



Minutes - Final
City Council

Tuesday, June 21, 2011

4:30 PM

Council Briefing Room

Call to Order

Mayor England called the meeting to order at 4:33 p.m.

Present 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Absent 3 -

Mayor Pro Tem Ruthe Jackson; Deputy Mayor Pro Tem Richard Fregoe and Council Member Jim Swafford

Staff Presentations

1

Update on Insurance Fund - Presented by Lisa Norris, Human Resources Director

Lisa Norris, Human Resources Director, updated the Council on the Insurance Fund. She said that for the last several years active claims have flattened to less than 1% trend. She explained there is a reserve fund where there is much more than is needed but it can not be removed from this fund. Because of this, staff proposes to withhold the last three months of transfers from July through September from other city funds into the insurance fund, which would amount to approximately \$1.9 million. The Finance and Government Committee asked to make sure that we stay in compliance with reserve funds (Operating Reserves; Risk Management Reserves; and Employee Insurance Fund). Ms. Norris stated that the proposed plan is in compliance with all these funds' policies.

Council Member Hepworth stated that because of the wellness program claims have flattened out, but at some point there will be a catchup (i.e. 7-10% a year). Ms. Norris said that is difficult to predict, but staff is seeing that efforts of the WOW (Working on Wellness) program are paying off. She said staff is being conservative when submitting budget figures (only reduced by about \$600,000, but it is still revenues over expenses). Ms. Norris pointed out that on line 72 of the Employee Insurance Fund Summary provided to Council, that \$1,000,000 was reserved for contingency. She pointed out that this contingency was not required, but it was put aside for fluctuation in claims.

Council Member Giessner stated that the Finance and Government Committee agrees with the proposed plan because of the large balance that has accumulated but it will be reviewed again by the committee in three months.

2

Johnson Creek Gabion Repair - Presented by Romin Khavari, City Engineer, and Ron McCuller, Director of Public Works

Romin Khavari, City Engineer, stated that an action item had been placed on this agenda for Johnson Creek Gabion Repair (Item 17). He said that in September 2010, tropical storm Hermine washed out gabion baskets along the bottom of the channel. He said if slopes along the channel are not repaired it will cost more later to repair and additional erosion may occur. Mr. Khavari said he had a meeting with the Corps of Engineers since this was a joint project with them. The channel project was turned over to the city for perpetual maintenance. Staff hired Halff to do a preliminary analysis and they designed the repairs in phases. Phase 1 – 260 linear feet replace 3 rows of baskets; Phase 2 - 340 linear feet to replace 2 rows of baskets. Phase 3 - 1,640 linear feet with 1 row of baskets. The project was bid in 5 phases with a total project cost of \$1,247,510. He said there were also some sanitary sewer crossing locations straps holding pipe which need repair and some pipe needs to be replaced. Mr. Khavari said staff recommended that Council accept the base bid with added alternates.

3

The Summit - The First Year of Changing Lives - Presented by Linda Long

Linda Long, Summit Manager, gave a one-year update on the first year of the Summit (active adult center) operations. She said she received over 2,000 memberships before the doors were opened. Pre-sale tours drew in 3,000 people. Four thousand people attended the May 22, 2010 Open House and several thousand people attended the June 18, 2010 grand opening celebration. There are currently 5,700 members with monthly attendance of 20,000 visits. Ms. Long said there are 100 active volunteers, with 1,000 volunteer hours per month. Several special events have been held throughout the year including the Grandparents Carnival; Concerts in the Park; Mother's Day Brunch; Light up the Night; a classic car show; and an art show.

Ms. Long said the Nutrition Program doubled in size when it was moved to the Summit with over 2,500 people on average being served lunch each month. She said the facilities had received five awards this year. Council Member Hepworth said when he is at the facility he often asks patrons what they like about the facility. He said they often reply that they can not believe the facility is in Grand Prairie and that it is like a country club. He said replies are always enthusiastic.

Agenda Review

Council Member Shotwell referred to Item 12 on the agenda (Change Order with Freese & Nichols for storm drain design and construction for the Parkland Clinic at Carrier and Conover). He noted this was an extra \$42,688, but asked if the city's limit is still at \$7 million for the project. Mr. Crolley replied that the city's participation in the clinic is still limited to \$7 million.

Council Member Shotwell, Chair of the Council ad hoc Committee on Redistricting, said it was the consensus of the committee members to adopt the proposed Council Redistricting Map to present to the public for review and comment and stated that an action item had been placed on this agenda (Item 15 on the agenda) for council approval.

City Manager Tom Hart said staff has been doing some research on SB 100 which moves the Primary election date and a subsequent runoff date which would preclude County election administrators from holding joint elections with the cities and school districts in even-numbered years. The bill has included an option to move city elections to the November uniform election date but most cities do not want to move elections to November. Other options would include holding our own elections or

going to two year terms and having all council terms expiring at once.

Executive Session

Mayor England convened an executive session at 5:15 p.m. pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A, Section 551.071, "Consultation with Attorney" to discuss possible litigation concerning acquisition of right-of-way for Sara Jane-Forum Extension; Section 551.072 "Deliberations Regarding Real Property," and Section 551.087, "Deliberations Regarding Economic Development Negotiations." Mayor England adjourned the executive session at 5:45 p.m.

Recess Meeting

Mayor England recessed the meeting at 5:45 p.m.

6:30 PM City Council Chambers

Mayor England reconvened the meeting at 6:30 p.m.

Chaplain Emil Balliet gave the Invocation and Council Member Mark Hepworth led the Pledge of Allegiance to US Flag and to the Texas Flag.

Consent Agenda

- 4 Minutes of the June 7, 2011 Council Meeting
- Council Member Giessner moved to approved Item 4 on the Consent Agenda, table Item 5, and approve Items 6-18. Council Member Hepworth seconded the motion. The motion carried unanimously as follows:**
- Ayes: Council Members Giessner, Hepworth, Jensen, Shotwell and Swafford, and Mayor England**
- 5 Landfill Gas Offtake Agreement and Lease with Source Technologies
- This item was tabled on the Consent Agenda.**
- 6 Landfill Cell Design Professional Services Contract with Weaver Boos Consultants Southwest LLC in the amount of \$99,000
- Approved on the Consent Agenda**
- 7 Purchase of Work Order System Upgrade for Public Works from RJN Group Inc. in the amount of \$200,000

Approved on the Consent Agenda

- 8 Price Agreement Contract for Law Enforcement Uniforms with GST Public Safety Supply (\$95,000) through an interlocal cooperative agreement with Tarrant County and authorize the City Manager to execute future renewals so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during renewal term and as long as total cost of price agreement does not increase by twenty-five percent (25%) of the original contracted amount.

Approved on the Consent Agenda

- 9 A one year price agreement contract for median and right-of-way mowing with VMC Landscape Services, at an estimated annual cost of \$175,800, through an interlocal cooperative agreement with the Town of Flower Mound, Texas.

Approved on the Consent Agenda

- 10 Construction contract with Ed A. Wilson, Inc. for the FY 2011 Outfall Rehabilitation and Improvements Project in the amount of \$371,880; material testing in the amount of \$9,297; in-house engineering in the amount of \$22,312; and 5% construction contract contingency in the amount of \$18,594; for a total project cost of \$422,083

Approved on the Consent Agenda

- 11 24" Wildlife Phase II Transmission line along Wildlife Parkway with S J. Louis Construction of Texas, Ltd.- Final Reconciliation/Change Order No. 2 in the amount of \$13,124.75

Approved on the Consent Agenda

- 12 Change Order No. 2 with Freese & Nichols for Storm Drain design, bidding and construction phases for the Parkland Clinic at Carrier and Conover Y0855 in the amount of \$42,688

Approved on the Consent Agenda

- 13 Price Agreement Contract for Traffic Signal Controllers and Cabinets from Naztec, Inc. (\$232,410) and authorize the City Manager to execute future renewals so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during renewal term and as long as total cost of price agreement does not increase by twenty-five percent (25%) of the original contracted amount.

Approved on the Consent Agenda

- 14 Authorize Newark Core Barnett, LLC Gas Lease for approximately 350 acres of city land (north of I-30 and west of Beltline Road)

Approved on the Consent Agenda

- 15 Approval of the ad hoc Committee on Redistricting recommended map for public review and comment

Approved on the Consent Agenda

- 16 Resolution in support of a Justice Assistance Grant (JAG) application, and an agreement to finance Dallas County Projects up to \$15,338.70 and fiscal agent administration fees and expenditures up to \$2,505.32 to the City of Dallas from the 2011 JAG award of \$51,129, leaving the City of Grand Prairie \$33,284.98.

Adopted

- 17 Ordinance amending the FY 2010/2011 Capital Improvement Projects Budget in the amount of \$1,415,925; and a construction contract with Austin Filter Systems in the amount of \$1,247,510 for Johnson Creek Gabion Channelization Project; material testing in the amount of \$31,188; in-house engineering in the amount of \$74,851; 5% construction contract contingency in the amount of \$62,376; for a total project cost of \$1,415,925

Adopted

- 18 Ordinance amending the FY 2010/2011 Capital Improvement Projects Budget in the amount of \$17,200, for Change Order No. 1 with Freese and Nichols for the Water Master Plan Update

Adopted**Public Hearing Consent Agenda**

- 19 SU110502 - Specific Use Permit - 2615 W. Pioneer Parkway (City Council District 4). Approval of a Specific Use Permit for a multi-purpose room and special event center on 0.112 acres. The subject property is zoned Light Industrial (LI) District and is generally located south of Pioneer Parkway and west of S. Great Southwest Parkway. The owner is Steve and Matthew Ioh/Asian Time Square and the applicant is EKL/Hoang Le. (On June 6, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Kevin Lasher, Chief City Planner, stated this case was for a 1500 sq. ft. multi-purpose room and special event center on 0.112 acres. He said the room would be located at the rear of the complex. The staff Development Review Committee and the Planning and Zoning Commission recommended approval. He added there will be no dance area and the applicant understands they must obtain permits when those types of events occur.

Matthew Loh, 2615 W. Pioneer Parkway, was present to answer questions.

Council Member Jensen moved, seconded by Council Member Shotwell, to close the public hearing and approve Case SU110502. The motion carried unanimously as follows:

Ayes: 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

20

SU061104B - Specific Use Permit Renewal - 2609 W. Jefferson Street (City Council District 4). Renewal of a Specific Use Permit for an automotive inspection and tire repair facility. The site is currently zoned General Retail (GR) District and is generally located west of South Great Southwest Parkway on the south side of West Jefferson Street. The property is located in the Central Business District-One (CBD-1) Overlay District. The owner/applicant is Sofyan Talm. (On June 6, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

Jerry Marsalis, 1914 Huntington, was present to speak in support of this item and to answer questions.

Council Member Shotwell moved, seconded by Council Member Thorn to close the public hearing and approve Items 20 through 23 on the Public Hearing Consent Agenda. The motion carried unanimously as follows:

Ayes: 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

21

SU100404A - Specific Use Permit Renewal - 3422 E. Main Street (City Council District 5). Renewal of a Specific Use Permit for outside storage of automobiles on 1.03 acres. The subject property is zoned Light Industrial (LI) District and is located along the north side of E. Main Street east of Hensley Drive. The subject property is located within the Central Business District-Four (CBD-4) Overlay District. The owner/applicant is Ron Cornelius. (On June 6, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

Adopted

22

SU100501A - Specific Use Permit Renewal - 2602 Mayfield Road (City Council District 4). Renewal of a Specific Use Permit for used automobile sales on 1.356 acres. The subject property is zoned Light Industrial (LI) District and is located on the north side of Mayfield Road west of S. Great Southwest Parkway. The subject property is also situated within the southwestern portion of the Trader's Village parking area. The owner is Traders Village and the applicant is LPLM, LLC DBA Fiesta Autoplex. (On June 6, 2011, the Planning and Zoning Commission recommended approval to renew this SUP by a vote of 9-0.)

Adopted

- 23 TA110601 - Text Amendment - Article 4, "Permissible Uses," of the Unified Development Code. A request for the approval of a Text Amendment to Article 4, "Permissible Uses," of the Unified Development Code to amend Sections 11, "Check Cashing, Pay Check and Car Title Loan Business," and Section 12, "Use Charts," to include new proximity requirements to mitigate potential saturation of the Check Cashing, Pay Check and Car Title Loan uses and to modify the zoning districts where these uses are permitted. The owner is the City of Grand Prairie, the applicant is Kevin Lasher, AICP, and the agent is Ryan Miller. (On June 6, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 9-0.)

Adopted**Items for Individual Consideration**

- 24 Public Hearing and an ordinance levying paving assessments for improvements to Forum Drive (tabled at the June 7, 2011 meeting)

Romin Khavari, City Engineer, stated this public hearing was to hear public comments on the assessments for Forum Drive. He said the section that is currently under construction is to extend Forum Drive to Robinson Road at its intersection with SH161. He said the City Council awarded a contract on November 16, 2010 and this project for Forum Drive was separated from the total project at an estimated construction cost of \$1.6 million. This section of roadway is 2200 linear feet with a per linear foot cost of \$357.14. According to state law, the city can assess the lower of 90 of frontage foot construction cost (\$321.43) or the enhanced value. The city limits assessable cost to one-half of a 45' roadway which brings the assessment to \$289.28 per linear foot. Two of the abutting property owners negotiated with the city for right-of-way for the project in lieu of assessment. The third parcel of property owned by Tommy Winn and Leland Gjetley has 2562' frontage with an assessment of \$741,241.93. The enhancement study performed by Donny Sherwood, Integra Realty Resources, shows \$2.4 million enhancement of this property. The assessment for this property would be for the lower of the two which would be the construction cost per linear foot, or \$741,241.93.

Mr. Khvari recognized Robert Wright, Right-of-Way Agent, who did the negotiations for this project, and Donny Sherwood, Integra Realty Resources, who performed the enhancement study, and that both were present to answer questions. Mayor England stated if there was anyone in the audience who wished to address the Council on this assessment, to please come to the podium. There were no speakers.

Council Member Jensen moved to close the public hearing and approve assessments on Forum Drive per staff's recommendation. Council Member Shotwell seconded the motion. The motion carried unanimously as follows:

Ayes: 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

- 25 Public Hearing and adoption of an ordinance levying paving assessments for

improvements to Arkansas Lane (tabled at the 6/21/2011 Council Meeting)

Mr. Khavari said this roadway is open for use from Central Park past SH161 to connect to Carrier Parkway. The project was awarded in June 2008, at a cost of \$3.7 million. The completed roadway is 6,000 ft. at a cost of \$289.62 per linear foot (90% assessed against property at \$234.76 per frontage foot). The enhancement study was prepared by Donny Sherwood, Integra Realty Resources. There was no enhancement for unplatted residential lots per city policy. The remaining owners' properties were enhanced and the study recommended that the assessment be levied. The total project assessment is \$903,000.

Walter Nelson, 3012 Hobble Court, stated that the owners are contesting the amount of the assessment, lien and liability and special benefit to the property, and the accuracy, sufficiency, regularity and validity of these proceedings. He stated he was present to represent the owner of the property, Mr. David Huang. The group managed by Centex Investments has owned the property for over 30 years and have not been able to sell it. In 1987 they platted three lots on Pioneer Parkway and sold two of them. In 1990, they were approached by the Golden Corral and replatted the third lot, added a street and seven spec lots. They designed and constructed Southgate Drive, installed drainage, sanitary sewer, water lines to get the Golden Corral site ready. In 1998 they were assessed for Robinson Road and these spec lots still remain vacant. The only developed lots front on Pioneer Parkway, not on Robinson or Arkansas. Mr. Nelson said the appraiser looked at the highest and best use (reference p. 53 of the report) for Pre-Construction: "Considering all reasonably probable development scenarios and potential values that could be created versus the cost of development of each, we conclude that no use of the site would be as profitable as investment holding for future commercial use." Post-Construction: "Considering all reasonably probable development scenarios and potential values that could be created versus the cost of development of each, we conclude that no use of this site would be as profitable as holding for commercial development after conditions improve." As far as this property is concerned, Arkansas Lane is not a principle arterial – it dead-ends at Carrier Parkway. Over half of the land between SH 161 and Carrier is single family residential -- the rest of the land is vacant. All of the vacant tracts except this one also have frontage on Carrier Parkway or SH161 which is much better traffic frontage than Arkansas Lane. Mr. Nelson said his client's property has primary frontage on Robinson Road, with secondary frontage on Arkansas. He said Arkansas Lane does not have enough traffic to justify a P4D designation (Pioneer Parkway is a P6D designation). The traffic in the section between Carrier Parkway and SH161 would have to more than double to match the traffic on Warrior Trail which is an M4U. The primary access on this parcel is Robinson Road, an M5U, which carries approximately 2.5 times the traffic of Arkansas Lane. A P4D costs twice as much as an M4U, and the left turn lanes restrict access to the property and restrict development. The location of the median opening on Arkansas forces access on Robinson, not on Arkansas. Mr. Nelson said that Arkansas got to be a P4D because it is a P4D in Arlington and has four times as much traffic in Arlington as in Grand Prairie. If Arkansas was assessed as an M4U as traffic indicates, then the assessment would be based on 90% of half the cost of 45' roadway as it was when the construction was started (no medians and no left turn lanes). Mr. Nelson asked that Council reduce the assessment to the level of 90% of half the cost of a 45' roadway; or cut to \$0; or the right-of-way dedication.

Scott Krikorian, Trammel Crow Company, 3408 Dartmouth, said he approached the city approximately ten years ago trying to assemble the owners to create a multi-phase development. He said some of this property was purchased for back taxes. In the Developer Agreement with the city, one of the conditions was to waive street perimeter fees. The development was to be built in multiple phases. One condition was to put in public utilities and start construction within 24 months. Phase

I included dirt work and utilities for all three sites and the construction of a 630,000 sq. ft. building which was leased to Solo Cup. The economy has hindered further development. Mr. Krikorian said he is still pursuing Phase II and Phase III and had been working closely with the Economic Development Department. He said there had not been much enhancement for an industrial park off Arkansas Lane. Mr. Krikorian said he had performed his part of the developer agreement and expected the city to do the same.

Jennifer Gehrt, Attorney for Calwest Texas Properties (owner of Tracts 1 and 2), distributed copies of a letter sent to Council earlier today. She urged the city to abide by its agreement to waive the perimeter street fees for these developments. Ms. Gehrt pointed out that the Development Agreement does not contain a termination deadline. She said she wants avoid future litigation with regard to the agreement. She said she had a few questions with regard to the enhancement in value: 1) was Mr. Sherwood aware that Integra had performed an appraisal on these properties earlier this year and categorized the condition of Pioneer Parkway as good and Arkansas as average? 2) was Mr. Sherwood aware that Solo Cup facilities keeps the access on Arkansas Lane locked and gated with a sign that says "Not an Entrance"? Ms. Gehrt said that because Arkansas went from a 2-lane to a 4-lane does not enhance the value for Solo Cup. She added that the address for these properties is Pioneer Parkway, not Arkansas Lane.

Donny Sherwood, Integra Realty Resources, said he was not aware of previous appraisals and pointed out that Integra is a large, national company. He said s far as access increment onto Calwest property (Parcels 1 and 2), it is showing a slight increase of an average of 10% due to additional frontage to provide access to industrial sites. Ms. Gehrt stated the report says that with regard to Tract 2, the enhancement in value is that the site has greater potential for retail development (reference p. 32), but the undeveloped site is an industrial site. Mr. Sherwood said he looked at it as an industrial site and if the report states retail/commercial, it is an error. Ms. Gehrt pointed out the wording in the Integra appraisal report and Mr. Sherwood said this was an error and it should say industrial since that is what the enhancement is based on.

Rhonda Thompson, 200 Crescent court #560, Dallas, completed a speaker card in opposition to this item, but did not wish to speak.

Tommy Mann, 5400 Renaissance Tower, stated he was the attorney representing the owner of the northeast corner of SH161 and Arkansas Lane (Parcel 5). He asked to address two issues: 1) the notice received and the map of property shows 385 ft. of frontage on Arkansas, but the owner has been assessed based on 550 ft. of frontage. Mr. Mann said at one time there was 550 ft. but a corner was taken on a condemnation. He said there was an overcharge of \$39,000 and he requested recognition of the actual property frontage; 2) the indicated enhancement in the appraisal report appears to be one-half of what it is listed as in the notice (\$700,000 versus \$1.4 million in the notice). Bob Wright, city Right-of-Way Agent, said this property had a large corner clip and that was the reason it was different. He said that normally the calculation is made from the side lot line to side lot line (the width of the property), and in this case there was an extremely large clip on the corner and that is the difference between the two amounts. Council Member Jensen asked what the correct frontage figure was. Mr. Wright said the question is whether the corner clip fronts the street or not because basically it is on both streets. The lot is 550' wide, but on this portion the straight line east of the corner clip is 384'. Mayor England asked what the assessment is based on. Mr. Wright said it is based on 550 ft. Mr. Khavari said it is based on a radius return of the corner lot, where it intersects, instead of taking it along the curb. Mayor England asked if all cities calculate the

frontage this way. Mr. Khavari said this is the accepted practice on the way the frontage is calculated. Mr. Wright said he had a copy of the report that Mr. Sherwood prepared and the number in the report is \$708,621 for the enhancement on that property. Mr. Mann said the notice says something else. Mr. Wright said there was an error on the notice. Mayor England recommended that the Council table this item.

Council Member Jensen asked Mr. Sherwood to verify that the data was based on industrial not commercial.

Council Member Shotwell clarified with Mr. Khavari that this assessment was not based on enhancements because construction cost per foot was lower than the enhancement. Mr. Shotwell pointed out that it does not matter what the enhancement was because the assessment is based on construction cost. Mr. Hart asked that staff and the CalWest representatives get together and look at the wording in the developer agreement. He added he would set up a meeting with Mr. Mann to see how the calculations were arrived at.

There were no further speakers who wished to speak during the public hearing.

Council Member Jensen moved to table the Public Hearing on the Arkansas paving assessments to the next meeting. Council Member Giessner seconded the motion. The motion carried unanimously as follows:

Ayes: 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

26

Board and Commission Appointments

Council Member Giessner moved, seconded by Council Member Hepworth to appoint Michael Roy to the Public Health Advisory Committee with a term to expire July 31, 2012. The motion carried unanimously as follows:

Ayes: 6 -

Mayor Charles England; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Citizen Comments

There were no citizen comments.

Adjournment

Mayor England adjourned the meeting at 7:15 p.m.

The foregoing minutes were approved at the July 5, 2011 Council Meeting

Catherine E. DiMaggio, City Secretary