



Minutes - Final  
City Council

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Tuesday, April 15, 2014

4:30 PM

City Hall - Briefing Room  
317 College Street

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**Call to Order**

Mayor Jensen called the meeting to order at 4:30 p.m.

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

**Staff Presentations**

1 Update on Lakeside Development - Presented by Don Postell, City Attorney,  
and Bill Crolley, Planning Director

*Rhonda Vaughn, Strata Development, spoke to Council regarding the proposed Lakeside Development. She said the area consists of 80 acres which was platted in 1931 for campsites on Mt. Creek Lake but it did not develop as expected. The campsites are 25' x 50'. Ms. Vaughn said some lots have been donated to charities and others have been inherited. The Comprehensive Plan shows the northern part to be commercial and the southern part as residential. She said they have an agreement with the city for a joint effort to develop the lots. Ms. Vaughn said there are 1,635 lots and her company has done a title search on each one. The City owns a few of the lots and Planning has actively campaigned to ask the lot owners to donate the lots--23 were donated. In 2008, Strata tried to borrow money but bankers did not consider the lots as security. Ms. Vaughn said she has found an investor who signed on because of the agreement with the city. In the agreement, the city will use efforts to acquire title to those lots owned by private parties whose identities are unknown or tax delinquent properties. Titles to these lots will be signed over to Strata. She said some of the issues include titles, whether the city wants to allow strikeoff or share mineral rights. She said \$50,000 is the difference in what the minimum bid at auction would be and what she thought was mutually agreed upon for what Strata would purchase the lots. Ms. Vaughn said the investor would not buy the lots for \$120,000 because they are overpriced at that price which amounts to \$667 per lot. She said the investor is well funded; his entities last year paid over \$10,000,000 in taxes and \$1 million of that was in Grand Prairie.*

*Mayor Jensen stated there would be an executive session for questions to be addressed to Mr. Lopez, but questions for Ms. Vaughn should be addressed at this time.*

*Ms. Vaughn said the investor would put \$70,000 in escrow so if properties can be*

stricken off, action could be taken right away. She said if Council wished to move forward, the investor can fund the backlog of lots that are available to purchase. Ms. Vaughn said she is working with the Perry family who own several lots to make a trade. The investor is ready to start fencing and clearing to stop illegal dumping. Ms. Vaughn asked the city to take action to get tax lots stricken off retroactively to combine with the lots the city already owns to be conveyed to Strata. She asked that the city declare the plat expired and to pursue people who do not maintain their property.

Council Member Copeland said it appeared the contract had expired three years ago. Ms. Vaughn said the expectation in 2007 was that tax lots would go to sale in 2008 but actually got to sale in 2011. She said they could not move forward when action by the city was not taken. Council Member Copeland asked what would happen if the lots were combined. Ms. Vaughn said since the lots are only 25' deep they do not comply with requirements.

Mayor Jensen remarked that TXDOT is putting a frontage road on I-20. Ms. Vaughn said she has worked with TXDOT to make sure that area could be serviceable so it can be developed. Council Member Copeland asked Ms. Vaughn if the extra \$50,000 was a deal breaker. Ms. Vaughn said the investor would not pay \$120,000.

**Presented**

2

SWAT Medic Program - Presented by Police Chief Steve Dye

*Lt. Fleming made a presentation to Council on the Grand Prairie SWAT Medic Program which is a collaborative program between the Police and Fire Departments. He said the team consists of 13 Fire Department paramedics who go to the same SWAT training as Police Officers. Some of the benefits of the program are on-scene advanced life saving care; EMS is not affected by SWAT deployment; the firefighter paramedics have skills in structural breaching; reduced liability; improved partnership between police and fire; improved safety for those who need services of the Grand Prairie Police SWAT team; and improved morale of assigned personnel and additional career path opportunities.*

*Lt. Fleming said the team has been deployed 20 times since they became operational and have garnered positive media interest. Bill Murphy, Assistant Fire Chief, said this has been a huge undertaking and thanked Chief Dye and Lt. Fleming. He said the training has been intensive. This program has been implemented on a larger scale than any other department in the area. He thanked Council for their support of this new partnership. Chief Dye said in a recent incident with an active shooter, the Police SWAT did not have to focus on the injured person in the parking lot because of the addition of paramedics to the team.*

*Mayor Pro Tem Giessner asked if the firemen are assigned to this unit full-time. Lt. Fleming replied that they were. Council Member Copeland asked if the Fire Department personnel would be armed. Chief Dye said they would not because of the intensive training which is a long and costly process; they need to focus on the medic part. Council Member Shotwell asked if this programs keeps from having to pull an ambulance out of service. Lt. Fleming replied yes, but they would call an ambulance if needed.*

**Presented**

3

Main Street Festival - Presented by Rick Herold, Parks, Recreation and Arts Director

*Rick Herold, Parks and Recreation Director, said the Main Street Festival has continued to grow since its inception. Erin Fralicks, Parks Department, said the Main Street Festival will take place on April 25-26. In order to increase attendance, a Main Street Fest website has been added. The layout has been revised and Main Street will not be closed. The new title sponsor is Texas Trust who gave \$10,000 to the Main Street Fest. Council Member Shotwell said Max Baca and Flaco Jiminez are great entertainers and he recommended seeing their performance.*

**Presented**

**4**

Library Summer Reading Challenge - Presented by Amy Sprinkles,  
Marketing/Communications/Library Director

*Lenore St. John stated If kids do not read during the summer their reading levels decline. She said the summer reading program is a partnership with Grand Prairie ISD to encourage students to read during the summer. The kickoff for the summer reading program will be at the Shotwell Library on June 7. Gaylynn Broom, Executive Director of Community Relations, Grand Prairie ISD, said GPISD is piloting the first summer camp called Beyond the Bell. Mariana Espinoza said the e-reading program will be continued again this summer at each of the recreation centers. Council Member Clemson asked if this also included the YMCA. Amy Sprinkles, Marketing/Library Director, said it does include the YMCA.*

**Presented**

## Agenda Review

*Mayor Jensen stated he had a conflict of interest on Agenda Item 27 (Zoning Case Z140402). Council Member Shotwell stated he had an appearance of a conflict of interest on Agenda Item 28 (price agreement with Butler Schein Animal Health Supply).*

*Mayor Pro Tem Giessner asked if anyone had any questions on the Consent Agenda. Bill Crolley, Planning Director, referred to Item 24 (Zoning Case Z131102) and stated that the applicant is working with the gas drilling company and this has not been worked out at this time. City Attorney Don Postell said that all three items on the Planning and Zoning Consent Agenda could be tabled at one time. Council Member Shotwell stated that when a case is tabled it should be tabled to a specific date.*

*Mr. Crolley reviewed Agenda Item 27 (Zoning Case Z140402). Mayor Jensen left the room during the discussion on this item. Council Member Thorn said she has questions with regard to PID expenses and what amenities will be maintained and asked if this case could be tabled to May 20. Mr. Crolley said staff is amendable to this until some of these questions can be answered.*

*Chief Dye referred to Agenda Item 18 (Authorized Civil Service Positions). He said he had created the position of Deputy Chief and Civil Service law requires him to specify the ranks.*

## Executive Session

**Mayor Jensen convened an executive session at 5:30 p.m. pursuant to Chapter 551, Subchapter D of the Government, V.T.C.A. Section 551.071 "Consultation with Attorney," and Section 551.087 "Deliberations Regarding Economic**

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Development Negotiations." The executive session was adjourned at 6:05 p.m.

### Recess Meeting

Mayor Jensen recessed the meeting at 6:05 p.m.

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### 6:30 PM Council Chambers

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Mayor Jensen reconvened the meeting at 6:45 p.m.

Glenn Cato, Director of the Grand Prairie Chapter of Victim Relief Ministry, gave the invocation. The Pledge of Allegiance to US Flag and to the Texas Flag was led by Deputy Mayor Pro Tem Fregoe.

### Presentations

- 5** Grand Prairie ISD Parents in Action Group - Presentation of a Certificate of Recognition to the City Council
- The GPISD Parents in Action Group presented a Certificate of Recognition to the City Council because of their commitment and dedication to building a park for special needs children.*
- Mayor Jensen stated that the ¼ cent sales tax election includes a key component for a handi-capable area to be one of the best in the state.*
- Presented**
- 6** National Safe Digging Month Proclamation - Presented to Mary Jean Moloney, Manager Public Affairs, Atmos Energy Corporation
- Council Member Swafford read a National Safe Digging Month Proclamation and presented the proclamation to Mary Jean Moloney, Manager of Public Affairs, Atmos Energy Corporation.*
- Presented**
- 7** National Public Safety Telecommunications Week Proclamation - Presented to Loren Hebert, Communications Manager
- Council Member Thorn read a National Public Safety Telecommunication Week Proclamation and presented it to Loren Hebert, Communications Manager.*
- Presented**
- 8** Eagle Scout Certificate - Presented to Charles Bennett White, Houston Miller, Timothy Stuard, and Aaron Vu
- Mayor Jensen presented Eagle Scout Certificates to Charles Bennett White, Houston Miller, and Aaron Vu. Timothy Stuard was not present to accept the certificate.*

**Presented****Consent Agenda**

**Mayor Pro Tem Giessner moved, seconded by Deputy Mayor Pro Tem Fregoe, to approve Items 9 through 21 on the Consent Agenda. The motion carried unanimously.**

**9** Minutes of the April 1, 2014 Meeting

**Approved on the Consent Agenda**

**10** Annual Hardware and Software Support and Maintenance to North Central Texas Council of Governments (NCTCOG) for Lawson Financial and Human Resources Applications in the amount of \$247,973

**Approved on the Consent Agenda**

**11** New Lease with Timeless Hangars, Inc.(Larry Tippit) for construction of Hangar at Location 24 South A - Grand Prairie Municipal Airport

**Approved on the Consent Agenda**

**12** Lynn Creek Gateway Art Project sculpture "The Fish Story," by Paul Baliker in the amount of \$120,000 plus \$5,000 for installation expenses for a total project cost of \$125,000

**Approved on the Consent Agenda**

**13** Purchase of three ergonomic dispatch consoles form Ergoflex Systems, Inc. (dba Xybix Systems, Inc.) for \$39,114 through a HGAC contract agreement.

**Approved on the Consent Agenda**

**14** Professional engineering services contract with KSA Engineers for the Main Street and Jefferson Street Area Storm Drain Improvements in the amount of \$192,300

**Approved on the Consent Agenda**

**15** Final Reconciliation Change Order No. 9 - FY 10 WWST/College St Water with Conatser Construction in the net negative amount of \$121,389

**Approved on the Consent Agenda**

**16** Contract with Child's Play, Inc. to furnish and install playground improvements at Dalworth Recreation Center courtyard through TASB Buy Board Cooperative Purchase Agreement in the amount of \$75,458, and approve a 5% contingency of \$3,773, for a total amount of \$79,231

**Approved on the Consent Agenda**

- 17 Resolution authorizing an assignment for a partial tax abatement from CH Realty IV/Trinity, LP to Grand Prairie Trinity, LLC for the ad valorem real estate improvements of the 305,000 square foot distribution facility located at 3254 Trinity Boulevard, Grand Prairie, Dallas County, Texas
- Adopted**
- Enactment No: RES 4690-2014
- 18 Ordinance defining the Police Department's authorized Civil Service positions in each classification for Fiscal Year 2014, which totals 237 Civil Service positions.
- Adopted**
- Enactment No: ORD 9690-2014
- 19 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget for the payment to Irving in the amount of \$3,296,758.52 in partial fulfillment of the Interlocal Agreement between the City of Grand Prairie and the City of Irving for the construction of facilities for the transportation of water from the Dallas Water Treatment Facility
- Adopted**
- Enactment No: ORD 9691-2014
- 20 Ordinance amending the FY 2013/2014 Capital Improvement Projects Budget; Change Order/Amendment No. 4 on the construction contract with Pavecon, Ltd. in the amount of of \$3,518.80 for Dickey Road Paving and Drainage Improvements
- Adopted**
- Enactment No: ORD 9692-2014
- 21 Ordinance amending the FY 2013/2014 Capital and Lending Reserve Fund for the purchase of Video Camera Security System from Knight Security Systems for a total of \$374,975.22
- Adopted**
- Enactment No: ORD 9693-2014

### **Public Hearing Consent Agenda**

- 22 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 April 7, 2014, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case. On April 15, 2014 the City Council tabled this item until the applicant reactivates the case.)

**Council Member Wooldridge moved, seconded by Council Member Clemson, to close the public hearing and table Case SU140401/S140403 until the applicant reactivates the case.**

**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

**23**

Z140401/CP140401 - Zoning Change/Concept Plan - Lakeside Lodge (City Council District 6). Consider a request to rezone property from Agriculture (A) district to Planned Development District for multi-family uses. The 17.64-acre property is generally located south of S.H. 360 and west of Mirabella Boulevard (S.L. Ferrell Survey, Abstract 516 Tracts 2C02, 2A05, and 2A04A ), is zoned Agricultural (A) District and is within the S.H. 360 Overlay District. The applicant is Brian Rumsy, Cross Architects and the owner is Johnny Campbell, Sunbelt Land Development LTD. (On April 7, 2014, the Planning and Zoning Commission tabled this case by a vote of 8 to 0 until the applicant reactivates the case. On April 15, 2014, the City Council tabled this case until the applicant reactivates the case.)

**Council Member Wooldridge moved, seconded by Council Member Clemson, to close the public hearing and table Case Z140401/CP140401 until the applicant reactivates the case. 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

**24**

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.)

**Council Member Wooldridge moved, seconded by Council Member Clemson, to close the public hearing and table Case Z131102 until the May 6, 2014**

meeting. 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

## Public Hearing on Zoning Applications

25

AS030601A - Site Plan Amendment - 828 S. Carrier Parkway (City Council District 2). Consider a request for the approval of a Site Plan Amendment to allow a larger building and changes in the parking configuration. The 0.64-acre property, located at 828 S Carrier Parkway, is zoned Planned Development 12 (PD-12) District and is within the SH 161 Overlay District. The agent is Raul Estrada and the owner Polly Thorn Flory, Cedar Prairie Properties. (On April 7, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 7-1.)

*Mr. Hinderaker, Chief City Planner, said this case is for a WIC office located in Cedar Prairie on Carrier Parkway. The new building will have over 7,000 sq. ft. on .64 acres which is zoned PD and in the SH161 Overlay District. He said the applicant requested a variance for the rear setback. He said the applicant would be relocating eleven parking spaces and adding 4 (an increase from 25 to 29). There is a shared parking agreement with Lot 4 and Lot 6 and also on Lot 1R which is a verbal agreement.*

*Mr. Hinderaker said the southwest corner of the proposed building will have 12.09 foot setback, approximately 29 feet long. The remainder of the building will have a 21 foot rear setback. Current standards allow a 20 foot rear setback adjacent to residential zoning. The applicant is requesting this appeal to meet the proposed tenant's needs. He said this section of the building will house the retail portion of the building.*

*Mr. Hinderaker said the landscape plan meets all requirements but because of one appeal staff does not give full support.*

*Raul Estrack, 1636 Cedar Hill Avenue, Dallas, was present to answer questions.*

**Council Member Swafford moved, seconded by Mayor Pro Tem Giessner, to close the public hearing and approve Case AS030601A as requested by the applicant and approved by the Planning and Zoning Commission. The motion carried unanimously.**

26

SU140405/S140404 - Specific Use Permit/Site Plan - Luci's Chicken - 414 E Main St (City Council District 5). Consider a request to approve a Specific Use Permit for a drive-through restaurant on 0.46 acres. The property, located north of Main Street and west of northeast 5th Street, is zoned Central Area (CA) and is within the Central Business District Two (CBD-2). The owner is SOS Custom Homes LLC. The applicant/agent is Robert Chang. (On April 7, 2014, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

*Mr. Hinderaker reviewed Case SU140505/S140404 for an SUP for a drive-through.*

He said that the staff review showed three access points off Main and the applicant wants to consolidate three into one to make way for the drive-thru. The site has the six required queing spaces but cannot have a speaker box; ordering must be done at the window. The applicant has done some façade work on the front to mimic Uptown Theatre. The dumpster enclosure will be rebuilt. The restaurant has 48 seating capacity. He said there were no appeals and staff recommended full approval.

Council Member Swafford asked Mr. Hinderaker why the applicant could not have a call box on the drive-thru. Mr. Hinderaker said from the call box back they have to have six stacking spaces and they have a shared access. Council Member Shotwell asked if there was any way to make the call box work. Mr. Hinderaker said this was not an issue with the applicant.

Robert Chang, 5834 Windmier Lane, Dallas, submitted a speaker card in the event Council had questions. Council Member Shotwell asked Mr. Chang if he preferred to have an order box. Mr. Chang said he would prefer not to have it because it would block traffic.

Council Member Wooldridge asked if there was any way to widen the entrance. Mr. Hinderaker said the applicant would be restriping the parking lot and reorienting the parking.

**Council Member Shotwell moved, seconded by Council Member Copeland, to close the public hearing and approve Case SU140405/S140404. 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 9694-2014

27

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 during the discussion and vote on this item.

Jim Hinderaker, Chief City Planner, reviewed Case Z140402. He said this case includes property at W. Camp Wisdom and Carrier Parkway which has a split zoning (General Retail and Planned Development 242). He said this site will have single family residences. There is an existing gas well and they are proposing to cap the well and fill the existing frac pond and continue use of an existing cell tower. Mr. Hinderaker showed adjacent uses and photographs of the site. He indicated this Planned Development would consolidate the current split zoning. The developer is working to reclaim the well site and the gas company has filed paperwork which

awaits approval by the Railroad Commission. There is also a cellular tower onsite which requires a 240' setback. He said the plan meets the requirements of SF-4 zoning with regard to lot size and width and the buffer. The Concept Plan shows access from both Carrier Parkway and Camp Wisdom. Mr. Hinderaker said cross hatched areas on the map indicate J swing lots which can have reduced setbacks. There will be a 30' landscape buffer on Carrier and Camp Wisdom. The Future Land Use Plan shows 0-6 density units per acre. The applicant has asked for SF4 Density which is in conformance with the Land Use Plan. He said the applicant is asking for appeals on the well capping and the frac pond until after the final plat but capping of the well would take place before the plat being recorded. The applicant also asked for an appeal on the minimum lot size but since they are coming in at a lower density they are meeting the requirements of SF-4.

Robert Shelton, 9409 Aldridge Court, Fort Worth, said there are approximately two acres around the cell tower and he would like to put that area in an HOA. He said they have been asked to join the HOA to the north but have declined because that is a voluntary HOA and they are not getting much participation. This area would have a mandatory HOA and would like to keep that as a private park. The area is already in the Public Improvement District which is maintaining the perimeter of this area.

Council Member Copeland asked Mr. Shelton what his involvement was with this project. Mr. Shelton said he was the developer. Mr. Copeland said the Council Communication indicate the owner is Stephen Webb DFW Crossing. He asked what or who that was. Mr. Shelton said this is a limited partnership in a church.

Osama Nashed, 5000 Thompson Terrace, Colleyville, TX, stated he was the engineer on the project and was present to answer questions.

Susan Read, 508 Edgeview Drive, stated that this item was not presented directly to the Planning and Zoning Commission. She said there is a moratorium on the gas well on this property. Ms. Read read a letter that she wrote to the Army Corps of Engineers and she asked to be included in the Minutes of the meeting:

"Dear Mr. Hooper,

Thank you for speaking with me today.

As we discussed, please let me know if there has been any communication with USACE from 1) the City of Grand Prairie; 2) Chesapeake; and/or 3) the Railroad Commission of Texas regarding the Plugging of Well 1H at the Corn Valley Drilling Site located at 210 West Camp Wisdom Road in Grand Prairie.

As you know, this well is currently under the Moratorium and plugging a well must be considered part of the Moratorium since there was a Workover Rig (In place as of 3.31.14) and unknown amounts of down-hole pressure were applied to the wellbore to send the cement and plugs down the hole. RRC in Kilgore, TX told us on April 10, 2014 that the first plug is at around at 9,400 feet (the kickoff point). And that there are a total of 3 plugs. The plugging was completed on April 4, 2014.

We were also told by the RRC that this plugging will not take place on the horizontal portion of the wellbore, but only on the vertical portion. 200 Ft. Cast-Iron Plugs were put in place every 3,000 feet and filled in with Cement and Drilling Mud.

I have attached a document from the National Petroleum Council dated September 15, 2011 that has informed us as to how plugging a horizontal well (or any well) has always presented problems. In fact, if you read "The Findings," on Page 19,

*Paragraph 2, it says:*

*"Most wells are still plugged with cement using methods and materials developed in the 1970s. Cement additives have improved, but gas channelling and contaminated cement jobs are still operational issues."*

*Please refer to Page 12 of the attached Document regarding "Horizontal Wells," and the "gravitational effects compared with vertical wells."*

*Of course, we still have concerns about the potential for creating seismicity so near the Joe Pool Lake Dam because of this plugging operation. We know of few instances (if any) where a horizontal well has been plugged that had been drilled and hydraulically fractured without production. All of that methane, fracking chemicals and NORM has been released in the Barnett Shale formation directly under our community with no direct way out." Ms. Read said the Corps had not responded to her letter as of today.*

*Ms. Read said she has concerns about All American Homes and she did not see any website on Mr. Shelton's business card. Would like to see more professionalism from the builder.*

*Rosemary Reed, 277 Donnie Lane, spoke in opposition to this development. She said the PID and HOA has some concerns about this project. She explained that Mr. Shelton misspoke when he said that Westchester wanted his property to be in their HOA. She said they wanted his property to be in an HOA but not in their HOA. Ms. Reed said that at the Planning and Zoning Commission meeting, Mr. Shelton said she was undecided but she is not undecided nor is Todd Handock, Head of HOA, the PID Manager and Clay Newsome, the PID President. She said the landscape company gave a quick estimate on the two entrances and it would be an annual cost to the PID of approximately \$18,000 not including electric, water or other maintenance. She said the Westchester PID has had some financial struggles.*

*Council Member Copeland asked Susan Read what she sees as a final resolution for this property. Ms. Read said she thought there was a problem if Council was looking at a short term solution. She said in the long-term there could be potential problems with this site. She said some research indicates that fracking causes earthquakes. Council Member Copeland asked her if she thought this should not be a subdivision. Ms. Read replied it should not; it is not neighborly. She said this site needs to be watched carefully because it is part of the drilling moratorium with regard to the Joe Pool dam. She said she also had concerns about the quality of the builder.*

*Council Member Copeland asked Rosemary Reed if she had concerns that this should not be a subdivision. Ms. Reed said when she met with Mr. Shelton she was glad the well was going away so he had the option of retail or residential. She told him that as long as the city and the Army Corps agreed she would not be opposed to it. Ms. Reed said she wanted to make sure if it was residential that the PID would not have an undue burden.*

*Ms. Rosemary Reed said the PID board had discussed this project and felt retail would be a better option. She said as long as the city, the Corps and Railroad Commission would agree on what to do with it she would not be opposed. Ms. Reed said her biggest concern was making sure if it went residential, that the PID would not have undue burden. Mr. Copeland asked Ms. Read if she would rather have residential, a fastfood restaurant, or a convenience store. Ms. Read said she was more concerned about the future of the capped well and what it might do and was concerned about people living there. She said it should just be a green space, but*

*this is not reality, and sometimes you have to look at long-term effects. Ms. Susan Read said Mr. Shelton made a comment about the HOA being inactive, but that is not true.*

*Council Member Shotwell asked Mr. Hinderaker about the waiver of the lot size requirement. Mr. Hinderaker said the applicant is asking for SF-4 requirements for lot width. Mr. Shotwell asked Mr. Hinderaker how many lots there were. Mr. Hinderaker said the concept plan shows 54 lots. Council Member Shotwell asked Mr. Shelton the approximate sales prices of the homes. Mr. Shelton said he was a custom home builder and was the developer for this project and would estimate the prices to be from \$200,000-\$350,000. Mr. Shotwell commented if the PID has concerns, the taxable value would determine how much the PID would receive.*

*Council Member Swafford asked Mr. Hinderaker what the crosshatched areas and shaded areas on the plan indicated. Mr. Hinderaker said the cross-hatched area indicated reduced front setback with J Swing lots. Mr. Nashed said the shaded lots are 9,000 sq. ft or bigger. He said 30% of lots have to be more than 9,000 sq. ft.*

**Council Member Thorn moved, seconded by Council Member Shotwell, to close the public hearing and table Case Z140402 to the May 20 Council meeting to provide time to gather additional information. The motion carried unanimously.**

**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

## Items for Individual Consideration

28

Price agreement for one year for animal vaccines and medical supplies for animal shelter and spay/neuter clinic from Butler Schein Animal Health Supply, LLC in the amount of \$369,555.65

*Council Member Shotwell declared a conflict of interest and left the chambers during discussion and vote on this item.*

**Mayor Pro Tem Giessner moved, seconded by Council Member Copeland, to approve Item 28. The motion carried unanimously.**

**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

**Excused:** 1 - Council Member Tony Shotwell

## Citizen Comments

*There were no citizen comments.*

## Adjournment

*Mayor Jensen stated the funeral for Fred Conover, former Police Chief, would take place at 10:00 a.m. at the First United Methodist Church.*

*Mayor Jensen invited everyone to attend the Main Street Festival on May 25 and 26. He said the city website has information on all the performances.*

*Council Member Clemson invited everyone to join the Run for Shelter event to take place on Saturday benefitting the Lifeline Shelter.*

**Mayor Jensen adjourned the meeting at 7:51 p.m.**

*The foregoing minutes were approved at the May 6, 2014 meeting.*

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*Catherine E. DiMaggio, City Secretary*