salaries and is capped at 20% (\$270,050). Program Administration also includes indirect costs and Fair Housing.

Rehabilitation, Code, and Housing Related Funds includes rehab, reconstruction, emergency repairs inspection services and the BuyinGPower Program. Council Member Copeland asked how citizens notify the department of an emergency home repair. Mr. Hills said there is a lot of information about who to contact and word of mouth gets information out in the community as well. Council Member Copeland asked if the budget could be increased because many people may not be aware this help is available. Mr. Hills said if needed, more funds could be allocated in this item.

Council Member Shotwell referred to the BuyinG Power Program and asked if that was assistance for down payments to buy houses in the CDBG area. Mr. Hills said it

is for a house anywhere in Grand Prairie for which they qualify. Council Member Shotwell asked if the ability to keep the house is taken into consideration when giving these funds. Mr. Hills said they have to qualify for a commercial loan and there is a 5-year lien on that money.

Mr. Hills said the Public Service Activities is a competitive selection area in the CDBG funding and this year the following agencies were allocated funds: Grand Prairie United Charities; Brighter Tomorrows; Children First Center; Star Group; Grand Prairie Wellness Center (Medical and Dental Services); Lifeline Shelter; and the city's summer recreation camps. He said only 15% can be allocated to public service activities out of CDBG funding. Mr. Hills said that when considering the Grand Prairie Wellness Center dental program, staff did some research on the dental program now offered at the Parkland Clinic in Grand Prairie. He said that 90% of Grand Prairie Wellness Center patients walk to this center, so Parkland Dental should not have a dramatic impact on the center's dental program.

Sidewalk Improvement and Installation in CDBG or low/mod income areas has historically been concentrated for walking routes to and from schools. Mr. Hills said there was an allocation of \$125,000 this year. Council Member Copeland asked who does the sidewalk work. Mr. Hills said that outside contractors do the sidewalk repairs and installation.

Mr. Hills said the HOME Rehab and Reconstruct program is a program for seniors 60 or older, and if a house is more than 70% deteriorated, it is taken down and a new house is built with a 15-year lien. CHDO Dreambuilder Program builds the home and carry a 0% interest rate on the home. This program provides buyers homes in the \$80-90,000 range and they get Section 8 assistance for the first 10-15 years. Council Member Clemson asked how many were on the HOME Rehab list. Mr. Hills said there were normally 5 – 10 homes on the list. Mayor Jensen said this is an enterprise fund because they get no property or sales tax funding and is entirely run on federal funding. Council Member Shotwell asked Mr. Hills if he had any idea of how the following year funding would be. Mr. Hills said the House has proposed a 26% cut in CDBG but they will go to negotiations with the Senate. Mr. Hart suggested to Mr. Hills that he might want to step up marketing on Emergency repairs to let citizens know about it.

Presented

4

Rain Water Harvesting - Presented by Gina Alley, City Manager's Intern

Gina Alley, City Manager's Intern, said that capturing rainwater, storing it and keeping for a future use reduces demand on the existing water supply, and reduces erosion and contamination of surface water. Uses of captured rainwater include drip irrigation; water for wildlife; fire protection; stormwater management; and raingardens. She said that currently Grand Prairie holds a rain barrel class; Prairie Paws has a cistern which services the drip irrigation of the facility; and Fire Station 7 uses rainwater for site irrigation. Ms. Alley said citizens can find information on the city's green initiative page. She said the next step for the community as far as water conservation will be at the new Fire Station 10 and the EPIC. Tom Cox, Deputy City Manager, said the cistern will be 34,000 gallons at Fire Station 10. Council Member Copeland asked about the cost. Ms. Alley said it is difficult to find empirical data to determine how much is saved versus how much is being used. Council Member Copeland said we would know the cost of the cistern and that there are 34,000 gallons that are being used instead of using city water. He said there reaches a breaking point between the cost of how much the cistern costs to build and how much it saves in the cost of water. Council Member Wooldridge said he took the

specs of the proposed Fire Station 10 to an HOA meeting at Mira Lagos and they were impressed with the design of the new fire station. Ron McCuller, Public Works Director, said the state has mandated a water conservation program and an annual report must be made documenting our conservation efforts. Council Member Swafford asked how much of Fire Station 10 is tied into the water conservation portion. Mr. Cox said the cistern may be downsized and they may put one on both ends. Council Member Swafford said this should be bid as an alternate.

Presented

Agenda Review

Mayor Pro Tem Giessner said Item 12 would need to be removed from the Consent Agenda to be considered individually in order to make a correction in the Change Order Amount. Mayor Jensen said he would be changing the order of the agenda in order to move up the resolution canvassing the election and administering the oath of office to the newly elected Council Members.

Mayor Jensen noted that he would be declaring a conflict of interest on Item 37.

Council Member Shotwell referred to Items 20 and 21 and asked if those repairs had already been made. Mr. McCuller said the repairs in Item 20 have been made but with regard to Item 21 there is trouble shutting this line down when the other line is shut down. Council Member Shotwell then questioned why there was a contingency in Item 20 when the repair had already been made. Mr. McCuller replied the contingency would not be needed.

Executive Session

Mayor Jensen convened an executive session at 5:30 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss Section 551.071 "Consultation with Attorney" Tommy Winn and Leland Gjetley v. The City of Grand Prairie, DC11-08305-J and its appeal. The executive session was adjourned at 5:50 p.m.

Recess Meeting

Council Member Copeland stated that his nephew is taking an unpaid internship with the AirHogs.

Mayor Jensen recessed the meeting at 5: 51 p.m.

6:30 PM Council Chambers

Mayor Jensen reconvened the meeting at 6:35 p.m.

Pastor Willie Milbry, Good Shepherd Church, gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Mayor Pro Tem Giessner.

Presentations

- 5 Officer Mark Calvert Proclamation - Presented by Chief Dye

Chief Dye stated that Officer Calvert would be retiring at the end of the month and that he had been a driving force since 1999 for Santa Cop. Mayor Jensen read a proclamation honoring Officer Calvert and presented him the proclamation.

Presented

- 6 Grand Prairie Police Department/JWA Motorcycle Rodeo Check Presentation to Special Olympics - Presented by Chief Dye

Chief Dye said the Grand Prairie Police Department/JWA Motorcycle Competition is the third largest in the U.S. Chief Dye presented a check in the amount \$12,000 to Special Olympics. Sgt. Eric Hansen thanked Council and staff for their support of this event. Doug Ray, Special Olympics, accepted the check. Mr. Ray said there were 50,000 people in Texas who participate in Special Olympics. He recognized John Wright and Associates and the Police Department and thanked them for their support.

Presented

- 7 Resolution canvassing the May 10, 2014 General and Special Elections

Mayor Jensen read the official results of the May 10, 2014 election as follows: 1/4 Cent Parks Sales Tax: 3,488 FOR and 1,190 AGAINST; for Council Member, District 1: Jorja Clemson received 680 votes, and Max Coleman received 342 votes. For Council Member District 3, Lila Thorn received 838 votes and Mike DelBosque received 378 votes. For Council Member Place 7 at large, Jeff Copeland received 3,312 votes and R. J. DiLena received 1,060 votes.

Mayor Pro Tem Giessner moved, seconded by Council Member Swafford to adopt the resolution canvassing the May 10, 2014 General and Special Elections. The motion 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: RES 4694-2014

- 8 Administer Oath of Office to Jorja Clemson, Council Member, District One; Lila Thorn Council Member, District Three; and Jeff Copeland, Council Member, Place 7 at large

Don Postell, City Attorney, administered the Oath of Office to Council Member Jorja Clemson, District One; Council Member Lila Thorn, District Three; and Council Member Jeff Copeland, Place 7 at large.

Council Member Thorn stated she was honored and humbled for the support she has received and blessed to have her friends. She thanked the citizens for their vote of confidence and pledged to do her best to represent the constituents of District 3 and the entire city. Council Member Thorn asked everyone to remember this is the first

day of the rest of our lives; live each day to the fullest; and be able to say you did your part to make this a better place.

Council Member Copeland thanked the citizens and said he was ready to be a servant-leader. He thanked the citizens for the votes and will work to earn the respect of those who did not vote for him.

Council Member Clemson said it was an honor and privilege to serve District One and the city. She thanked her husband, Dan Clemson, for his support and to her family, friends and supporters. Ms. Clemson said she was thankful for the time she had to serve with her mother, Ruthe Jackson, and for the legacy of servant-leadership she inherited from her mother and father. She said she believed the best is yet to come for Grand Prairie.

Mayor Jensen said there was overwhelming support of citizens to finish out the Central Park master plan. He said construction would begin in October 2015. Request for Proposals for an architect will be going out soon. Mayor Jensen said this is an exciting time for Grand Prairie and this project will bring a lot of synergy to this location.

Presented

Mayor Jensen recognized Boys Scouts from Troop 533 and 507 who were in attendance at the meeting.

Consent Agenda

Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve Items 9 through 11, pull Item 12 for a correction, and approve Items 13 through 26 on the Consent Agenda. The motion carried unanimously.

9 Minutes of the May 6, 2014 Meeting

Approved

10 Final reconciliation on Texas Department of Transportation Project FM1382 Union Pacific Railroad Crossing in the amount of \$20,205.91

Approved

11 Professional engineering contract in the Amount of \$88,200 with Birkhoff, Hendricks and Carter, Inc. to develop a facility plan for the Water Utilities Division Operations Center located at Small Hill and Beltline and approve a 5% contingency of \$4,410, for a total of \$92,610

Approved

12 Change Order No. 2 with Pogue Construction for Fire Station No. 1 in the amount of \$91,042

Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Fregoe, to make a correct to the Pogue Construction Change Order No. 2 for Fire

Station No. 1 as follows: The total change order amount is \$93,548; the amount for four-fold doors is \$48,309. The motion 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

13

Professional Design Services Contract with Komatsu Architecture for renovations to the Council Briefing Room, CMO Suite, and former Finance Department Offices in the amount of \$78,869, and a 5% design contingency in the amount of \$3,943, for a total funding request of \$82,812

Approved

14

Resolution of the City Council of the City of Grand Prairie, Texas to show support for submitting four (4) projects related to safe access to schools for federal funding consideration in the Transportation Alternative Program (TAP) Call for Projects.

Adopted

Enactment No: RES 4695-2014

15

Resolution authorizing the City Manager to extend the Memorandum of Understanding (MOU) agreement between the City of Grand Prairie and the United States Marshals Service (USMS) Northern District of Texas to conduct enforcement operations by the North Texas Fugitive Task Force by providing use and access to various services located at the Public Safety Building, 1525 Arkansas Lane, Grand Prairie, Texas, 75052

Adopted

Enactment No: RES 4696-2014

16

Ordinance amending Section 3, Article 5, "Specific Uses," of the Unified Development Code to provide additional enforcement remedies for Special Use Permits Conditions

Adopted

Enactment No: ORD 9699-2014

17

Ordinance amending the FY 2013/2014 Crime Tax Fund

Adopted

Enactment No: ORD 9700-2014

18

Ordinance amending the FY 2013/2014 Baseball Fund and authorize the City Manager to expend \$50,000 for a marketing campaign, \$70,000 for the purchase of egress/ingress infrastructure and abate rental payments at Quik Trip Ballpark

Adopted

Enactment No: ORD 9701-2014

- 19 Ordinance for the abandonment of an unneeded public utility easement at 3023 Pamplona to Orlando Brown and Rhonda Brown

Adopted

Enactment No: ORD 9702-2014

- 20 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget and ratification of an emergency purchase to GraTex Utilities Inc. for the repair of a water main break on the Fort Worth Supply Line at the Trinity River near the Riverside Golf Course in the amount of \$205,000, plus a 5% contingency of \$10,250, for a total of \$215,250 for the repair

Adopted

Enactment No: ORD 9703-2014

- 21 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; ratify an emergency repair contract to Archer Western Construction Company for the repair of a 60" Dallas Supply Line Pipeline in the amount of \$120,000; and approve a 5% contingency of \$6,000 for a total of \$126,000 for the repair

Adopted

Enactment No: ORD 9704-2014

- 22 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget and a contract with KSA Engineers for Design Electrical Improvements in the amount of \$37,500

Adopted

Enactment No: ORD 9705-2014

- 23 Ordinance defining the Police Department's authorized positions in each classification for Fiscal Year 2014, which now totals 252 Civil Service positions

Adopted

Enactment No: ORD 9706-2014

- 24 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Engineering Services Contract with Freese & Nichols, Inc. for Central Park Water Well #2 in the amount of \$36,260, plus a 5% contingency of \$1,813, for a total appropriation of \$38,073

Adopted

Enactment No: ORD 9707-2014

- 25** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget for repairs to the retaining wall at the marina in Lynn Creek Park

Adopted

Enactment No: ORD 9708-2014

- 26** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Cost of Issuance for Phase 1 of the Automated Metering Infrastructure System Project (AMI) in the amount of \$134,562.50

Adopted

Enactment No: ORD 9709-2014

Public Hearing Consent Agenda

Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Fregoe, to table Items 27, 28 and 29 on the Public Hearing Consent Agenda. The motion carried unanimously.

- 27** S140501 - Site Plan - Mira Lagos East Phase 2 (City Council District 6). Consider a request to approve a lot consolidation of two contiguous multi-family residential lots within the same development for the purpose of development review. The 12.44 acre property, located at 2629 S. Grand Peninsula Drive, is zoned Planned Development District 298-A (PD-298A) and is within the Lake Ridge Overlay District. The agent is Daniel Dewey, JBI Partners, Inc., the applicant is Ben McCaslin, Mira Lagos East Partners Ltd., and the owner is Walter Damon, Mira Lagos East Partners Ltd. (On May 5, 2014, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case.)

Tabled

- 28** S140502 - Site Plan - Villas Grand Prairie - 2255 Arkansas Lane (City Council District 4). Consider a request to approve a site plan for a multi-family residential development. The 12.28-acre property, located at 2255 Arkansas Lane, is zoned Planned Development 341 (PD-341) District and is within the S.H. 161 Overlay District. The agent is Daniel Dewey, JBI Partners, Inc., and the owner is Kim McCaslin Schlieker, Multi Family Land, LLC. (On May 5, 2014, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case.)

Tabled

- 29** SU140504/S140507 - Specific Use Permit/Site Plan - TRWD (City Council District 6). Consider a request for approval of a Specific Use Permit and Site Plan to allow for the construction and operation of water pipeline interconnect and valve facility that will connect the existing Tarrant Regional

Water District Richland-Chambers pipeling and Cedar Creek pipeline to the proposed 108-inch Integrated Pipeline (IPL) Project Section 12 pipeline. The property, zoned Planned Development 322 (PD-322), is located north of State Highway 287 and east of State Highway 360. The owner/applicant is Kathy Berek, TRWD. (On May 5, 2014, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case.)

Tabled

Public Hearing on Zoning Applications

30

S140503 - Site Plan - Grand Prairie Apartments - Highway 360 and Outlet Parkway (City Council District 4). Consider a request for approval of a Site Plan for a multi-family residential development. The 17.49 acre property, located at the NE corner of SH 360 Service Road and Outlet Parkway, is zoned Planned Development 343 (PD-343) and is within the SH 360 Corridor Overlay District. The agent is David West, Ventures Development Group and the owner is George Watson, Twenty Three Sixty, LTD. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

Mr. Hinderaker stated that Council had recently approved a zone change for this site. He said the site is zoned PD343 which has MF2 Standards. He said this is a 17.5 acre site in the SH360 Corridor Overlay District. The main access will be off Outlet Parkway. This case meets the standards of the PD recently approved and staff recommended approval.

Sean Siegert, Ventures Development Group, 7934 Wrenwood Blvd., Suite A, Baton Rouge, LA 70809, was present to answer questions.

Council Member Copeland asked about exits and entrances and if staff had specifically addressed how many cars can stack at Sara Jane. Mr. Hinderaker said that had been addressed. Council Member Swafford asked if there had been any significant changes since the zoning case had come before council. Mr. Hinderaker said not at all because they had a very detailed plan with the zoning. Council Member Shotwell asked Mr. Sparks about turn lanes on Outlet Parkway going east and turning north. Mr. Sparks said there are three or four lanes and the second eastbound lane can be restriped as a left turn into this complex.

Deputy Mayor Pro Tem Fregoe said there had been much discussion and input from area citizens and all issues have been pretty well addressed. He said this is a high traffic density area and traffic flow will be as good as it can be and this is the best use for the property.

Deputy Mayor Pro Tem Fregoe moved, seconded by Council Member Copeland, to close the public hearing and approve Case S140503 as recommended by the Planning and Zoning Commission. The motion 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

31

S140505 - Site Plan - Wildlife Commerce Park (City Council District 1). Consider a request to approve a site plan to construct a 315,000-square-foot speculative warehouse building. The 17.52-acre property, generally located at the southwest corner of the Wildlife Parkway/Belt Line Road intersection, is zoned Planned Development 217C (PD-217C) for Commercial, Retail, and Light Industrial uses and is partially within the Belt Line Corridor Overlay Districts. The owner/applicant is Richard Nordyke, O'Brien Architecture. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

Mr. Hinderaker stated this site is located on the west side of S. Beltline Road in the Wildlife Commerce Park across the street from Lone Star Park. He said this is part of 628-acre tract annexed into Grand Prairie in 1968. In 1971 it was rezoned to a PD with uses of Light Industrial and entertainment uses. In 1992, 254 acres were rezoned to PD208 for horse racing and entertainment uses. In 1996, PD-217 Beltline Corridor Overlay was approved; in 2008, the current PD was adopted. This site plan is for the construction of a 315,000 sq. ft. warehouse building on 17.52 acres. There were no appeals. Access to this site will be off Wildlife Parkway with no direct access onto Beltline. Mr. Hinderaker said staff recommended approval of this case.

Council Member Copeland said Mr. Hinderaker indicated there was no access to Beltline, but there was an arrow that indicated access on the site plan. Mr. Hinderaker said there was no direct access to Beltline for this subject site plan. Council Member Shotwell asked if the access across from the tourist center was a truck access. Mr. Hinderaker replied that it would in the future. Council Member Shotwell asked if there would be a traffic flow problem caused by the trucks on Beltline going north and turning left into this project. Mr. Sparks said he would need to look at all the driveways and that the left turn storage bays may need to be lengthened. Council Member Shotwell asked about trucks going southbound. Mr. Sparks said there are three lanes and there will be constructed right turn lanes. Mr. Sparks said this site plan was for the first phase and a traffic impact analysis would be done as they develop the other sites to determine the number of trucks and hours of operation. He said all current signals on Beltline have left turn lanes. Council Member Shotwell asked if the Council should require all truck traffic to come and go off Wildlife Parkway. Mr. Sparks said that would create a huge back up of trucks on Beltline. He said they should not be concentrated in one area. Council Member Shotwell said FedEx made their ingress and egress off Hunter Ferrell. Mr. Sparks said most of their traffic is coming from the south. Council Member Shotwell expressed concerns about a large number of trucks on Beltline and the impact they could have on the entertainment district. He said Council is only approving a portion of Phase I and asked what the timing was for the remainder of Phase One. Mayor Jensen said he could ask the applicant.

Council Member Copeland clarified that Council was not approving the entrance on Beltline. Mr. Hinderaker replied that was correct and reiterated the portion of Phase I that is part of this Site Plan.

Will Munding, 3819 Maple Avenue, Dallas, 75219, stated that because this is such a large project, what is being considered Phase I refers to the reclamation of Phase I which has been approved and is being constructed. He said there will be a landscape berm from Wildlife Parkway to Trinity River. The Phase I building is just the 315,000 s.f. building. The master plan has been seen by Council as part of the economic development agreement. Each building will have to go through the Council for approval and trucks will have to exit Wildlife Parkway from this particular facility.

Council Member Shotwell said he could not support anything that would adversely affect the entertainment center. He said if Council were to piecemeal this project, Mr. Munding could come in with the furthest to the west and make the one that accesses Beltline the last to come in for approval. Mr. Munding said he could not say what Phase II and III will be but the layout of the site will dictate what can be built. He said the access off Beltline is vital. Mr. Shotwell said he had a problem with truck access on Beltline because the city has invested millions of dollars in the entertainment district.

Council Member Copeland pointed out that the access to Beltline was not labeled in which phase. Mr. Munding said it was intended to be in Phase III. He said it will be the only building that accesses Wildlife up to this building. Council Member Copeland stated that on some nights there will be a great amount of traffic. Mr. Sparks said the Transportation Department would look at city peak times in the entertainment district when the Traffic Impact Analysis (TIA) is done. Council Member Copeland asked if Council approves Phase I and later approved Phase II, what happens if Council does not approve that road. Mr. Munding said that would be a big problem. Mayor Jensen said he would hope staff at the time would explain to Council how the traffic would be affected by this road, but Council is not voting on that tonight.

Council Member Shotwell asked Mr. Sparks how he would do a TIA if he did not know who the tenant will be. Mr. Sparks said he would look at the square footage of the building and what traffic is already there and could look at a similar situation such as FedEx.

Sharon Chaparas, 926 SE 5th Street, stated she was opposed to this development. She said she thought there should be retail rather than industrial in this area. As evidence of traffic concerns, Ms. Chaparas said on Sunday afternoon between 5:00 and 6:00 p.m. she was caught between semi-trucks. She said she felt this will be an eyesore and this area needs more shopping.

Doranna Corley, 910 NE 11th Street, said she was invested in the community, and her husband is a retired police officer. She said she is trying to put together a conference but cannot find a hotel in Grand Prairie to have it. She said this area of Beltline is her neighborhood and there are times she cannot get out of her neighborhood. Ms. Corley said there should not be warehouses in the entertainment district. She said she thought the city should look at hotels. Ms. Corley added there are too many unknowns for Council to be able to vote on this.

Bill Henderson, 917 SE 5th Street, said he lives two miles from the racetrack and he believed there should not be warehouses in the entertainment district. He said that in looking at the site plan, Phase I looks to be Phase I of B and C. Mr. Henderson said the developer is just taking a portion and will come back for the other portions. He said the entertainment district should be on both sides of Beltline because no one will want to come in adjacent to an industrial district. Mr. Henderson said the city should not have given them a tax abatement on land they already own. He added that Beltline has enough traffic currently.

Mayor Jensen said the zoning has been in place for years on this property and the landowner has a right to build these warehouses. He added this is not a zoning case, it is a site plan. Mayor Jensen said the Council can disagree on whether or not they should have access on Beltline.

Council Member Shotwell stated he could not support the motion because there is bound to be access off Beltline and there should only be access off Wildlife Parkway.

That would give them access to SH161 and then they could go south on Beltline. He said years ago Irving okayed a warehouse facility for Roadway and put access on Beltline and it still creates a traffic problem on Beltline in Irving.

Council Member Clemson moved, seconded by Council Member Thorn, to close the public hearing and adopt Case S140505, a site plan for Building One of Phase One as presented.

Council Member Copeland asked for an amendment to clarify about phase I. Mr. Hinderaker said the actual phasing is dealing with the total plan. This site plan is only for one building. Mayor Pro Tem Giessner clarified this case is just a site plan for 17.52 acres and a 315,000 sq. ft. building.

The motion carried.

Ayes: 8 - Mayor Ron Jensen; Mayor Pro Tem Greg Giessner; Deputy Mayor Pro Tem Richard Fregoe; Council Member Jorja Clemson; Council Member Jeff Copeland; Council Member Jim Swafford; Council Member Lila Thorn and Council Member Jeff Wooldridge

Nayes: 1 - Council Member Tony Shotwell

32

SU140401/S140403 - Specific Use Permit/Site Plan - Wendy's at 2964 W. Camp Wisdom Road (City Council District 6). Consider a request for the approval of a specific use permit and site plan to construct and operate a restaurant with drive-thru. The 1.61-acre Property, zoned Planned Development District-114A (PD-114A), is located at 2951 and 2960 W. Camp Wisdom Road. The agent is John Measels, John Thomas Engineering, the applicant is The Wendy's Company, and the owner is Kelly Hampton, Life in the Fast Food Lane. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

Mr. Hinderaker stated that because the restaurant will have a drive through it requires a specific use permit. He said the applicant has met all requirements for parking, landscape and stacking. Mr. Hinderaker said staff recommended approval. Mayor Jensen said landowners have rights and this is a site plan and he has the right to build what the zoning allows.

Andre Sutiono, John Thomas Engineering, 800 N. Watters, Suite 120, Allen, was present to answer questions, if needed.

Walter Boys, Wendy's Construction Manager, 2206 Green Hill Drive, McKinney, was present to answer questions, if needed.

Council Member Wooldridge moved, seconded by Deputy Mayor Pro Tem Fregoe, to close the public hearing and approve Case SU140401/S140403. The motion 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 9710-2014

33

SU140501/S140504 - Specific Use Permit/Site Plan - Golden Chick

(Equestrian Lane) (City Council District 6). Consider a request to approve a specific use permit and site plan to construct and operate a restaurant with drive through. The 8.02-acre property, located at 3060 Equestrian Lane, is zoned Planned Development 114A (PD-114A) district and is within the S.H. 360 Corridor Overlay District. The owner/Applicant is Chase Debaun, AeroFirma Corp. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Hinderaker said this case was for a 2100 sq. ft. restaurant in an area zoned for commercial retail uses. He said there was some discussion at the Planning and Zoning Commission meeting regarding the 25' landscape buffer from the property to the south that requires a 30' buffer. The Planning and Zoning Commission agreed to the 25' buffer and recommended approval.

Mickey Powell, 2341 S. Beltline Road, submitted a speaker card in support of this case but did not wish to speak.

Rod DeBaun, 516 Estate Drive, stated this was the second Golden Chick in Grand Prairie and the first is on Carrier Parkway. He said he appreciated Council support.

Council Member Wooldridge moved, seconded by Council Member Copeland, to close the public hearing and approve Case SU140501/S140504 as recommended by the Planning and Zoning Commission. The motion carried unanimously.

Enactment No: ORD 9711-2014

34

SU140502/S140506 - Specific Use Permit/Site Plan - Self Storage Facility (Equestrian Lane) (City Council District 6). Consider a request to approve a specific use permit and site plan request to operate a self-storage facility. The 8.02-acre property, located at 3060 Equestrian Lane, is zoned Planned Development 114A (PD-114A) district and is within the S.H. 360 Corridor Overlay District. The owner/applicant is Chase Debaun, AeroFirma Corp. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-0.)

Mr. Hinderaker said this case was for a self service storage facility adjacent to Golden Chick on the balance of the eight acre parcel. He showed the site plan and elevation of the buildings. Mr. Hinderaker some concerns were raised at the Planning and Zoning Commission meeting but those issues have been worked out. He said the applicant has met all requirements of the UDC and staff recommended approval.

Mickey Powell, 2341 S. Beltline Road, submitted a speaker card in support of this item, but did not wish to speak.

Rod DeBaun, 516 Estate Drive, stated he had to purchase the eight-acre tract for the Golden Chick, but this tract does not have visibility and the use would be multi-family or self storage, but multi-family would have a higher impact. Mr. DeBaun stated landscaping requirements will be exceeded by 40%.

Council Member Wooldridge asked where the entrance and fire exits were. Mr. DeBaun said there was one entrance for the RV's and an emergency entrance for fire department. He said that 90% of users will come in off of the private road that is already there. Mr. Wooldridge asked if there would there be a gate at the RV

entrance. Mr. DeBaun said there would be a gate there and also at the emergency entrance and each customer would be provided with a separate code to the entrance. He said the gate has been pulled back 25' from the property line and about 40 feet from the curb so an RV could pull in and stop at the gate.

Council Member Wooldridge moved, seconded by Council Member Clemson, to close the public hearing and approve Case SU140502/S140506. The motion 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 9712-2014

35

SU140503 - Specific Use Permit - Asia Times Square Banquet Room (City Council District 4). Consider a request for approval of a Specific Use Permit to operate a large event facility for weddings, birthday parties, training events and other gatherings of up to 1,000 people within the Asia Times Square Phase II complex. The property, located at 2625 W. Pioneer Parkway, is zoned Light Industrial (LI) District. The owner/applicant is Steve Loh, LGSW Capital Investment. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

Mr. Hinderaker reviewed Case SU140503 and stated the site is the former Sam's Club next to Asia Times Square Phase I. This facility will accommodate 1,000 people in 9,690 sq. ft. and a 2,679 sq. ft. mezzanine. He said the applicant has requested movable tables and seating, a dance floor and a grand staircase. There is also a proposed restaurant as part of this SUP because the city does not allow alcohol sales unless it is part of a restaurant. Food to be catered solely by the adjacent restaurant of 6,880 sf. Alcohol will be served at a cash bar for on-premise consumption and will be provided solely by the abutting restaurant. If the restaurant closes, the cash bar is not permissible. However, BYOB is permitted at any time. There will be no change to the existing access. There are currently 769 parking spaces with an additional 328 parking spaces which exceeds required parking spaces by 108 spaces. Hours of operation will be 8:00 a.m. to midnight. Mr. Hinderaker said staff recommended approval with Development Review Committee conditions.

Hoang Le, 2305 Eagle Pass Drive, was present to answer questions if needed..

Council Member Clemson noted there is no current facility in Grand Prairie to seat 1,000 people and this project is exciting because in the past events of this size had to be taken to other cities.

Deputy Mayor Pro Tem Fregoe said this is an excellent addition to Asia Times Square.

Deputy Mayor Pro Tem Fregoe moved, seconded by Mayor Pro Tem Giessner, to close the public hearing and approve Case SU140503 as recommended by the Planning and Zoning Commission. The motion 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 9713-2014

36

Z140501 - Zoning Change - 1309 S Belt Line Rd (City Council District 5). Consider a request to rezone property from Single Family 3 (SF-3) district to Planned Development District for commercial uses. The 1.83-acre property, located at 1309 S. Belt Line Road, is zoned Single Family 3 (SF-3) district. The owner/applicant is Erica Armendariz. (On May 5, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

Mr. Hinderaker said the applicant wanted to open an insurance office but it is zoned single family. He said there are no changes in terms of the buildings or site plan. He said a sidewalk would be constructed from the front door to the office. There will be an 800 sq. ft. office on the south end of the building which is sealed off from the daycare. Mr. Hinderaker said staff recommended approval with noted appeals of the wall and dumpster.

Council Member Shotwell moved, seconded by Council Member Copeland, to close the public hearing and approve Case Z140501 with the stipulation that fees are to be waived on this request. The motion 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 9714-2014

37

Z140402 - Zoning Change - Westchester Crossing (City Council District 3). Consider a request for approval of a zoning change from General Retail (GR) and Planned Development 242 (PD-242) District to a Planned Development District. The 16.97-acre property, split-zoned PD-242 and GR, is located at 220 W. Camp Wisdom Road and 5250 S. Carrier Parkway. The agent is Osama Nashed, ANA Consultants, LLC, the applicant is Robert Shelton, Westchester Crossing, and the owner is Stephen Webb, DFW Crossing. (On April 7, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0. On April 15, 2014, the City Council tabled this case until the May 20, 2014 meeting.)

Mayor Jensen declared a conflict of interest and left the Chambers during discussion and vote on the item. Mayor Pro Tem Giessner presided over the meeting in his absence.

Mr. Hinderaker said this was a continued item from last month when Council tabled this item. He said the property has split zoning of PD242 and GR on the northwest corner of W. Camp Wisdom and 5250 S. Carrier. There is an existing capped well and a frac pond as well as a telecommunications tower on the property. There will be 55 residential lots. Mr. Hinderaker stated there is a landscape buffer and required masonry screening wall. He said the buffer must be three times the height of the

tower. Requested modifications are that the filling of the frac pond to be deferred until the final plat. He said there is a deviation of lot size and width which is not in compliance with Resolution 3924. Mr. Hinderaker said staff recommended approval with modifications (appeals).

Mayor Pro Tem Giessner said there had been several meetings on this case and a productive meeting with the HOA.

Pastor Webb, 3923 Danzig Drive, submitted a speaker card in support of this case but did not wish to speak.

Robert Shelton, 9409 Aldridge Court, Fort Worth, was available to answer questions if needed.

Gloria Carillo, 4536 Friars Lane, stated she had met with the the PID Board and Council Member Thorn and had discussed concerns about disclosure to prospective homeowners about the capped wells.

Osama Nashed, 5000 Thompson Terrace, Colleyville, stated he was present to answer questions. He said there will be a marker that says the well is capped. Mayor Pro Tem Giessner said this disclosure should be in the closing documents. Mr. Shelton said if they are required by law they will disclose it; if not, they would not disclose it. City Attorney Don Postell said he was not aware of anything that would require a disclosure. Mayor Pro Tem Giessner said the HOA requested that all prospective homeowners be notified of the capped well.

Council Member Swafford asked Council Member Copeland if there was something that could be put on the title. Council Member Copeland replied he did not know how neighbors could put conditions on the property and HOA does not seem to have a right to put that condition of disclosure. He said it could create a liability because of bias if the city put the requirement for disclosure and it might affect the lender. Council Member Swafford stated that Council puts requirements on SUP's so Council might be able to do that here. Mayor Pro Tem Giessner said one of the main homeowners topics was that the city might not be able to do this. Council Member Thorn asked how the disclosure on the monument would read. Mayor Pro Tem Giessner said he believed it will only be on the capped well. Jim Cummings, Environmental Services Director, said the Railroad Commission will have the GPS coordinates and that it is a capped well. and all of this information will be available at the city as well. He said City staff are usually the last ones to know when a home is sold so it would be very difficult to notify the homeowner. Council Member Thorn said the potential homeowner would see the monument and see there was a capped well there. Council Member Wooldridge said even though the information will stay on the City website, not many people check the website.

Council Member Shotwell said he was also concerned about the frac pond. He asked if the city would requiring some type of engineering to determine if it is stable. Mr. Hinderaker said an engineer will be required to determine that it has a stable base. Bill Crolley, Planning Director, said they would rely on their geotech plans, but the city would not inspect it. Council Member Copeland asked if technology had improved in the last 20 years with regard to geotechnical inspections. Mr. Crolley replied that what is required today from a geotechnical standpoint for all water, sewer and streets is much different from 20 years ago.

Darell Floyd, 537 Abbey Court, spoke in opposition to this case. He said he had nothing against the developer. He said at the HOA meeting they were told that core samples would be taken only on one of every five lots. There have been instances

where fracing has occurred which causes cracks and this could hurt the value of Westchester and could hurt the city's tax base. He said he believed it should be disclosed that there is a capped well and a frac pond there. He noted there is a fence line that backs up to Westchester which are owned by the homeowners and asked if homeowners could put banners on the fences saying that they should be aware of the well and frac pond. He said that providing the disclosed to the buyer at closing would be too late.

Joan Graffagnini, 4543 Friars, said she wanted to make sure the starting prices of these homes were equal to the starting point of homes being built south of I-20. She asked about who would maintain the two acres at the cell tower if the HOA defaults. She said she wanted prospective buyers to know that the city supports them and she also wanted them to know they would be taking a risk. Ms. Graffagnini said the required Railroad Commission signage is not huge and may not be noticed by prospective buyers.

Council Member Thorn clarified with Mr. Shelton that the cell tower property becomes part of HOA and this development and the development would have a mandatory HOA. Mr. Shelton said there would be a mandatory HOA. Council Member Thorn asked Mr. Shelton to confirm that the 90' around the cell tower is now being taken care of by the owners of the tower. Mr. Shelton replied that it was and that the road going into the tower is also being maintained by the tower owner. Council Member Thorn noted that there had been two meeting held with homeowners since this case was tabled by Council.

Council Member Thorn moved, seconded by Council Member Swafford, to close the public hearing and approve Case Z140402 as recommended by staff and the Planning and Zoning Commission. The motion carried unanimously with Mayor Jensen abastaining.

Ayes: 8 - 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

Excused: 1 - Mayor Ron Jensen

Enactment No: ORD 9715-2014

38

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. On April 15, 2014, the City Council tabled this case to the May 6, 2014 meeting; on May 6, 2014 the City Council tabled this case to the May 20, 2014 meeting.)

Mr. Hinderaker said the applicant is requesting SF and 15 acres that could be SF Townhomes. He said this follows Resolution 3924 and the applicant is requesting recreation open space that is there includes a pond feature around the pad well site and Corps property and that no additional recreation opportunities be required. The

lot sizes are a mix between 8,000 and 9,000 sq. ft. He said lots facing "T" must have a minimum width of 80 ft. and this is a deviation from Resolution 3924. He said that double entry front facing garage doors are not permitted. The applicant is requesting cedar doors with brick above the doors. He said the townhouse proposal is inconsistent with the UDC but they may not develop townhomes depending on the market. Mr. Hinderaker said there are four permitted gas wells and two have been drilled. He said the Environmental Services Department has concerns regarding a water feature here. He said staff had no objections to the proposal as presented.

Council Member Shotwell said usually if there are variances, there is a tradeoff. Mr. Hinderaker said the applicant asked to do a pond feature around the gas well site and an entry feature off England Parkway as compensation for variances.

Council Member Wooldridge asked since this is a zoning case, would the variances have to come back to council for approval. Mr. Hinderaker stated that was correct.

Ben Luedtke, Hanover Property, 3001 Knox Street, Dallas, owner and developer, said this will be annexed into Mira Lagos. Mira Lagos is a top ten development in DFW.

Council Member Wooldridge moved, seconded by Mayor Pro Tem Giessner, to close the public hearing and approve Case Z131102 as recommended by staff. The motion 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 9716-2014

Items for Individual Consideration

39

Public hearing and ordinance adopting the PY 2014 CDBG and HOME Program budgets

Bill Hills, Housing and Neighborhood Services Director, stated that allocations have been made for the 2014 Community Development Block Grant (CDBG) program and the HOME Program. He said that CDBG funding is less than last year and HOME funding increased in 2014. There is a 20% cap \$270,050 for administration and a Public Service cap at \$202,538. The following charities were awarded funds from the Public Services Fund: Grand Prairie United Charities; Brighter Tomorrows; Children First; Grand Prairie Summer Day Camps; Lifeline Shelter; Star Group; and Grand Prairie Wellness Center. HOME funding is \$429,000.

Mayor Jensen announced this was a public hearing and if anyone wished to speak they were welcome to come to the podium. There was no one who wished to speak during the public hearing.

Adopted

Enactment No: ORD 9717-2014

Citizen Comments

Deborah Moore, 1211 Gaines Mills Road, submitted a card to speak under Citizen Comments, but was not present when her name was called to speak.

Adjournment

Mayor Jensen adjourned the meeting at 9:17 p.m.

The foregoing minutes were approved at the June 3, 2014 Council Meeting.

Catherine E. DiMaggio, City Secretary