



City of Grand Prairie

City Hall
317 College Street
Grand Prairie, Texas

Minutes - Final City Council

Tuesday, January 7, 2014

4:30 PM

City Hall - Briefing Room
317 College Street

Call to Order

Mayor Jensen asked Mayor Pro Tem Giessner to update council on his father, Mr. Ralph Giessner. Mayor pro tem Giessner thanked everyone for their concern, calls and thoughts during Mr. Giessner's illness and he thanked the Fire Department for their quick response to assist Mr. Giessner.

Mayor Jensen welcomed recently-elected Council Member Lila Thorn.

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 Update on Delinquent Tax Collection and Special Recognition to City Employee- Presented by Edward Lopez, Capital Partner, Linebarger Goggan Blair & Sampson, LLP

Edward Lopez introduced Mary Sue Daniels and Peggy McCormick from Linebarger Goggan Blair & Sampson's staff. Mr. Lopez stated he had great news on the annual tax collection for Grand Prairie. Current collections are 98.9% with only 1.1% being collected for delinquent taxes.

Mr. Lopez noted several important cases to the Council. In 2012, Linebarger Goggan Blair & Sampson filed a lawsuits against a local hospital that had become delinquent in the payment of taxes to the City, Arlington ISD and Tarrant County. Through a series of negotiations and complicated legal procedures, Linebarger Goggan Blair and Sampson collected \$1,786,648 for the City of Grand Prairie, Arlington ISD and Tarrant County.

Mr. Lopez then spoke to Council about the collecton of delinquent hotel occupancy tax. The hotel at issue had refused to pay the delinquency despite years of notices, demands and contact by the City and its staff. Linebarger Goggan Blair and Sampson filed suit against the hotel. Many months passed and efforts to collect failed, the firm set a hearing requesting that the Court enter a permanent injunction to prohibit the hotel from operating its business. In August 2013, an agreement was reached and an Agreed Order and permanent injunction were entered by the Court.

As the deadline of October 2013 approached and the permanent injunction loomed, the hotel decided to pay the full balance without any further dispute. The City recognized a total recovery of \$46,347. Mr. Lopez recognized Cathy Patrick, Director of Management Services, for her assistance and diligence.

Mr. Lopez said that Linebarger investigated a salvage business property on Jefferson Street that had had been abandoned for 20+ years and had several containers and runoff from antifreeze and oil. Because of environmental laws, the city could not do a lot with the property and the taxes exceeded the value of the property which was valued at \$350,000. Linebarger valued the property at \$1,000,000 and used this amount in court. The property was sold for \$2.1 million and the firm collected all taxes owed to the city.

Mr. Lopez and Linebarger recognized Joseph Graves, Code Enforcement Department, as an extension of their law firm. Mr. Graves investigates properties, liens, etc. for the firm. Mr. Graves performs site visits on properties for code enforcement violations and his excellent record-keeping assists the firm on tax delinquencies issues. Mr. Graves accompanies Mary Sue Daniels on her property visits and businesses are more open with Mr. Graves being there.

Mayor Jensen congratulated Mr. Graves and thanked him and Linebarger for all of their great work. Mayor Jensen recommended recognition of Mr. Graves at the next council meeting.

Council Member Copeland asked if the city could have standardized reporting for hotels. Mr. Lopez stated reporting would need to be addressed by the legislature. Mr. Lopez will meet with our city attorney and our state representative on the matter. Mayor Jensen and Mr. Hart inquired if it needed to go through the legislature. Mr. Postell stated it would since it is both city and state taxes.

Presented

2

Draft Smoking Ordinance - Presented by Jim Cummings, Environmental Services Director

Mayor Jensen stated he did not want to go paragraph by paragraph but requested Council input on the proposed ordinance. The first item for discussion was smoking in the parks. Mr. Hart stated there would be something in writing stating Lynn Creek, Loyd Park, golf courses (outside) and other areas as so designated by the Parks Director. Council Member Copeland asked about park pavilions. The Mayor stated smoking is prohibited in pavilions but the Parks Director could designate a special event as smoking.

Council Member Clemson asked if the proposed ordinance would allow smoking in bars. Mr. Cummings stated only in designated bars that had been grandfathered. The City had an election several years ago and grandfathered 16 to 17 bars.

Council Member Copeland referred to Section 13-132 (18) and the word "any" in any other public place and asked if the ordinance allows smoking outside. Mr. Cummings stated it is not the right of some to smoke, this is a second hand smoke issue. Mayor Jensen stated smoking ordinances picked up steam when we found out it kills. Mr. Cummings stated smoking is prohibited where others are affected. Mayor Jensen asked if smoking would be allowed at swimming pools, if no one is around. Mr. Cummings stated if it does not affect others, smoking is permitted. Council Member Copeland requested the wording of the ordinance to be tightened up. Mr. Cummings said that #18 which states any other public places is a catch-all for public places.

Council Member Clemson asked if the whole purpose of the ordinance is to protect the customer and what about the employees. Mayor Jensen stated right now it is a good first step to protect the customer but he anticipated that down the road we will have no smoking in bars. Mayor Pro Tem Giessner asked if there was any provision to allow a restaurant to allow smoking even with a smoking system. Mr. Cummings replied that no system will eliminate all smoke. Mr. Giessner asked if an establishment could build a separate facility. Mayor Jensen does not want to go there and will not support. Giessner, I think we can go there. Mayor Jensen said any restaurant could build a whole new building. Mayor Jensen said smoking is a health hazard and the city needs to do something to protect our citizens and our surveys say our citizens do not want smoking. Mr. Giessner said he disagreed and it is a preservation of a right.

Council Member Wooldridge asked about private clubs. Mr. Cummings said it would have to have private memberships. Mayor Jensen said the 19th hole at Colonial was smoking forever but they had a vote, and now there is no smoking at the 19th hole. Lone Star Park and bowling alleys are exempt. Council Member Shotwell said Loyd Park should be exempt if Lone Star Park is exempt. He said he understood Mayor Pro Tem Giessner's point and we are giving the operators at Lone Star Park the right and bowling alleys know their clientele, but he said he still had concerns about employees.

Mayor Jensen said he thought that Council had discussed this thoroughly.

Council Member Thorn asked if Lone Star Park was totally exempt. Mr. Cummings said they are exempt and are very strict.

Council Member Copeland asked if a restaurant does a \$100K a year but wants to add a \$1M system could they be exempt. Mr. Cummings replied they would not. Mayor Pro Tem Giessner said if Don Juan's wants to build a second floor that is all non-smoking, go ahead. Mayor Jensen said if the facility is separate that would be fine. He asked Mr. Cummings to draft something to that effect. Mr. Cummings said it is the right of people not to be exposed to smoke.

Mr. Hart asked Mayor Pro Tem Giessner to come in and talk with staff to work on the ordinance.

Presented

Agenda Review

Council Member Swafford referred to Consent Agenda Item 12 which stated that six properties were advertised and asked about the other properties. Bill Crolley, Planning Director, said staff may go back and reduce the price. Mr. Swafford asked if the properties could be awarded to CHDO. Mr. Crolley said he would investigate that possibility.

Council Member Shotwell referred to Agenda Item 19 and asked if Bonham Street would be patched. Ron McCuller, Public Works Director, said it would be patched. Mr. Shotwell asked about Consent Agenda Item 20, and Mr. McCuller said there would be a temporary fix to the corner, but this item was for replacement of utilities prior to paving. Mayor Jensen noted that Mr. Shotwell would be making a board appointment to the Animal Shelter Advisory Committee.

Mr. Hart wished the Council a Happy New Year and thanked the Fire and Police Chiefs on a good job keeping the Council and City Manager's Office posted on recent events. He said that two officers had been shot and were very lucky to be alive.

Mr. Hart thanked Chief Fite on the tremendous job the department did at the recent house fire. Chief Fite stated 7 occupants were saved, but 7 pets perished.

Executive Session

There was no executive session.

Recess Meeting

Mayor Jensen recessed the meeting at 5:39 p.m.

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

Chaplain Emil Balliet gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Council Member Jim Swafford.

Presentations

3 Administer Oath of Office to Lila Thorn, Council Member, District 3

City Attorney Don Postell administered the Oath of Office to Lila Thorn, Council Member, District 3.

Council Member Thorn stated she was certainly humbled and honored to be able to serve on the Council. She said she had big shoes to fill (referring to former Council Member Bill Thorn). She said Mr. Thorn loved the city of Grand Prairie just as she does and he loved serving the District 3 constituents and the entire city. Council Member Thorn said she would do everything possible to fill those shoes. She thanked her campaign team and her co-workers at Thorne and Skinner for their support. Mrs. Thorn thanked her family and all of her supporters and added special thanks to the city council and city staff. Council Member Thorn said she welcomed the input of those who did not vote for her and that she would work hard to earn their support and will do her best to represent District 3 and the city of Grand Prairie and continue to make our city the place we love and to be proud in which \ to live, work and play. T

Presented

4 Employee of the Month - Gregg Kidd, Environmental Quality Division, Environmental Services Department

Jim Cummings, Environmental Services Director, introduced Gregg Kidd, Employee of the Month for January. Mr. Hart presented Mr. Kidd with an engraved clock and thanked him for his dedication to the city.

Presented

Consent Agenda

Mayor Jensen requested Mayor Pro Tem Giessner to give an update on his father, Mr. Ralph Giessner. Mr. Giessner thanked the audience for the phone calls, prayers, text and emails -- it has been overwhelming in a good way. He said his father had a heart attack on New Year's Eve and he thanked Chief Fite, Engine 6 and Crew 79 for the quick response much to his father's disagreement, in wanting to sit down and rest and thinking it would pass. Double by-pass was performed this morning and he is doing very well and resting comfortably at Methodist. We hope to have him home late this week or early next week. Mr. Giessner praised his father and said he could not be serving on Council without his support because he allows me to do these things -- he taught me well and to serve my community.

Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve Items 5 through 22 on the Consent Agenda. The motion carried unanimously.

- 5** Minutes of the December 10, 2013 and December 18, 2013 Meetings

Approved

- 6** Price agreement renewal #3 for preformed speed cushions, with Roadkare International, at an estimated annual cost of \$25,000 for a total of \$125,000 if all renewal options are exercised; and authorize the City Manager to execute any additional renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal term(s)

Approved

- 7** Price agreement renewal #1 for guardrail removal and installation with Vann/Elli, Inc., at an estimated annual cost of \$100,000.00 for a total of \$500,000.00 if all renewal options are exercised; and authorize the City Manager to execute any additional renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal term(s)

Approved

- 8** Ratification of Final Change Order with Freese and Nichols on SH 360 Water Transmission Line Ph III

Approved

- 9** Contract with Site Landscape Development for landscape maintenance (\$305,706) in Westchester PID (Council Districts 3 and 6)

Approved

- 10 Purchase nine (9) P25 compliant Motorola radios and chargers from Motorola Solutions Inc utilizing the HGAC Contract at a total cost of \$54,758.25
Approved
- 11 Purchase Traffic Signal Opticom (preemption) Equipment from Consolidated Traffic Controls, Inc. through a cooperative purchasing program with the Houston-Galveston Area Council of Governments (HGAC), as funding allows through April 30, 2015 at an estimated annual cost of \$55,000
Approved
- 12 Authorize the sale of six tax foreclosure properties (2205 Spikes Street; 2935 Muirfield Avenue; 218 Manor Street; 517 SW 17th; 2206 Avenue A; 1530 Avenue F)
Approved
- 13 Change Order/Amendment No.1 for Irri*Tech for Peninsula PID irrigation system installation by Ponds 4 & 5 (inside fence) in the total amount of \$15,060
Approved
- 14 Change Order/Amendment No. 1 for the construction contract with Conatser Construction TX, LP in the amount of \$33,055 for wastewater replacements
Approved
- 15 Resolution authorizing the City Manager to execute a master inter-local purchasing agreement between the City of Grand Prairie and the Education Service Center, Region 20.
Adopted
Enactment No: RES 4668-2014
- 16 Resolution appointing members to Boards of Directors for three Tax Increment Financing (TIF) Zones, TIF #1, TIF #2, and TIF #3
Adopted
Enactment No: RES 4669-2014
- 17 Ordinance amending the FY 2012/2013 Cemetery Operating Fund Budget by appropriating \$54,051 from Ending Resources and adding \$30,462 in revenues from increased Marker Sales, Section Sales, and Internment Fees
Adopted
Enactment No: ORD 9656-2014
- 18 Ordinance authorizing the abandonment of portions of unneeded drainage,

electric and utility easements for Lot 1, Block 1, Stewart Addition.

Adopted

Enactment No: ORD 9657-2014

- 19** Ordinance amending the FY 2012/2013 Capital Improvements Project Budget; and Change Order No. 4 with SYB Construction Co. in the net amount of \$16,348.75 for Bonham Street from Carrier Parkway to N.W. 6th Street

Adopted

Enactment No: ORD 9658-2014

- 20** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Construction contract with SYB Construction for the College Street and N.W. 6th Street Project in the amount of \$313,556.75; material testing in the amount of \$14,725; in-house engineering in the amount of \$15,678; and 5% construction contract contingency in the amount of \$15,678; for a total project cost of \$359,637.75

Adopted

Enactment No: ORD 9659-2014

- 21** Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; and a Joint Engineering Professional Contract with the City of Cedar Hill in the amount of \$13,145 and a 5% contingency of \$657, for a total of \$13,802 to Freese & Nichols for an evaluation of the impact of an Unauthorized Interconnection between the water systems of the two cities

Adopted

Enactment No: ORD 9660-2014

- 22** Ordinance authorizing the abandonment of an unneeded drainage and utility easement at 4588 Mountain Laurel Drive, Westchester Grove Addition

Adopted

Enactment No: ORD 9661-2014

Items for Individual Consideration

- 23** Price agreement for disaster debris hauling from TFR Enterprises, Inc. (estimated at \$19,444,350) and a secondary to Ceres Environmental (estimated at \$26,337,010) for one year with the option to renew for four additional one year periods totaling (estimated at \$97,221,750) if all extensions are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding

is appropriated by the City Council to satisfy the City's obligation during the renewal terms

Mr. Cummings briefed the council on Items 13-3250 and 13-3306. He said that Dr. Redfearn, Solid Waste Manager, worked with our former Emergency Management Coordinator to put these price agreements in place in the event they are needed to handle and dispose of debris. Both agreements are for handling and disposal of debris from disasters. He said the numbers in the contract are based on costs from Joplin, MO. There are no costs to the contract unless a disaster occurs. The contracts will be in place and ready to go and meet FEMA requirements for reimbursement. We have been working with the Finance and Government Committee to fund until we receive reimbursement from FEMA.

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve Item 23. 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
Council Member Jeff Wooldridge

24

Price agreement for disaster debris monitoring from Leidos, Inc. (\$226,839) and a secondary to Witt-O'Brien (\$248,521) through a national inter-local agreement with H-GAC, for six months with the option to renew for three additional one-year periods totaling (\$907,356) if all extensions are exercised; and authorize the City Manager to execute the renewal options with aggregate price fluctuations of the lesser of up to \$50,000 or 25% of the original maximum price so long as sufficient funding is appropriated by the City Council to satisfy the City's obligation during the renewal terms

Council Member Swafford moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve Item 24. 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
Council Member Jeff Wooldridge

25

Board Appointments

Council Member Shotwell moved, seconded by Council Member Clemson, to appoint Paige Bickham to the Animal Shelter Advisory Committee. 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
Council Member Jeff Wooldridge

Citizen Comments

Mr. Maston Sillin, 529 Newberry Street, referred to the last council meeting when a lady spoke on the TNR (trap, neuter and release) program without asking for direction on feral cats. He said in the case of feral cats, releasing them back is not humane because they are not wild animals, they are domesticated animals. Mr. Sillin said they have to live in fear of people, coyotes and have to hunt for food and are never shown in a positive light. He said in his opinion, it is not humane to release them back into the wild.

Adjournment

Mr. Hart commented on the recent shooting of two police officers and that they were lucky to be alive. He said police officers put themselves in harm's way every day and we owe them a lot of respect. He added that the Fire Department had also been through a lot with a recent massive fire. By the time our fire rescue crew arrived, the fire had spread so fast and was so engulfed that residents were jumping out of the second story windows. All 7 survived, with some having smoke inhalation. Mr. Hart said the next time you see one of our police officers or fire fighters, shake their hand and tell them that you appreciate them.

Mr. Hart welcomed Council Member Thorn to the Council.

Mayor Jensen adjourned the meeting at 6:59 p.m.

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

Catherine E. DiMaggio, City Secretary