

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council of the City of Grapevine, Texas met in Workshop on this the 18th day of December, 2012 at 6:45 p.m. in the City Council Conference Room, Second Floor, 200 South Main Street, with the following members present to-wit:

William D. Tate	Mayor
C. Shane Wilbanks	Mayor Pro Tem
Sharron Spencer	Council Member
Roy Stewart	Council Member
Darlene Freed	Council Member
Mike Lease	Council Member
Chris Coy	Council Member

constituting a quorum, with the following members of the City Staff:

Bruno Rumbelow	City Manager
Jodi C. Brown	City Secretary

CALL TO ORDER

Mayor Tate called the workshop to order at 6:53 p.m.

ITEM 1. DISCUSS CROSSWALK SIGNAL ON MAIN STREET

City Manager Bruno introduced the presentation on installing a crosswalk signal on Main Street at Hudgins Street. Public Works Director Stan Laster recommended a flashing signal similar to the equipment recently installed on Dove Road and Mustang Drive. Mr. Laster viewed a concept design and purchase and maintenance costs for the proposed crosswalk signal.

Council requested Staff review updating the two existing crosswalk signals on Main Street for pedestrian safety and uniformity, and to provide new concept designs. After discussions on the signal design, Mayor Tate requested the item be scheduled for a future agenda for further discussion.

There was no formal action taken by the City Council.

ITEM 2. MONTHLY FINANCIAL UPDATE

Administrative Services Director John McGrane presented the monthly financial update noting the General Fund revenue is down slightly due to the ad valorem tax invoicing and payment cycle; that expenditures in the Insurance Fund are continuing to trend downward and that the sales tax check received for the month of October put the year's collection up

10.22% from last year, which surpasses the 2008 sales tax collection level. Mr. McGrane commented that the hotel avenue room rate is down slightly and that the City's unemployment rate dropped to 5.3%.

There was no formal action taken by the City Council.

ADJOURNMENT

Council Member Coy, seconded by Council Member Stewart, offered a motion to adjourn the workshop at 7:22 p.m. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 15th day of January, 2013.

APPROVED:



William D. Tate
Mayor



ATTEST:



Jodi C. Brown
City Secretary

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council of the City of Grapevine, Texas met in Executive Session on this the 18th day of December, 2012 at 7:00 p.m. in the City Council Conference Room, Second Floor, 200 South Main Street, with the following members present to-wit:

William D. Tate	Mayor
C. Shane Wilbanks	Mayor Pro Tem
Sharron Spencer	Council Member
Roy Stewart	Council Member
Darlene Freed	Council Member
Mike Lease	Council Member
Chris Coy	Council Member

constituting a quorum, with the following members of the City Staff:

Bruno Rumbelow	City Manager
John F. Boyle, Jr.	City Attorney
Jodi C. Brown	City Secretary

CALL TO ORDER

Mayor Tate called the meeting to order at 7:22 p.m.

ITEM 1. EXECUTIVE SESSION

Mayor Tate announced the City Council would conduct a closed session regarding:

(A) Value, lease, or purchase of real property relative to Public Safety Building pursuant to Section 551.072, Texas Government Code;

(B) Conference with City Manager and Staff to discuss and deliberate commercial and financial information received from business prospects the City seeks to have locate or expand in the City; with which businesses the City is conducting economic development negotiations under Section 551.087, Texas Government Code.

Upon reconvening in open session in the Council Chambers, Mayor Tate asked if there was any action necessary relative to the closed session. City Manager Bruno Rumbelow stated there was no action necessary relative to real property or conference with City Manager and Staff under Sections 551.072 or 551.087, Texas Government Code.

NOTE: City Council continued with the Regular City Council meeting in open session in the City Council Chambers.

ADJOURNMENT

Mayor Pro Tem Wilbanks, seconded by Council Member Coy, offered a motion to adjourn the meeting at 9:18 p.m. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 15th day of January, 2013.

APPROVED:



William D. Tate
Mayor



ATTEST:



Jodi C. Brown
City Secretary

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council and the Planning & Zoning Commission of the City of Grapevine, Texas met in Regular Joint Session on this the 18th day of December, 2012 at 7:30 p.m. in the City Council Chambers, Second Floor, 200 South Main Street, with the following members of the City Council present to-wit:

William D. Tate	Mayor
C. Shane Wilbanks	Mayor Pro Tem
Sharron Spencer	Council Member
Roy Stewart	Council Member
Darlene Freed	Council Member
Mike Lease	Council Member
Chris Coy	Council Member

constituting a quorum, with the following members of the Planning & Zoning Commission:

Larry Oliver	Chairman
Betty "BJ" Wilson	Member
Monica Hotelling	Member
Jim Fechter	Member
Gary Martin	Member
Beth Tiggelaar	Member
Dennis Luers	Alternate

constituting a quorum, with Commissioners Herbert Fry and Elaine Martin absent, with the following members of the City Staff:

Bruno Rumbelow	City Manager
John F. Boyle, Jr.	City Attorney
Jodi C. Brown	City Secretary

CALL TO ORDER

Mayor Tate called the meeting to order at 7:36 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Gary Martin delivered the Invocation and led the Pledge of Allegiance.

ITEM 1. PRESENTATION, OAK GROVE SOCCER COMPLEX "2012 SOCCER COMPLEX OF YEAR" AWARD

Assistant Director of Parks Kevin Mitchell introduced Mr. Gene Dahlen, President of the Texas Turfgrass Association, who presented Mayor Tate with the "2012 Soccer Complex of Year" Award for Oak Grove Soccer Complex.

ITEM 2. PRESENTATION, THE VINEYARD CAMPGROUND & CABINS ARVC SMALL CAMPGROUND OF THE YEAR AWARD AND GUESTREVIEWS "A" DESIGNATION

Assistant Parks & Recreation Director Joe Moore introduced Mr. Terry Munoz, 2nd Vice Chair of National Association of RV Parks & Campgrounds (ARVC), who presented Mayor Tate with the ARVC Small Campground of the Year Award and the GuestReviews "A" designation for The Vineyard Campground & Cabins.

ITEM 3. PUBLIC HEARING, ZONING APPLICATION Z12-14, CONDITIONAL USE APPLICATION CU12-37 AND FINAL PLAT OF LOT 2R, BLOCK 1, DOVE ROAD ADDITION, REPLAT OF LOTS 2 AND 3, BLOCK 1, DOVE ROAD ADDITION, GRAPEVINE GOLF CARTS

Mayor Tate declared the public hearing open.

Planning and Development Manager Ron Stombaugh stated that Zoning Application Z12-14, Conditional Use Application CU12-37 and the final plat of Lot 2R, Block 1, Dove Road Addition being a replat of Lots 2 and 3, Block 1, Dove Road Addition had been filed by Terry Hundley (Grapevine Golf Carts) for property located at 1380 West Northwest Highway. The zoning application requests rezoning of 0.229 acres from "PO" Professional Office District Regulations to "HC" Highway Commercial District and the conditional use application requests a conditional use permit to amend the site plan approved by Ordinance No. 2005-05 to expand the outside storage area in conjunction with a golf cart retail business.

Mr. Terry Cunningham and Mr. Terry Hundley requested favorable consideration of the application. Mr. Hundley stated he planned to enhance the property with paving, landscaping and fencing, and was working on safety concerns of vehicles backing into the facility from West Northwest Highway.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and three letters of support were copied to the Council and Commission.

Commissioner Wilson, seconded by Commissioner Hotelling, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, G. Martin, Tiggelaar & Luers
Nays: None
Absent: Fry & E. Martin

Council Member Lease, seconded by Council Member Stewart, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ITEM 4. PUBLIC HEARING, CONDITIONAL USE APPLICATION CU12-45 QDOBA MEXICAN GRILL

Mayor Tate declared the public hearing open.

Planning and Development Manager Stombaugh stated that Conditional Use Application CU12-45 had been filed by Odeh Mickens DFW Concessions (Qdoba Mexican Grill) requesting a conditional use permit for the possession, storage, retail sale and on-premise consumption of alcoholic beverages (beer, wine and mixed beverages) in conjunction with a restaurant. The subject property is located at 1000 International Parkway, Terminal A, Columns 41-44 and is zoned "GU" Governmental Use District.

There were no questions from the City Council or the Planning & Zoning Commission.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and there was no correspondence to report.

Commissioner Fechter, seconded by Commissioner Wilson, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, G. Martin, Tiggelaar & Luers

Nays: None

Absent: Fry & E. Martin

Mayor Pro Tem Wilbanks, seconded by Council Member Coy, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ITEM 5. PUBLIC HEARING, CONDITIONAL USE APPLICATION CU12-47 JIMMY JOHN'S GOURMET SANDWICHES

Mayor Tate declared the public hearing open.

Planning and Development Manager Stombaugh stated that Conditional Use Application CU12-47 had been filed by John Evans (Jimmy John's Gourmet Sandwiches) requesting a conditional use permit to amend the site plan approved by Ordinance No. 2011-60 for outdoor dining and one outdoor speaker in conjunction with a restaurant. The subject

property is located at 1401 William D. Tate Avenue, Suite 500 and is zoned "HC" Highway Commercial District. The applicant proposes to add 16 outdoor patio seats to the existing restaurant along with one outdoor speaker to provide light background music.

Mr. John Evans requested favorable consideration of the application. Mayor Tate stated his concern over the outside speaker since the planned commercial center is adjacent to a neighborhood.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and there was no correspondence to report.

Commissioner Hotelling, seconded by Commissioner Luers, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, G. Martin, Tiggelaar & Luers

Nays: None

Absent: Fry & E. Martin

Council Member Freed, seconded by Council Member Lease, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ITEM 6. PUBLIC HEARING, SPECIAL USE APPLICATION SU12-04 METROPCS

Mayor Tate declared the public hearing open.

Planning and Development Manager Stombaugh stated that Special Use Application SU12-04 had been filed by Kira Bauman (metroPCS) requesting a special use permit to amend the site plan approved by Ordinance No. 2006-90 to expand the lease area, add a microwave dish and a new equipment cabinet in conjunction with an Oncor transmission tower. The subject property is located at 655 Park Boulevard and is zoned "R-MF-2" Multifamily District Regulations.

Mr. Bill Bauman requested favorable consideration of the application and clarified the actual request was for telecommunication services and that the current area is being expanded by 45 square feet.

Mayor Tate invited guests present to comment regarding the application. Mr. Carl Young, 4113 Meadow Drive, stated his concerns on the possible use of equipment and future tower functions. Five letters of opposition were copied to the Council and Commission.

Commissioner Wilson, seconded by Commissioner Fechter, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar & Luers
Nays: None
Abstain: G. Martin
Absent: Fry & E. Martin

Council Member Stewart, seconded by Mayor Pro Tem Wilbanks, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

RECESS AND RECONVENE

Mayor Tate announced the Planning & Zoning Commission would recess to the Planning & Zoning Conference Room to consider published business.

The City Council remained in session in the Council Chambers to consider published business.

ITEM 7. PRESENTATION, COTTONBELT PASSENGER RAIL PROJECT
INNOVATIVE FINANCING INITIATIVE

Public Works Director Stan Laster introduced Mr. Dick Ruddell, Executive Director of The T and Mr. Kevin Feldt, North Central Texas Council of Governments.

Mr. Dick Ruddell, Executive Director of The T gave an update on the TEX Rail Project stating the preliminary engineering phase and environmental assessment were currently be conducted, showed renderings of the Board approved diesel multiple units for carrying passengers and currently working on corridor access agreements. Mr. Ruddell stated that even with the delays, due to the Fort Worth Transportation Authority's input request, that The T is committed to maintaining a fall 2016 completion schedule.

Mr. Kevin Feldt, Program Manager for the North Central Texas Council of Governments spoke on the Cottonbelt Passenger Rail Project Innovative Financing Initiative. This financing initiative could possibly provide a solution of allowing private developers to complete the entire 62 mile corridor of the TEX Rail line from south Fort Worth to Plano/Richardson in one phase. Mr. Feldt reviewed potential revenue sources, private sector interests, conceptual project schedule, benefits of being authorized to receive an unsolicited proposal, and creation and support of special districts to generate revenue. Mr. Feldt stated at this time, the North Central Texas Council of Governments was requesting the City to support the Cottonbelt Passenger Rail Project through the approval of Item 8 on the Council's agenda.

ITEM 8. INTERLOCAL COOPERATIVE AGREEMENT, NORTH CENTRAL TEXAS
COUNCIL OF GOVERNMENTS, COTTONBELT PASSENGER RAIL
PROJECT

Following discussion on the development of the rail project, Council Member Spencer offered a motion to table consideration of the resolution authorizing the execution of an Interlocal Cooperative Agreement requesting the North Central Texas Council of Governments to develop the Cottonbelt Passenger Rail Project on the City's behalf as the Responsible Governmental Entity (RGE) under the terms of Senate Bill 1048 until additional information on the Cottonbelt Passenger Rail Project Innovative Financing Initiative could be provided. Mayor Pro Tem Wilbanks seconded the motion. The vote prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

Note: The Planning & Zoning Commission's recommendations were the next items to be considered.

ITEM 9. APPROVE DEVELOPER COST PARTICIPATION CONTRACT, CONSTRUCTION OF DOVE LOOP ROAD TURN LANE, WATERLINE AND WATERLINE CONNECTION

This item was considered after Item 29.

Public Works Director Laster recommended approving a Developer Cost Participation Contract with K. Hovnanian for the construction of a left turn lane on Dove Loop Road, a 12 inch waterline and a six inch waterline connection to be funded by the City and the developer, and authorizing the City Manager to execute the necessary documents. The total project cost is estimated at \$300,000.00.

Council Member Freed, seconded by Council Member Coy, offered a motion to approve the Developer Cost Participation Contract as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ITEM 10. RESOLUTION, LEGISLATIVE AGENDA, 83RD LEGISLATURE

City Manager Bruno Rumbelow recommended approval of a resolution adopting the City's platform for the 83rd Legislative Session. As in past sessions, Staff is recommending the passage of a legislative agenda on a variety of issues, and with the addition that mixed beverage tax revenues remain within the City where collected. The list was developed collaboratively with the input of City Council Members, Staff and advisement from Lobbyist Fred Hill.

Motion by Council Member Spencer, seconded by Council Member Stewart, to approve the resolution with the recommended addition prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

RESOLUTION NO. 2012-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 83RD SESSION OF THE LEGISLATURE OF THE STATE OF TEXAS AND PROVIDING AN EFFECTIVE DATE

ITEM 11. AWARD CONTRACT, COMMUNITY ACTIVITIES CENTER AND CENTRAL UTILITY PLANT DESIGN

Parks & Recreation Director Doug Evans recommended award of a contract to Barker, Rinker, Seacat in the amount of \$2,855,038.00 for the design of the renovation and expansion of the Community Activities Center (CAC) and the design of the Central Utility Plant for the Library and CAC.

Mr. Evans stated the contract includes design of the expansion and renovation of the CAC, design of the Central Utility Plant for the Library and CAC, design of the roads, parking lot, landscaping, site survey, geotechnical investigation and construction administration.

Motion by Council Member Freed, seconded by Council Member Lease, to approve the design contract award as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

CONSENT AGENDA

The next order of business for the City Council was to consider the consent agenda items, which were deemed to need little or no discussion and were acted upon as one business item. Mayor Tate asked if there was any member of the audience or the City Council who wished to remove an item from the consent agenda for full discussion. Item 13 relative to the Metroport Teen Court Program and Item 19 relative to the Water Meter Registers Annual Contract were removed from the Consent Agenda.

Item 12. Resolution, Intent to Finance Expenditures, Community Activities Center Expansion and Central Plant Design

Administrative Services Director recommended approval of a reimbursement resolution expressing intent to finance expenditures to be incurred relative to the Community Activities Center expansion and related Central Plant design contract. This resolution allows for the expenditure of funds, estimated to be \$2,865,000.00 occurring prior to the issuance of General Obligation bonds.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

RESOLUTION NO. 2012-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GRAPEVINE, TEXAS, EXPRESSING INTENT TO FINANCE
EXPENDITURES TO BE INCURRED AND PROVIDING AN
EFFECTIVE DATE

ITEM 13. RENEW INTERLOCAL AGREEMENT, METROPORT TEEN COURT
PROGRAM

This item was removed from the Consent Agenda by Council Member Freed and considered after Item 22. Council Member Freed introduced Teen Court Coordinator Crystal Maddalena and recognized her efforts in the Metroport Teen Court Program.

Administrative Services Director recommended renewal of an interlocal agreement with the cities of Colleyville, Southlake and Keller for the Metroport Teen Court Program. The City of Grapevine's portion of the cost is budgeted at \$40,000.00.

Motion by Council Member Freed, seconded by Mayor Pro Tem Wilbanks, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Freed, Stewart, Lease & Coy
Nays: None

Item 14. Award Bid 393-2013 Golf Carts

Administrative Services Director recommended awarding Bid 393-2013 Golf Carts to E-Z-GO, Division of Textron, Inc. in the amount of \$207,003.00 for 94 electric golf carts and two gas golf carts.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

Item 15. Resolution, Intent to Finance Expenditures, Purchase of Golf Carts

Administrative Services Director recommended approval of a reimbursement resolution expressing intent to finance expenditures to be incurred relative to the purchase of electric and gas powered golf carts. This resolution allows for the expenditure of funds, estimated to be \$300,000.00 occurring prior to the issuance of Certificates of Obligations.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

RESOLUTION NO. 2012-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED AND PROVIDING AN EFFECTIVE DATE

Item 16. Award Bid 394-2013 Cabinet, Sink and Counter Replacement

Public Works Director recommended awarding Bid 394-2013 Cabinet, Sink and Counter Replacement to Centauri DMS, Inc. in the amount of \$39,405.00 for cabinets, sinks and counters at the Wastewater Treatment Plant lab.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

Item 17. Resolution, Declare used Brass Water Meters as Surplus Property

Public Works Director recommended approval of a resolution declaring used brass water meters as surplus property and authorizing the sale through public auction.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

RESOLUTION NO. 2012-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, DECLARING CERTAIN PROPERTY AS SURPLUS AND PROVIDING FOR THE AUTHORIZATION TO DISPOSE OF USED BRASS WATER METERS AT AUCTION AND PROVIDING AN EFFECTIVE DATE

Item 18. Approve Extension to Water Brass Parts, Pipe and Fittings Annual Contract

Public Works Director recommended approval of a 90 day extension to the Water Brass Parts, Pipe and Fittings Annual Contract with Fortiline Waterworks, Municipal Waterworks

and HD Supply Waterworks, LTD. for the purchase of water brass parts, pipe and fittings. The 90 day extension is from January 4, 2013 through April 4, 2013 which will allow continued services under the same terms and conditions of the annual contract and to facilitate the rebid process.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ITEM 19. RENEW WATER METER REGISTERS ANNUAL CONTRACT

This item was removed from the Consent Agenda by Staff.

Administrative Services Director John McGrane clarified Staff's recommendation to renew the Water Meter Registers Annual Contract with HD Supply Waterworks, LTD in the budgeted amount of \$15,000.00 on an as-needed basis for the purchase of water meter registers and to not renew with Hersey Meters Company.

Mr. McGrane stated that Hersey Meters Company will not renew their contract for water meters due to price increases and Public Law 111-380 for no-lead brass. HD Supply Waterworks, LTD. will renew their contract with no price increase for meter registers and currently meets the requirements of Public Law 111-380.

Council Member Coy, seconded by Council Member Stewart, offered a motion to renew the Water Meter Registers Annual Contract with HD Supply Waterworks, LTD and to not renew with the Hersey Meters Company. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

Item 20. Resolution, Dedicate Easement in Dove Park for Underground Electric Service

Public Works Director recommended approval of a resolution dedicating an easement in Dove Park for the exclusive use by Oncor Electric Delivery Company, LLC to provide underground electric service to the Dove Pool complex and authorization for the City Manager to execute the necessary documents.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

RESOLUTION NO. 2012-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, DEDICATING AN EASEMENT IN DOVE PARK FOR ONCOR EQUIPMENT SERVING THE PARK FACILITIES AND PROVIDING AN EFFECTIVE DATE

Item 21. Authorize Settlement and Release Agreement on Creeks 17 and 23 Improvements

Public Works Director recommended approval of a Settlement and Release Agreement with Azteca Omega Group/Omega Contracting and Freese and Nichols, Inc. relative to Creeks 17 and 23 Improvements. The settlement agreement releases all parties from any additional obligations on this project.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

Item 22. Consideration of Minutes

City Secretary recommended approval of the minutes of the November 20 and December 4, 2012 City Council meetings as published.

Motion by Council Member Stewart, seconded by Council Member Coy, to approve as recommended prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

ITEM 23. PLANNING & ZONING COMMISSION RECOMMENDATION
ZONING APPLICATION Z12-14 GRAPEVINE GOLF CARTS

Note: Planning & Zoning Commission recommendations were considered after Item 8.

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Zoning Application Z12-14 filed by Terry Hundley (Grapevine Golf Carts) requesting rezoning of 0.229 acres from "PO" Professional Office District Regulations to "HC" Highway Commercial District for the expansion of a golf cart retail business. The subject property is located at 1380 West Northwest Highway.

Council Member Lease, seconded by Council Member Stewart, offered a motion to accept the Commission's recommendation and approve the ordinance granting the rezoning. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
 Nays: None

ORDINANCE NO. 2012-67

AN ORDINANCE AMENDING ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE OF GRAPEVINE, TEXAS, GRANTING ZONING CHANGE Z12-14 ON A TRACT OF LAND OUT OF THE THOMAS MAHAN SURVEY, ABSTRACT NO. 1050, DESCRIBED AS BEING A TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF GRAPEVINE, TARRANT COUNTY, TEXAS MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM "PO" PROFESSIONAL OFFICE DISTRICT REGULATIONS TO "HC" HIGHWAY COMMERCIAL DISTRICT; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 24. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU12-37 GRAPEVINE GOLF CARTS

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU12-37 with the following conditions: if a delivery truck cannot turn into the property immediately, it will continue to circle the block until able to do so and cannot park on Northwest Highway; any trucks that arrive in the afternoon shall remain on the property until morning to back out before rush hour. Conditional Use Application CU12-37 was filed by Terry Hundley (Grapevine Golf Carts) requesting a conditional use permit to amend the site plan approved by Ordinance No. 2005-05 to expand the outside storage area in conjunction with a golf cart retail business. The subject property is located at 1380 West Northwest Highway.

Council Member Freed, seconded by Council Member Spencer, offered a motion to accept the Commission's recommendation with the conditions and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
 Nays: None

ORDINANCE NO. 2012-68

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU12-37 TO AMEND THE SITE PLAN APPROVED BY ORDINANCE NO. 2005-05, TO EXPAND THE OUTSIDE STORAGE AREA IN A DISTRICT ZONED "HC" HIGHWAY COMMERCIAL DISTRICT ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 25. PLANNING & ZONING COMMISSION RECOMMENDATION
FINAL PLAT, LOT 2R, BLOCK 1, DOVE ROAD ADDITION

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of the Statement of Findings and the final plat of Lot 2R, Block 1, Dove Road Addition platting two lots into one for the expansion of the golf cart retail business' outside storage area. The subject property is located at 1380 West Northwest Highway and is zoned "HC" Highway Commercial District

Council Member Coy, seconded by Council Member Stewart, offered a motion to accept the Commission's recommendation and approve the Statement of Findings and the final plat of Lot 2R, Block 1, Dove Road Addition. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
 Nays: None

**ITEM 26. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU12-45 QDOBA MEXICAN GRILL**

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU12-45 filed by Odeh Mickens DFW Concessions (Qdoba Mexican Grill) granting a conditional use permit for the possession, storage, retail sale and on-premise consumption of alcoholic beverages (beer, wine and mixed beverages) in conjunction with a restaurant. The subject property is located at 1000 International Parkway, Terminal A, Columns 41-44 and is zoned "GU" Governmental Use District.

Mayor Pro Tem Wilbanks, seconded by Council Member Freed, offered a motion to accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy

Nays: None

ORDINANCE NO. 2012-69

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU12-45 FOR THE POSSESSION, STORAGE, RETAIL SALE AND ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER, WINE AND MIXED BEVERAGES) IN CONJUNCTION WITH A RESTAURANT IN A DISTRICT ZONED "GU" GOVERNMENTAL USE DISTRICT ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 27. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU12-47 JIMMY JOHN'S GOURMET SANDWICHES

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU12-47 filed by John Evans (Jimmy John's Gourmet Sandwiches) granting a conditional use permit to amend the site plan approved by Ordinance No. 2011-60 for outdoor dining and one outdoor speaker in conjunction with a restaurant. The subject property is located at 1401 William D. Tate Avenue, Suite 500 and is zoned "HC" Highway Commercial District.

Council Member Freed, seconded by Council Member Coy, offered a motion to accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Stewart, Freed, Lease & Coy

Nays: Tate, Wilbanks & Spencer

ORDINANCE NO. 2012-70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU12-47 AMENDING THE SITE PLAN APPROVED BY ORDINANCE NO. 2011-60 FOR OUTDOOR DINING AND OUTDOOR SPEAKERS IN CONJUNCTION WITH A RESTAURANT IN A DISTRICT ZONED "HC" HIGHWAY COMMERCIAL DISTRICT ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 28. PLANNING & ZONING COMMISSION RECOMMENDATION
SPECIAL USE APPLICATION SU12-04 METROPCS

Chairman Oliver reported the Planning & Zoning Commission voted 6-0-1 for approval of Special Use Application SU12-04 filed by Kira Bauman (metroPCS) granting a special use permit to amend the site plan approved by Ordinance No. 2006-90 to expand the lease area, add a microwave dish and a new equipment cabinet in conjunction with an Oncor transmission tower. The subject property is located at 655 Park Boulevard and is zoned "R-MF-2" Multifamily District Regulations.

Council Member Freed, seconded by Council Member Lease, offered a motion to accept the Commission's recommendation and approve the ordinance granting the special use permit. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
 Nays: None

ORDINANCE NO. 2012-71

AN ORDINANCE ISSUING A SPECIAL USE PERMIT IN ACCORDANCE WITH SECTION 49 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE BY GRANTING SPECIAL USE PERMIT SU12-04 TO AMEND THE SITE PLAN APPROVED BY ORDINANCE NO. 2006-90 TO EXPAND THE LEASE AREA AND ADD A NEW EQUIPMENT CABINET AND MICROWARE DISH IN CONJUNCTION WITH AN EXISTING ONCOR TRANSMISSION TOWER IN A DISTRICT ZONED "R-MF-2" MULTIFAMILY DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS SPECIAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 29. PLANNING & ZONING COMMISSION RECOMMENDATION
PRELIMINARY PLAT, LOTS 1-8, BLOCK 1, DOVE POINTE

Chairman Oliver reported the Planning & Zoning Commission voted 6-1 for approval of the Statement of Findings and the preliminary plat of Lots 1-8, Block 1, Dove Pointe. The 2.945 acre property is located east of Dove Road and south of Hilltop Drive and is being subdivided into eight single family lots.

Council Member Stewart, seconded by Council Member Coy, offered a motion to accept the Commission's recommendation and approve the Statement of Findings and the preliminary plat of Lots 1-8, Block 1, Dove Pointe. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

Note: At the conclusion of the Planning & Zoning Commission recommendations, the City Council then considered Item 9.

ADJOURNMENT

Mayor Pro Tem Wilbanks, seconded by Council Member Coy, offered a motion to adjourn the meeting at 9:18 p.m. The motion prevailed by the following vote:

Ayes: Tate, Wilbanks, Spencer, Stewart, Freed, Lease & Coy
Nays: None

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 15th day of January, 2013.

APPROVED:



William D. Tate
Mayor



ATTEST:



Jodi C. Brown
City Secretary