



City of Grand Prairie

Temporary Meeting Place
Grand Prairie ISD
Administration Building
2602 S. Beltline Road
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, January 3, 2012

5:00 PM

Grand Prairie ISD Board Room

Call to Order

Mayor England called the meeting to order at 5:05 p.m.

Present 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Staff Presentations

1

Continuation of the Crime Control and Prevention District Sales Tax -
Presented by Tom Hart, City Manager

Tom Hart, City Manager, stated that the Crime Control and Prevention District tax was approved by the voters and replaced the Lone Star Park tax after bonds were paid off early. Renewal of the Crime tax will be no additional cost to residents. He said State Statutes require an election to renew the tax five years after initial inception. An election will need to be held in May 2012 to go back to the voters for renewal. Mr. Hart said he had received an analysis from the Finance Department for the projection of sales tax growth, and it appears the Public Safety Building should be paid off in ten years. He said with the new mall being built, sales tax revenue may increase. The proposal is to extend the tax for ten years. If the renewal is not passed, it may require a 3 cent ad valorem tax rate increase. The renewal is proposed to be structured the same way as the initial proposition – only for payoff of the building. Mr. Hart said Police Chief Dye has spoken to him about staffing needs, but would look for alternative funding.

Mayor Pro Tem Swafford said there had been a significant debt reduction on the police building last year. He said he had some reservation about the 10-year period, and if staff felt there may be a principal balance left over after ten years, perhaps it would be wise to go for a 15-year renewal. Mr. Hart said the tax projection had been a conservation one, and staff was fairly confident it should be paid off substantially in ten years.

Agenda Review

Mayor Pro Tem Swafford asked Mr. Sparks if the median opening on Camp Wisdom (Item 13) was requested by a citizen. Jim Sparks, Transportation Director, replied that both a citizen and the Homeowners Association in that area requested the opening and they agreed to pay for some of the improvements. Mr. Swafford asked if the city had ever done a median opening when requested by a citizen and HOA. Council Member Jensen said a citizen had contacted him about the median opening and it was investigated by staff. He said staff had been working on this for two years. Mr. Swafford said he was reluctant to start a precedent. Mr. Jensen said if he had

noticed, he would have brought it to the city's attention first. Mr. Sparks said he was not sure if the city knew about this street when Camp Wisdom was designed. He said because the residents had to cross three lanes of traffic and do a u-turn, it created a dangerous situation.

Council Member Shotwell stated since he would need to leave before the agenda was to be considered, he would like to make a statement regarding Item 17 (DFW Midstream pipeline). Council Member Jensen left the meeting during this discussion because of a conflict of interest. Mr. Shotwell said if the item should pass, he would like to suggest that the funds received by the city from this license be set aside to be used only for maintaining or beautifying areas where pipelines are located.

Executive Session

An executive session was not held.

Recess Meeting

Mayor England recessed the meeting at 5:20 p.m.

6:30 PM GPISD Boardroom

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

Present 8 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen and Council Member Bill Thorn

Absent 1 -

Council Member Tony Shotwell

**Dr. Heath Marion, The Oaks Baptist Church, gave the invocation.
The Pledge of Allegiance to US Flag and to the Texas Flag was led by
Council Member Richard Fregoe.**

Presentations

2

Employee of the Month - Officer Louis Whittington

This presentation was postponed to the January 17, 2012 meeting.

Consent Agenda

Deputy Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe, to approve Items 3 through 16 on the Consent Agenda. The motion carried unanimously.

- 3 Minutes of the December 13, 2011 Meeting
- Approved on the Consent Agenda**
- 4 Price Agreement Contract for Hot-Applied Joint & Crack Sealing Services with Curtco Inc. (\$102,500), and authorize the City Manager to execute up to four future renewals, so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during renewal term and any increase in the renewal amount does not exceed \$50,000 aggregate during the renewal term.
- Approved on the Consent Agenda**
- 5 Contract with TJ Lambrecht Construction for the construction of Landfill Cell 3 in the amount of \$676,889, with a 5% contingency of \$33,844, for a total of \$710,733
- Approved on the Consent Agenda**
- 6 Change Order/Amendment No. 3 with Barson Utilities for FY 10 Water Main Replacements, in the net amount of -\$35,649.21
- Approved on the Consent Agenda**
- 7 Grant of a license to Rae Ann Forester for fencing and landscaping of an unpaved and unused portion of the Briarwood Drive right-of-way
- Approved on the Consent Agenda**
- 8 Authorize the sale of four tax foreclosure properties located at 1109 Birch, 1738 Cherry, 1802 Texas and 1802 Holland to Dallas Area Habitat for Humanity for \$43,607.24
- Approved on the Consent Agenda**
- 9 Resolution approving the conveyance of (14) lots in the Melrose Addition to the Grand Prairie Community Housing Development Organization (GPCHDO).
- Adopted**
- 10 Resolution authorizing the City Manager to execute a master inter-local purchasing agreement between the City of Grand Prairie and the City of Midlothian, Texas.
- Adopted**
- 11 Resolution adopting the City Wide Drainage Master Plan for Arbor Creek
- Adopted**

- 12 Resolution of the City Council of the City of Grand Prairie, Texas adopting the City of Grand Prairie Hazard Mitigation Action Plan dated October 2011 and providing an effective date.

Adopted

- 13 Ordinance amending the FY 11/12 Capital Improvements Project Budget and Change Order/Amendment No. 1 for the Camp Wisdom median opening at Hunt in the amount of \$13,342 with the City's Existing Price Agreement On-Call Contractor

Adopted

- 14 Ordinance amending the FY 2011/12 Capital Improvement Projects Budget and Change Order #1 with Austin Filters Construction Company on Johnson Creek Gabion Repairs in the net amount of \$23,188

Adopted

- 15 Ordinance amending FY 2011/2012 Capital Improvement Projects Budget and authorization of the purchase of 26 Panasonic Toughbook replacement laptops at a total cost of \$109,330 from John Wright & Associates of Arlington, TX utilizing the Texas DIR price agreement.

Adopted

- 16 Ordinance amending the FY 2011/12 Capital Improvements Project Budget and Change Order/Amendment No. 4 with North Texas Contracting for the Carrier/Conover Improvements in the total amount of \$5,925

Adopted

Items for Individual Consideration

- 17 License to DFW Midstream Services, LLC for gas pipelines along and across portions of Lake Ridge Parkway, Matthew Road, Prairie Lane, Polo Road, Robinson Road, Barn Owl Trail, High Hawk Boulevard and tracts of City owned land in the High Hawk at Martins Meadow Addition (No action taken at the December 13, 2011 Council Meeting)

Council Member Jensen left the meeting room during discussion and action on this because of a conflict of interest.

Bill Crolley, Planning Director, stated that DFW Midstream had requested a license for gas pipelines across city rights-of-way. There are crossings across portions of Lake Ridge Parkway, Matthew Road, Prairie Lane, Polo Road, Robinson Road, Barn Owl Trail, High Hawk Boulevard and tracts of the city-owned land in the High Hawk

development at Martins Meadow Addition. The term of the agreement would be for 20 years with a lump sum payment in advance and \$2.75 per linear foot. Mr. Crolley said staff recommended approval of this agreement.

Constance Johnson, 335 Suffolk Drive, urged Council Members to vote "no" on this agreement to send a strong message to oil and gas companies that the city is against licensing for pipelines across properties previously mentioned. Ms. Johnson said there were 240 pipeline explosions last year.

Rosemary Reed, 277 Donnie Lane, President of Westchester Homeowners Association, thanked Council Members for reading the packets that she had prepared for them. She said her goal was to educate them on the issues with pipelines. She said that 240 times a pipeline exploded last year. She said gas companies have public relations firms to control bad news of the explosions from reaching the public. She noted several states where there have been explosions, including Texas. Ms. Reed asked Council to vote "no" on this license agreement. She said she did not want pipelines going through residential communities. She said that Grand Prairie had come a long way in the last year and a half with a strong ordinance on gas drilling and a moratorium on drilling within 3,000 ft. of the Joe Pool Dam.

Susan Read, 508 Edgeview, asked how many compressors are required delineated by the map in the agenda packet; how many processing facilities; and how many metering stations are required for this pipeline. Ms. Read read from an excerpt from a bill sponsored by State Rep. Lon Burnam regarding gathering transmission lines in residential areas. The bill did not make it out of committee. She asked if the gas gathering pipeline were to be odorized. Ms. Read said she had been told that infrared cameras can detect leaks and asked if there would be infrared cameras on this pipeline. She stated that the gas gathering industry is largely unregulated and asked Council to find another way.

Carl Dimon, 539 Cooper Street, said he supported this pipeline, especially from Corn Valley to the Barnes Assembly padsite because the wells there are not economical. He said he wanted Chesapeake to lose money and to get out of town. Mr. Dimon said he had spoken to a representative of DFW Midstream and the pipeline in this segment has been reduced to 8.5 inches, so the operator does not think he is going to recoup his money. He said he is aware there is a 200' fault on the Crystal Paradise Site under Great Southwest Freeway. He said Chesapeake provided that information on a Rule 37 case (Barnes Assembly A 3H).

Jason Panek and Andy VanZagt, representing DFW Midstream, were present to answer questions.

Mr. Postell read into the record those opposed to this item but not wishing to speak: Konstance Johnson, 335 Suffolk Drive; Billie Harris, 4718 Goodnight Court; Mike Black, 271 Donnie; Sonja Mathis, 265 Donnie Lane; Maston Sillin, 529 Newberry Street; Benjamin Grimes, 415 Clayton Street; Toni Arrington, 285 Donnie Lane; Ed Gray, 524 Jennifer Trail; Joan Graffagnini, 820 Chaparral Drive; Joyce Gray, 545 Edgeview Drive; Clay Newsome, 655 E. Sandra Lane.

Council Member Thorn thanked Rosemary Reed for submitting the information that she provided to Council. He said he has served on the Dallas, Forth Worth, and Houston and Gulf of Mexico safety committees. He said the United States needs to become independent on energy and natural gas is a way to do that. Mr. Thorn said we need to ensure it progresses safely. He stated that the automobiles that we drove in tonight are the biggest killer and biggest polluter but we do not want to ban them or natural gas. He said natural gas is less of a polluter and heads us in the direction of

being energy independent. Mr. Thorn said there are many gas lines all over the city that provide heat to many houses in the city. He said we should be vigilant but not deny this progress.

Council Member Bill Thorn moved to approve Item 17. The motion died for lack of a second. City Attorney Don Postell declared the motion defeated.

Citizen Comments

Christina Moly, 5951 Waterford Drive, stated that Lynn Creek Parkway is being built behind their homes. She said she had not been notified of this. Ms. Moley said there are many animals that live behind their homes and that the Army Corps of Engineers said there would not be anything built on that land.

Akash Shah, 5911 Waterford Drive, said he had not been notified of any road being built. He said when he moved to Grand Prairie, he knew it was once a prairie but now roads are being built and gas wells being drilled. He said his company would have given him \$15,000 for building within a 30 mile radius of their company, but he gave that up to build in Grand Prairie. The animals that have a habitat there will be destroyed if this road is built. He asked Council to rethink building this road and destroying this area.

Bill Burch, 5947 Waterford Drive, said in his backyard he has seen eagles, hawks, bobcats and many other animals and endangered species. He said residents paid extra for these lots to live in this environment and the city is reducing the value of these lots by building this road. He added that because of this loss in valuation, the city would be cutting its income. Mansfield ISD would also be impacted by the reduction in valuation of these homes. He said Mayor England had compared it to building the Home Depot, but this area is different and the value will not be enhanced. Mr. Burch added there will not be enhanced access for police and fire by building this road.

Jane Burch, 5947 Waterford Drive, former State Fire Commissioner, said trees are being taken down. She said she had collected affidavits from neighbors that they were never contacted by the city that this road would be going in on Corps of Engineers property. Ms. Burch said she was told that nothing would be built on land owned by the Corps of Engineers and that predatory animals would be protected. She said the affidavits she collected have been forwarded to Congressman Kenny Marchant. Ms. Burch read the names and addresses of those who signed affidavits. She asked Council to save the beautiful property in this area.

Cathy Hicks, 5963 Waterford Drive, she had concerns centering on the confusion that had been voiced about the land and the understanding that this was Corps of Engineers land and nothing could be built on this land. She said she had spoken with Parks and Wildlife people to get a grant to get a wildlife park there and an educational park for students, but was told no building could be put on that land. Ms. Hicks said it would be best that there is communication between the city and residents about what is planned and what is the environmental impact and what will be done to try to preserve this balanced ecosystem. She said she would like to see plans and environmental impact studies and what the road will look like to see how the impact on the environment can be minimized. Ms. Hicks asked Council for a moratorium so there can be dialogue to see what is best for all parties involved.

Darrell Becht, 5811 Summerwood Drive, said he had spent 3.5 years looking for property that would be somewhat of a wilderness. D.R. Horton said this land would not be disturbed. He said he had watched three ospreys from his land and there are also golden eagles. Mr. Becht said this property is the fulfillment of a dream and he

hoped the road would not take away the habitats of the wildlife.

Rosemary Reed, 277 Donnie Lane, said she wanted to protect our property and our investment and to keep Grand Prairie beautiful. She said she had taken the Citizens Police Academy class and learned ways to protect neighborhoods. She said she enjoyed the class and learned a lot of things that could help our community. Ms. Reed said she also signed up for Citizens on Patrol and had 100% confidence in Chief Dye and what he is doing is exactly what we need. She said Westchester is easy access to criminals because of I-20. Ms. Reed said she had encouraged HOA residents in Westchester to sign up for the Citizens on Patrol and that she appreciated the city for offering this program.

Wayne Johnson, 5967 Waterford Drive, said when he purchased his property it was understood there would be nothing built behind his property. He said he opposed this street and that his realtor had lied to him and told him nothing would be built there.

Jeff Chavers, 334 Tokara Court, opposed this item but did not wish to speak.

Adjournment

Council Member Fregoe clarified with City Attorney Don Postell that Agenda Item 17 (DFW Midstream pipeline license) was defeated for lack of a second.

Deputy Mayor Pro Tem Jackson invited the audience to tune in to Channel 16 to see the end of year recap presented by City Manager Tom Hart and Mayor England.

Mayor England adjourned the meeting at 7:28 p.m.

The minutes of this meeting were approved at the January 17, 2012 meeting.

Catherine E. DiMaggio, City Secretary