



AGENDA

The meeting will be held at City Hall Council Briefing Room, 300 W. Main St, Grand Prairie, Texas, and a quorum of the committee or the presiding member will be physically present. Some members may participate remotely via video conference.

CALL TO ORDER

STAFF PRESENTATIONS

Citizens may speak for five minutes on any item on the agenda by completing and submitting a speaker card.

1. Grand Prairie Fire Department annual update
2. One year Via service update presentation

AGENDA ITEMS

3. Minutes from February 6, 2023, Public Safety, Health, and Environment Committee meeting
4. Ordinance Amending Chapter 13, Article XX “Automotive Related Business Regulations” of the Grand Prairie Code of Ordinances to Clarify Definitions and Operating Requirements, Update Grounds and Procedures for Revocation, and Make Other Minor Changes; Repealing all Ordinances in Conflict, Providing a Savings Clause, a Severability Clause, and a Penalty Clause; and Providing an Effective Date after Passage, Approval and Publication
5. Annual Contract for Gas Well Inspection services with Modern Geosciences for an amount not to exceed \$200,000 for one year with the option to renew for four (4) additional one-year periods totaling \$1,000,000 if all extensions are exercised
6. Approve application to the Department of Energy Efficiency and Conservation Block Grant to accept allocation of \$220,600 for energy conservation projects
7. Annual Contract for disposal of household hazardous waste in the amount of \$81,100 annually through a Master Interlocal Agreement with the City of Fort Worth. This contract will be for one year with the option to renew for four one-year periods totaling \$405,500 if all extensions are exercised
8. An Ordinance Amending Chapter 25 “Traffic” of the City of Grand Prairie Code of Ordinances to Add Section 25-59.5 to Require All Vehicles Stopped, Standing, or Parked on a Public Street to Display Valid and Current Registration, and Amend Subsection 25-60 to Authorize the Chief

of Police to Designate Employees to Enforce On-Street Parking Regulations through the Removal of Illegally Parked or Abandoned Vehicles

EXECUTIVE SESSION

The Public Safety, Health, and Environment Committee may conduct a closed session pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss any of the following:

- (1) Section 551.071 “Consultation with Attorney”*
- (2) Section 551.072 “Deliberation Regarding Real Property”*
- (3) Section 551.074 “Personnel Matters”*
- (4) Section 551.087 “Deliberations Regarding Economic Development Negotiations.”*

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card. The views expressed during Citizen Comments are the views of the speaker, and not the City of Grand Prairie or City Council. Council Members are not able to respond to Citizen Comments under state law.

ADJOURNMENT

The Grand Prairie City Hall is accessible to people with disabilities. If you need assistance in participating in this meeting due to a disability as defined under the ADA, please call 972-237-8035 or email GPCitySecretary@gptx.org at least three (3) business days prior to the scheduled meeting to request an accommodation.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Public Safety, Health, and Environment Committee agenda was prepared and posted March 3, 2023.


Chiquita Taylor, Assistant City Secretary



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/06/2023
PRESENTER: Robert Fite, Fire Chief
TITLE: Grand Prairie Fire Department annual update

SUMMARY:

This presentation will review the 2022 data of the GPF and briefly discuss any current topics. The data will come from the 2022 Community Report that will be shown electronically.

ATTACHMENTS / SUPPORTING DOCUMENTS:



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/06/2023

PRESENTER: Shayla Law, Via Coordinator for Transportation and Mobility

TITLE: One year Via service update presentation

REVIEWING COMMITTEE: (Reviewed by the Public Safety, Health & Environment Committee on 03/06/2023)

PURPOSE OF REQUEST:
One year update for Via service.

ATTACHMENTS / SUPPORTING DOCUMENTS:
1- Presentation



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/06/2023

PRESENTER: Chairwoman, Jorja Clemson

TITLE: Minutes from February 6, 2023, Public Safety, Health, and Environment Committee meeting

REVIEWING COMMITTEE:



CITY OF GRAND PRAIRIE
**PUBLIC SAFETY, HEALTH, AND ENVIRONMENT
 COMMITTEE**
 COUNCIL BRIEFING ROOM
 MONDAY, FEBRUARY 06, 2023 AT 3:00 PM

MINUTES

CALL TO ORDER

Meeting was called to order by Chairwoman Clemson at 3:01 pm.

PRESENT

Chairwoman Jorja Clemson
 Council Member Junior Ezeonu
 Council Member Jacquin Headen

STAFF PRESENTATIONS

1. Recognition of Lana Yancey

Deputy City Manager Cheryl DeLeon and City Manager Steve Dye stated their appreciation to Lana Yancey for her time in taking minutes for Public Safety, Health, and Environment meetings. Chairwoman Clemson presented her with a Certificate of Appreciation.

2. Atmos Presentation

City Manager Steve Dye introduced the Atmos team. After the snow of Feb 2021, the city had Atmos issues at the Peninsula in the south end of the city. Al Hernandez, Manager of Public Affairs and liaison for the city, gave a progress report. Scott McCracken with Atmos, apologized for the situation with the failure during the December 2022 snow. He stated some improvement was seen in the past week with the ice and snow. Brad Cook, VP of Operations at Atmos, stated there are 1.8 million customers in the area and none lost service. He stated that Atmos fell short in communication in December. Mr. Dye asked about the status of construction projects. The Atmos group said the Westchester fortifications have been done and Atmos now has a contingency plan in place. They completed projects in the Peninsula after 2021 that started with Seaton Road which finished in January. They have increased their fleet and made modifications. Councilmember Ezeonu asked if customers are paying for services and whether there is a plan to reimburse people who lost heat during the storm. Atmos representatives stated they will reimburse 100% for purchases of heaters, wood and hotel rooms for those affected by the winter storm. If gas was turned off, those customers were not billed for that service and said customers can go to claims@atmosenergy.com to complete a claim form and attach receipts. This information is specifically for Westchester and the Peninsula residents. Councilmember Headen asked how long the fortification in Westchester will last. The Atmos team stated they did not have to inject extra gas this during this past week's storm so fortifications are working. Atmos continued to monitor the area during the storm to ensure that there was no loss of gas pressure. Chairwoman Clemson asked what plans Atmos has to improve communication. Atmos team stated that when contingency plans were determined inadequate, Atmos started sending out emails to the community to communicate the outage, which was an

average of 12 hours. HOA presidents were able to identify homeowners that did not have gas service. Mr. Dye stated we had to notify Atmos instead of Atmos notifying us. Atmos stated that call centers are open twenty-four hours a day and seven days a week in Waco and Amarillo, and due to the number of calls, some had to be diverted to the Plano call center. In December Atmos thought their contingency plan was adequate. They have added to the fleet for the additional gas tanker truck in the area. Councilmember Ezeonu asked if there is an app for notifying citizen of outages or text messaging system that citizens can sign up to receive updates. Atmos stated text messages were sent out but only to those who have signed up for the notification. They will begin proactively asking people to opt-in to the service before the winter weather. Mr. Dye suggested adding information to the gas bill to opt-in for emergency alerts. Emergency Management Coordinator, Chase Wheeler stated communication was good during the storm this past week, noting they need to do welfare checks on special needs individuals therefore communication is vital. Councilmember Headen asked how the increase in gas bills due to the storm would be handled. Atmos explained that the gas is sold for the same cost as is paid by Atmos, therefore as gas cost rise, so does the cost to the customer. Rider fees are set and that is how Atmos makes its money. Gas bills are rising due to the rising cost of gas. If you have a concern about your bill, he advised to call Atmos to investigate. Councilmember Headen asked if Atmos has a payment plan and/or a utility assistance plan. Mr. Hernandez said Atmos partners with non-profit organizations to assist with utility payments. Atmos also has average billing allowing customers to spread payments over time. He said the "Share the Warmth" program gives dollars to assist customers in repairing energy draining appliances. Police Chief Daniel Scesney asked that Atmos look at the communication piece differently. He said 911 staff receives calls that are not answered by Atmos customer service, causing a ripple effect to 911 preventing operators from answering emergency calls. Councilmember Ezeonu ask if Atmos would consider setting lower rates for the city. Atmos stated this would be problematic to set a lower rate for a specific city. The city can contest the overall rate with the Railroad Commission. Mr. Dye stated that gas and electric utilities have not kept pace with growth in the Peninsula. Atmos is confident the current infrastructure will be adequate for the growth in the area.

Speaker Harold Willis – 538 Lindley

Stated he does not trust Atmos to take care of the issues with gas pressure and would like more communication with the citizens in the area when issues arise. He suggested to communicate with citizens through the water bill as to what work Atmos is doing in their area.

3. FY22 Airport Update

Mark Divita, Airport Director said Airbus moving operations to Mississippi caused a drop in fuel usage. He stated American Rescue Plan Act funds were used to upgrade the Café to assist in the recovery from the Covid shutdown. Councilmember Ezeonu asked how much the rent was for the Café. Mr. Divita stated it is now a fixed rate instead of a percentage to avoid the turnover. Chairwoman Clemson asked about the hours of operation. Mr. Divita stated the hours of operation are 8am-3pm Monday through Saturday. Councilmember Headen asked about the airport rating in relation to other municipal airports not including Love Field and DFW. Mr. Divita stated we ranked thirty-two in the country before 2020. No rating has been done since 2020.

4. Fire Station 11 presentation to explain the Insurance Services Office (ISO) rating to the South Gate area and define the components of Fire Station 11

Fire Chief Robert Fite gave a summary of ISO rating. Five companies joined for one prediction of risk. All insurers use the ISO rating except State Farm. They use a one-hundred-point system (Forty-Water, Ten-911 and Fifty-Fire Departments). In 2016 we went from a rating of three to a one. We were also ranked ten for people who are not within 5 miles of a Fire Station. The Southgate area is getting a rank of ten due to this distance. Station 11 is to be located at Davis and 287 on land donated for the Fire Station. This will be a modest residential Fire Station. We would like to have three bays at this station, a radio tower and a fuel station. The apartments being built in the area will affect the ISO as we would need the ariel ladder truck to be able to service the apartments. The Fire department is looking into the purchase to protect the ISO rating. The city is also seeking input for a community room at the Fire Station for neighborhood use. The community room does not improve the ISO. Councilmember Headen liked the idea of a community room for Town Halls or Public Improvement District meeting space.

5. Big Event Update

Deputy City Manager, Cheryl DeLeon stated the Big Event is scheduled for March 25, 2023, from 8:00am – 1:00pm. Kickoff is at 8:00am at South Grand Prairie High School. The goal is 1000 volunteers, 100 jobs, and 60 tons collected. We will be contacting past volunteer groups and sponsors to assist this year. City Council is asked to be involved by promoting the event on social media, form teams, suggest a job in your district, and to drive by jobs in your district on the day of event. Downtown Manager Chip Nami said there is a portal on the website to sign up your group and to register for jobs. The deadline is the first week of March. No city dollars are used as funds are from sponsors and work is by volunteers.

AGENDA ITEMS

Citizens may speak for five minutes on any item on the agenda by completing and submitting a speaker card.

6. Minutes of the January 9, 2023 Public Safety, Health, Environment Committee Meeting

Motion made by Councilmember Headen to approve. Seconded by Councilmember Ezeonu. Approved unanimously

7. Annual Contract for mosquito laboratory services and chemical application with Municipal Mosquito for an amount not to exceed \$72,500 for one year with the option to renew for four (4) additional one-year periods totaling \$362,500 if all extensions are exercised

Public Health and Environmental Quality Director, Cindy Mendez said 17 companies were sent an invitation to bid with only one response which was our current vendor, Municipal Mosquito. The city only used \$25,000 of the contract this past year.

Councilmember Ezeonu motioned to approve. Seconded by Councilmember Headen. Approved unanimously.

8. An Ordinance Amending Chapter 7.5 “Special Events” to Require a Special Event Permit for Block Parties when a Street, Right-of-Way, or Sidewalk will be Blocked or Closed

Deputy City Attorney, Mark Dempsey stated the special event ordinance requires a permit if the street is closed. Currently block parties are an exception. This is proposed to be changed to have the block parties has a requirement to get a permit. Chairwoman Clemson asked how citizens would be notified of the change. Emergency Management Coordinator, Chase Wheeler suggested we work with Homeowner Associations, Public Improvement Districts and the Nextdoor app to notify citizens once this provision is included.

Councilmember Headen motioned to approve. seconded by Councilmember Ezeonu. Approved unanimously.

EXECUTIVE SESSION

No executive session.

CITIZEN COMMENTS

No citizen comments.

ADJOURNMENT

Meeting adjourned at 4:33 p.m.

Chairwoman, Jorja Clemson



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 03/06/2023

PRESENTER: Cindy Mendez, Public Health & Environmental Quality Director

TITLE: Ordinance Amending Chapter 13, Article XX “Automotive Related Business Regulations” of the Grand Prairie Code of Ordinances to Clarify Definitions and Operating Requirements, Update Grounds and Procedures for Revocation, and Make Other Minor Changes; Repealing all Ordinances in Conflict, Providing a Savings Clause, a Severability Clause, and a Penalty Clause; and Providing an Effective Date after Passage, Approval and Publication

REVIEWING COMMITTEE: Public Safety, Health & Environment Committee on March 6, 2023

PURPOSE OF REQUEST: In 2020, this ordinance was updated to include a permit process and grounds for suspension and revocation. In the past two years, staff has identified needed changes to utilize the suspension and revocation process and other changes that would benefit from revision. The proposed changes would include clarification to the motor vehicle or vehicle definition to state it includes watercrafts, all terrain-vehicles, motorcycles, and off-road vehicles and to clarify that a tank system is an above ground or underground tank. It would also update titles to align with the Environmental Quality Division’s name change, and add provisions to further clarify the parking lot, screening, garbage collection, and storage requirements. The changes would further clarify the process to be followed when a business fails to pay required inspection fees. The major change in this ordinance is to reduce the number of convictions for violations of the ordinance which is required for revocation from six to four during a twelve-month period. The need to change this provision is to address those businesses that pay fines as a cost of doing business rather than make the necessary changes.

In addition, in order assist in combatting rising catalytic converter thefts, the ordinance establishes a retention requirement for documents related to catalytic converters.

BODY

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING ARTICLE XX “AUTOMOTIVE RELATED BUSINESS REGULATIONS, OF CHAPTER 13 OF THE GRAND PRAIRIE CODE OF ORDINANCES TO MODIFY DEFINITIONS, ADD REFERENCES TO OTHER PROVISIONS COMMONLY VIOLATED, AND ADD OPERATIONAL REQUIREMENTS AND RESTRICTIONS RELATED TO STORAGE AND RECORD

KEEPING; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AFTER PASSAGE, APPROVAL, AND PUBLICATION

WHEREAS, the Environment Services Department has been restructured since the last amendment to Article XX;

WHEREAS, catalytic converters are regularly stolen and illegally sold and the required retention of catalytic converter related documents would assist in combatting and investigating such offenses;

WHEREAS, the repair and storage of vehicles and vehicle parts can have an adverse effect on the environment if not done correctly;

WHEREAS the regulation of Automotive Related Businesses is necessary for the public health and safety of the citizen of Grand Prairie;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. Chapter 13, Article XX of the Grand Prairie Code of Ordinances shall be amended throughout to replace the phrase “Environmental Services Manager” with “Environmental Quality Manager” throughout Article XX.

SECTION 2. The definition for “Environmental Services Manager” in Section 13-533 shall be replaced with a definition for “Environmental Quality Manager” which shall read as follows:

“Environmental Quality Manager. The director or manager designated by the City Manager to oversee environmental quality within the City.”

SECTION 3. The definitions in Section 13-533 for “Motor Vehicle or Vehicle” and “Tank System: shall be modified to read as follows:

“Motor Vehicle or Vehicle. A watercraft, an all-terrain vehicle, a motorcycle, an off-road vehicle, or a motor vehicle as defined by Texas Transportation Code Section 501.002, as amended.”

“Tank System. Above-ground tank or underground tank and any distribution equipment.”

SECTION 4. Section 13-534 shall be modified to read as follows:

“Section 13-534. Permit Requirement and Application.

- (a) A person commits an offense if the person operates or causes to operate an Automotive Related Business without a valid permit issued by the City for the particular type of business to be operated. The fact that a person possesses other types of State or City permits/licenses does not exempt that person from the requirement of obtaining a permit for an Automotive Related Business as required by this Article.
- (b) Any person, association, firm, partnership or corporation desiring to obtain an Automotive Related Business permit shall make application on a form provided by the Environmental Quality Manager. The application shall include, but is not limited to, the name and address of each applicant, designation of person responsible for business operations, a copy of a government issued

identification for each applicant, the proposed location and activities of the proposed Automotive Related Business. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including which parking spaces will be used for the operation of the business. Parking spaces in a shared parking lot may only be designated for one Automotive Related Business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale and drawn with marked dimensions.

- (c) The application for an Automotive Related business permit shall include a notarized acknowledgement signed by the property owner acknowledging that:
1. The applicant intends to operate an Automotive Related Business on the premises
 2. A valid Certificate of Occupancy and Automotive Related Business permit are required for the legal operation of the business, and
 3. The property owner is not relieved from their responsibility or liability under local, state, or federal law for nuisances, environmental violations, and other violations of law on the premises.
- (d) An individual person who wishes to operate an Automotive Related Business must sign the application for a permit as applicant. If a person who wishes to operate an Automotive Related Business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a permit as applicant. Each shall be considered a Permittee if a permit is granted.
- (e) All applications for a permit under this Article shall be accompanied by a nonrefundable application fee. An application shall not be considered to have been received until the fee is paid and all information required by the application form has been submitted. The application fee shall not be prorated in the event an application is tendered before or during the licensing period.
- (f) An applicant for an Automotive Related Business must first obtain an appropriate Certificate of Occupancy and any required Specific Use Permit for the Automotive Related Business from the City. The applicant must specify on the face of its application for a Certificate of Occupancy that the proposed use is for an Automotive Related Business and give the name and address of the applicant's contact person for all communications and notices.
- (g) *Incomplete Applications.* An application which does not include all requested information, including the parking plan, acknowledgement from the property owner, or any other required attachment to the application, shall be considered incomplete. The City will notify the applicant within fifteen (15) calendar days of the application being submitted whether the application is complete or incomplete. The notification that an application is incomplete should include a statement concerning what information is needed to complete the application.
- (h) The permit, if granted, will be valid until suspended, revoked, or surrendered. A permit is surrendered when returned to the City by the owner, when there is a change in ownership of the business, when a new Automotive Related Business permit is issued to the business, or when the business ceases operating at the location specified on the permit. When a permit is surrendered, the owner shall return said permit to the Environmental Quality Manager.
- (i) The permit shall state on its face the name of the person or persons to whom it is granted, the name of the Automotive Related Business, the issue date, the address of the Automotive Related Business, and the Permitted Uses of the Automotive Related Business. The permit is valid only for the specific business, location, and uses specified on the face of the permit.

- (j) A Permittee or Operator commits an offense if the Permittee or Operator fails to continuously and prominently display a legible copy of the permit in a public area of the Automotive Related Business.
- (j) Automotive Related Business permits cannot be transferred. A person commits an offense if the person transfers a permit to another person or operates an Automotive Related Business under the authority of a permit at any place in the City of Grand Prairie other than the address designated on the permit. A transfer of a permit is deemed to have occurred if there is a transfer of more than fifty percent (50%) of the ownership or control of an Automotive Related Business, except by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (k) To the extent it is not an offense under state law, it shall be an offense to counterfeit, forge, change, deface, or alter any permit issued under this Article.”

SECTION 5. Section 13-535 (i) is amended to read as follows:

- “(i) Any permit issued under this Article may be suspended for nonpayment of the annual inspection fee required in this Article. Notwithstanding any other provision, such permit will only be reinstated upon payment of said fees and, if over thirty (30) days late, an additional fee of fifty dollars (\$50.00). Section 13-537 shall apply to a suspension under this provision.”

SECTION 6. Section 13-536 is amended to read as follows:

“Section 13-536. Permit Issuance and Grounds For Denial, Suspension, and Revocation of Permit.

- (a) *Issuance and Grounds for Denial.* The Environmental Quality Manager shall approve the issuance of an Automotive Related Business permit to an applicant within forty-five (45) calendar days after receipt of a completed initial application and thirty (30) calendar days after receipt of a completed expanded use application, unless the Environmental Quality Manager finds one (1) or more of the following to be true:
1. The provided parking plan does not meet the requirements of the Unified Development Code or this Chapter.
 2. The location of the Automotive Related Business is or would be in violation of the Unified Development Code of the City of Grand Prairie.
 3. The applicant does not have a valid certificate of occupancy authorizing all proposed uses at the location shown in the application.
 4. A valid Specific Use Permit which is required for the proposed use of the premises does not exist.
 5. The conditions of a Specific Use Permit, which is required for the proposed use of the premises, have not been met.
 6. The operation of the business, as proposed, at the location would violate state, federal, or local laws or regulations.
 7. The applicant does not have all valid state licenses which are required to operate

the business.

8. The applicant does not have all required environmental permits or licenses.
9. There is an environmental contamination on the premises which has not been remediated in accordance with applicable law.
10. The applicant gave false, fraudulent or untruthful information on the application.
11. The applicant's application for an Automotive Related Business permit was denied within the last twelve (12) months due to the applicant providing false, fraudulent or untruthful information on the application.
12. The applicant's Automotive Related Business permit was revoked within the last twelve (12) months.
13. The applicant is under eighteen (18) years of age.
14. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to an Automotive Related Business.
15. An applicant or an applicant's spouse has been convicted or placed on deferred adjudication, deferred disposition, probation, or community supervision for four (4) or more violations of this Article within the twelve (12) months immediately preceding the date the application is submitted to the City. The fact that a conviction or other disposition is being appealed shall have no effect. The offenses providing a basis for denial must have different dates of offense. An offense is considered to be a violation of this Article if the offense is established under this Article or it is an offense established under another Chapter, Article, or Section which is referenced in this Article.
16. The permit fee required by this Article has not been paid.
17. The applicant has not demonstrated that the owner of the Automotive Related Business owns or holds a lease for the property or the applicable portion thereof upon which the Automotive Related Business will be situated or has a legally enforceable right to acquire the same.
18. An applicant or an applicant's spouse has been convicted or placed on deferred disposition, deferred adjudication, probation, or community supervision for a violation of state or federal law or regulation, including regulations of the United States Environmental Protection Agency and Texas Commission on Environmental Quality, related to the illegal dumping, discharge, or storage of pollutants, hazardous materials, or other substance into the environment, MS4, Publicly Owned Treatment Works, or waters of the State including, but not limited to, violations of Chapter 7 of the Texas Water Code for which
 - (a) Less than two (2) years have elapsed since the date of conviction, or the date of release from the terms of community supervision, probation, parole or deferred disposition or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

- (b) Less than five (5) years have elapsed since the date of conviction, or the date of release from the terms of community supervision, probation, parole or deferred disposition or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- (c) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(b) *Grounds for Suspension.* The Environmental Quality Manager shall suspend the Automotive Related Business permit for a period of time if it is discovered that one or more of the following have occurred:

- 1. Notice of an environmental contamination on the premises was given and said contamination was not remediated in accordance with applicable law within 10 days of the notice being issued.
- 2. The Permittee is storing any item or material in the 100- year floodplain or floodway in violation of this Article or other federal, state, or local law.

(c) *Length of Suspension.*

- 1. The term of suspension shall be:
 - (a) Five (5) days for the business' first violation within a twenty-four (24) month period;
 - (b) Ten (10) days for the business' second violation within a twenty-four (24) month period; or
 - (c) Grounds for revocation if the business has had three or more violations of subsection (b) of this section within a twelve (12) month period.
 - (d) In addition to the terms of suspension outlined above, the Permittee shall provide satisfactory proof of remediation prior to resuming operations.
- 2. A Permittee may elect to pay an administrative penalty of \$500 in lieu of the five (5) day suspension for a first violation. Such election must be made within ten (10) days from the date the notice of suspension was mailed or, if an appeal was filed, within ten (10) days of the date the Designated Hearing Authority's order upholding the suspension was mailed. When applicable, the Environmental Quality Manager and Designated Hearing Authority shall notify the Permittee in the notice of decision of the Permittee's opportunity to pay a penalty fee in lieu of ceasing operation. Payment of this penalty shall be considered, for the purposes of this Subsection, the first suspension. However, this shall not be used as an admission of guilt in a criminal prosecution under this Article. If the Permittee does not provide satisfactory proof of remediation and pay the penalty before the expiration of the thirtieth calendar day after notification, the Permittee loses the opportunity to pay it and shall serve the five (5) day suspension.

(d) *Grounds for Revocation.* The Environmental Quality Manager shall revoke the Automotive

Related Business permit if it is discovered that one or more of the following have occurred:

1. A Permittee has been convicted or placed on deferred adjudication, deferred disposition, probation, or community supervision for four (4) or more violations of this Article within the twelve (12) months immediately preceding the Environmental Quality Manager's written notice of revocation. The fact that a conviction or other disposition is being appealed shall have no effect. The offenses providing a basis for revocation must have different dates of offense. An offense is considered to be a violation of this Article if the offense is established under this Article, or it is an offense established under another Chapter, Article, or Section which is referenced in this Article.
 2. A Permittee or Operator gave false or misleading information in the material submitted to the Environmental Quality Manager during the application process.
 3. A Permittee or Operator knowingly operated the Automotive Related Business during a period of time when the Permittee's permit was suspended.
 4. A Permittee is delinquent in payment to the City for ad valorem taxes or sales taxes related to the Automotive Related Business.
 5. A permit is transferred in violation of Section 13-534(i).
 6. The Certificate of Occupancy or a Specific Use Permit required to operate the business is revoked, surrendered, or otherwise ceases to be valid.
 7. If the Automotive Related Business Owner's lease, ownership, or other legal right to occupy the property or the applicable portion thereof upon which the Automotive Related Business is situated is terminated or ceases to exist.
- (e) *Term of Revocation.* When a permit is revoked, the Permittee is not eligible for an Automotive Related Business permit for a period of one year from the date the revocation takes effect.
- (f) *Date Calculation.* If any deadline provided in this Article falls on a weekend or City Holiday, the deadline shall be extended to the close of business on the next business day. Example: Deadline falling on Saturday will extend to close of business on Monday."

SECTION 7. Section 13-537 shall be amended to read as follows:

"Section 13-537. Revocation and Suspension Procedure

- (a) *Burden.* A denial, suspension, or revocation is an administrative procedure. In any hearing relating to such actions under this Section, the burden of proof shall be on the City (except for affirmative defenses), and shall be by a preponderance of the evidence.
- (b) *Notice.* If the Environmental Quality Manager is authorized to deny the issuance of a permit, or suspend or revoke a permit, the Environmental Quality Manager shall give written notice to the applicant or Permittee of his intent to deny, suspend, or revoke the permit or application.
1. The notice shall state the reason for such denial, suspension, or revocation.
 2. The notice shall provide that the denial of issuance, suspension or revocation shall take effect at the expiration of the tenth (10th) calendar day after the date notification was mailed, unless the Permittee provides a written request for hearing or penalty election notice under Section 13-536(c)(2) to the Environmental Quality Manager before the expiration of the tenth calendar day.

- (c) *Stay.* If a written request for hearing from the applicant or Permittee is received by the Environmental Quality Manager before the expiration of the tenth calendar day, the suspension, denial of issuance or revocation will be stayed pending a hearing and a decision by the Designated Hearing Authority. A Permittee may continue to operate under the existing Automotive Related Business permit during any stay of a suspension or revocation. If the denial is based upon an expanded use application, the Permittee may continue to operate as authorized under the current permit during any stay. Approval to operate under this provision does not authorize operation in violation of federal, state, or local laws.
- (d) *Appeal.* The applicant or Permittee shall have ten (10) calendar days from the date notice is received, to request a hearing on the denial, suspension or revocation. The request shall be in writing and delivered to the Environmental Quality Manager. Upon receipt of the request for hearing, a hearing before the Designated Hearing Authority shall be scheduled to take place within thirty (30) calendar days unless both parties agree to a certain date beyond the thirty days. The Designated Hearing Authority shall consider only the testimony and evidence admitted for consideration at the hearing. The Designated Hearing Authority shall have ten (10) business days from the date of the hearing to notify the applicant or Permittee of the decision. In making a determination as to the denial, suspension, or revocation of a permit, the Designated Hearing Authority shall consider whether the City has established grounds exist under Section 13-536 of this Article. The Designated Hearing Authority's ruling shall include findings of fact.
- (e) *Appeal Hearing.* The hearing will be open to the public. The provisions of Texas Government Code, Sections 2001.081-.088 shall be used as procedural and evidentiary guidelines.
- (f) *Appeal Determination.* The decision by the Designated Hearing Authority is effective thirty (30) calendar days after the date the decision is mailed to the applicant or Permittee is notified of the decision, unless a reinstatement fee under Section 13-536 of this Article is paid (if available), or an appeal is made to District Court in accordance with the provisions of Article.
- (g) *District Court Appeal.* Upon receipt of written notice of the denial, suspension or revocation of a permit, the applicant whose application for a permit has been denied or whose permit has been suspended or revoked shall have the right to appeal by filing suit in the appropriate district court within thirty (30) calendar days after the receipt of notice of the decision of the Designated Hearing Authority. The applicant shall bear the burden of proof in court. The substantial evidence standard of review shall apply to such appeal. The filing of such suit shall have the effect of staying denial, suspension or revocation for the Automotive Related Business permitted under this Article pending a judicial determination of the appeal. The applicant or Permittee may operate the Automotive Related Business during the stay as provided by Section 13-357(c) above.
- (h) *Notices.* All notices and determinations issued by the City, Designated Hearing Authority or Director shall be sent certified mail, return receipt requested to the business contact person and address as it appears on the Automotive Related Business permit application or as updated by the applicant or Permittee. The validity of a notice mailed in accordance with this section shall not be affected if the notice is returned by the U.S. Postal Service.”

SECTION 8. Section 13-538(a) is amended to read as follows:

- “(a) Automotive Related Business building and premise design, maintenance, use and operations shall comply with all applicable provisions of the Unified Development Code of the City of Grand Prairie (UDC) and the Grand Prairie Code of Ordinances. This includes, but is not limited to the following:

1. UDC Article 10, Section 3; - Parking & Loading Standards, General Provisions;
2. UDC Article 10, Section 4; - Parking & Loading Standards, Minimum Pavement Construction On or Within Non-residential Private Property;
3. Code of Ordinances Chapter 13, Article XV - Vector Control;
4. Code of Ordinances Chapter 13, Article IX - Liquid Waste; Generation, Transportation, and Disposal;
5. Code of Ordinances Chapter 13, Article X - Cross-Connection Control and Prevention;
6. Code of Ordinances Chapter 29 Code Compliance including, but not limited to, Article VII - Junked/Inoperable Vehicles and Sections 29-70 Littering, 29-89 Parking for Certain Purposes Prohibited, 29-89.1 Parking on sidewalks and rights-of-way; towing of vehicles in violation, 29-90 Fence Nuisance, and 29-114 Vegetation height and density restricted in particular.
7. UDC Article 8, Section 9 – Screening”

SECTION 9. Section 13-539 is amended to read as follows:

“Section 13-539. Change or Expanded Use Prohibited.

- (a) A certificate of occupancy is not transferable. Any transfer of ownership or control in a business voids the existing certificate of occupancy and requires a new certificate of occupancy prior to operation of the business. A new certificate of occupancy or amendment to the existing certificate of occupancy is required prior to engaging in additional uses or expansion of the existing use.
- (b) Any business storing salvaged vehicles or parts of vehicles and/or salvaging the same shall be considered to be operating as a salvage yard.
- (c) Any business storing used parts which are not needed for the repair of a vehicle for which the business is currently contracted to repair is operating a salvage yard.
- (d) It is an offense to operate an Automotive Related Business without a valid Certificate of Occupancy issued to the current ownership of the business.
- (e) It is an offense for an Automotive Related Business to engage in a use not specifically authorized by both the Certificate of Occupancy and permit.
- (f) It is an offense to expand the existing use of an Automotive Related Business without first obtaining a new or amended Certificate of Occupancy and permit authorizing such expanded use.”

SECTION 10. Section 13-540 is amended to read as follows:

“Section 13-540. Documentation Requirements.

- (a) An original or copy of all disposal manifests related to the Automotive Related Business must be maintained on-site for a period of three (3) years from the date of disposal or the period of time required by other law, whichever is longer.
- (b) Any applicable specific use permit and the current approved site parking plan shall be maintained on the premises at all times.
- (c) Work orders and all documents related to catalytic converters shall be maintained for a period of two years from the date the vehicle repair was completed, two years from the date the catalytic converter was purchased, sold, or replaced, or the period of time required by other law, whichever is longer.
- (d) Failure to maintain any documentation required by this section is an offense.”

SECTION 11. Section 13-541(b) is amended to add subsection 9 which reads as follows:

- “9. Operate without having a current garbage removal contract with a company who is authorized by the City of Grand Prairie to remove and transport garbage within the City;”

SECTION 12. Section 13-543(b) is amended to reads as follows:

“(b) It shall be an offense for an Automotive Related Business to:

1. Store combustible materials not necessary or beneficial to the business on the premises of the Automotive Related Business;
2. Allow items to be kept or stored on the premises of an Automotive Related Business in a manner which creates a fire hazard;
3. Use the public right of way for the parking or storage of vehicles, or portions thereof, being repaired, stored, sold, transported or otherwise used by the Automotive Related Business;
4. Allow or cause materials to be stored in a drum or container which is not compatible with the material being stored or is otherwise allowing the stored material to leak from the container;
5. Fail to label a drum or container used to store waste or regulated waste with the name, address, phone number of the business, and other items required by local, state, or federal law or regulations;
6. Store waste materials in a manner which is not consistent or in compliance with applicable laws, regulations, permits, or established safety plans; or
7. Store batteries outside.”

SECTION 13. Section 13-547(k) shall be amended to read as follows:

“(k) To revoke authorization granted under this section, the Environmental Quality Manager shall

provide the permit holder written notice of the revocation and the grounds for the same. The permit holder has the right to appeal the revocation by submitting a written appeal to the Environmental Quality Manager within ten (10) calendar days of receipt of the notice. Unless prohibited by law, including state or federal flood or environmental regulations, the permit holder may continue bulk storage during the pendency of the appeal once the condition specified in the notice is cured and any spill, if applicable, has been remediated. The appeal hearing shall be held as soon as practical and no later than fourteen (14) calendar days after the request is received. The appeal shall be heard by the Designated Hearing Authority. The Designated Hearing Authority shall issue a written ruling with findings of fact within five (5) business days of the hearing date. The decision of the Designated Hearing Authority shall be final.”

SECTION 14. The Code of Ordinances of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 15. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 16. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 17. A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 18. This ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 21st DAY OF MARCH, 2023.



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/06/2023

PRESENTER: Cindy Mendez, Public Health, and Environmental Quality Director

TITLE: Annual Contract for Gas Well Inspection services with Modern Geosciences for an amount not to exceed \$200,000 for one year with the option to renew for four (4) additional one-year periods totaling \$1,000,000 if all extensions are exercised

REVIEWING COMMITTEE: (Reviewed by the Public Safety, Health & Environment Committee on 03/06/2023)

SUMMARY:

<u>Vendor Name</u>	<u>Annual Cost</u>	<u>Total Cost</u>
Modern Geoscience	\$200,000	\$1,000,000

PURPOSE OF REQUEST:

The Environmental Quality Division utilizes a third-party gas well inspector to conduct annual inspections at all our gas well pad sites to include leak detection and naturally occurring radiation in water production tanks. Inspection services also include postproduction inspections to ensure that a pad site, when abandoned, is environmentally safe for its next land use. The costs of these services are billed back to the gas well operators, however, as the contractor, the city is billed for these services. In addition to the cost of inspections, the city may utilize this contract for special projects like additional air quality monitoring, review of permits, and for technical assistance.

PROCUREMENT DETAILS:

Procurement Method: Cooperative/Interlocal RFB/RFP Sole Source Professional Services Exempt

Local Vendor HUB Vendor

Number of Responses: one RFP/RFB #: 23047

Selection Details: Low Bid Best Value

FINANCIAL CONSIDERATION:

Budgeted?	<input checked="" type="checkbox"/>	Fund Name:	General Fund
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**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/6/2023

REQUESTER: Cindy Mendez, Public Health & Environmental Quality Director

PRESENTER: Jody Cason, Environmental Quality Manager

TITLE: Approve application to the Department of Energy Efficiency and Conservation Block Grant to accept allocation of \$220,600 for energy conservation projects (Public Safety, Health & Environment Committee reviewed this item on 03/06/2023)

RECOMMENDED ACTION: Approve

ANALYSIS:

The Energy Efficiency and Conservation Block Grant (EECBG) Program is designed to assist states, local governments, and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency. This program was funded through the Infrastructure Investment and Jobs Act of 2021. The pre-award information sheet is due by April 28, 2023 to participate in the allocation of the grant.

Under this grant program, the City of Grand Prairie will be allocated \$220,600 based on population to implement strategies to reduce or improve energy efficiency in the transportation and building sectors. The application will be due January 2024 to identify how best to utilize the money through the Energy Efficiency and Conservation Plan. For allocations under \$250,000, the applicant may apply for a voucher program for which will allow reimbursement upon request. The City will apply for the program voucher.

FINANCIAL CONSIDERATION:

The \$220,600 spent pending reimbursement will be available in the FY2024 Capital Reserve Fund. Reimbursement is expected within six to twelve months of submittal of receipts.



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 3/6/23

REQUESTER: Cindy Mendez

PRESENTER: Cindy Mendez, Public Health & Environmental Quality Director

TITLE: Annual Contract for disposal of household hazardous waste in the amount of \$81,100 annually through a Master Interlocal Agreement with the City of Fort Worth. This contract will be for one year with the option to renew for four one-year periods totaling \$405,500 if all extensions are exercised

RECOMMENDED ACTION: Approve

ANALYSIS:

The City of Grand Prairie has participated in the Environmental Collection Center operated by the City of Fort Worth since 1997. The use of the program is important as anytime hazardous waste like paint thinners, pesticides, and pool chemicals are mixed with household garbage, the possibility of contaminating the landfill leachate exists. Under the terms of the agreement, the citizens of Grand Prairie are able to properly dispose of household hazardous waste by bringing it to a city held collection event or by transporting their waste to the Fort Worth Environmental Collection Center. Last year, more than 1,000 Grand Prairie households utilized this service.

FINANCIAL CONSIDERATION:

This agreement provides for payment to the City of Fort Worth on a per household utilization basis for a total not to exceed \$81,100 per year. Funding is available in the 2022/2023 Solid Waste Operation Fund.



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 03/06/2023

PRESENTER: Ryan Simpson, Assistant Director of Police

TITLE: An Ordinance Amending Chapter 25 “Traffic” of the City of Grand Prairie Code of Ordinances to Add Section 25-59.5 to Require All Vehicles Stopped, Standing, or Parked on a Public Street to Display Valid and Current Registration, and Amend Subsection 25-60 to Authorize the Chief of Police to Designate Employees to Enforce On-Street Parking Regulations through the Removal of Illegally Parked or Abandoned Vehicles

**REVIEWING
COMMITTEE:**

PURPOSE OF REQUEST:

The Police Department has seen an increase in the use of invalid or fraudulent temporary license plates (“paper tags”) affixed to vehicles. The Police Department has also seen an increase in vehicles involved in criminal offenses displaying registration belonging to other vehicles, making the offenses challenging to investigate. Currently, state law requires vehicles operating on a public street to possess and display valid registration. The law does not address vehicles that are parked on a public street. The proposed ordinance revisions will require all vehicles stopped, standing, or parked in a public right-of-way to have lawful, valid, and current registration affixed to the vehicle.

Further, only peace officers are currently authorized to have vehicles towed. This revision will allow the Chief of Police to designate employees other than police officers, such as code compliance officers and public safety officers, who can authorize vehicles illegally parked or abandoned on a public street or highway to be towed.

FINANCIAL CONSIDERATION:

None

BODY:

AN ORDINANCE AMENDING CHAPTER 25, “TRAFFIC”, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS; BY CREATING SECTION 25-59.5 “PARKING

OF VEHICLES WITH INVALID OR EXPIRED LICENSE PLATES" TO REQUIRE VEHICLES STOPPED, STANDING, OR PARKED IN A PUBLIC RIGHT OF WAY TO DISPLAY LAWFUL, VALID, AND CURRENT REGISTRATION; AND AMENDING SECTION 25-60 "AUTHORITY TO REMOVE; PROCEDURE, FEES" TO AUTHORIZE DESIGNATED EMPLOYEES TO REMOVE VEHICLES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, State law prohibits vehicles from operating on a roadway without valid registration, but does not govern motor vehicle registration requirements on vehicles stopped, standing, or parked in a public right of way; and

WHEREAS, stolen vehicles are increasingly displaying invalid license plates or other proof of registration, including license plates assigned to other vehicles; and

WHEREAS, authorizing non-police officers to remove vehicles will allow the Police Department to most effectively utilize Police Department resources; and

WHEREAS, in accordance with Texas Occupations Code Section 2308.354(a) and Grand Prairie's Home Rule Authority, the City of Grand Prairie is authorized to pass an ordinance regulating on-street parking and designate an employee to have illegally parked vehicles and abandoned vehicles removed; and

WHEREAS, to protect the health, safety, and welfare of the community, the City has determined that all motor vehicles stopped, standing, or parked in a public right of way should be required to lawfully display current and valid registration;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. That Subsection 25-59.5 "Parking of Vehicles with Expired or Invalid License Plates" of Chapter 25, "Traffic," of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby created to read as follows:

“(a) It is unlawful to stop, stand, or park a vehicle within a public right-of-way, if the vehicle does not have lawfully affixed thereto:

- (1) a valid license plate or tag (temporary license plate) assigned to that vehicle for the current registration period, or
- (2) a valid and current motor vehicle dealer or authorized agent license plate or tag.

(b) It is an exception to the offense established by subsection (a) that the registration of the vehicle that is stopped, standing, or parked in violation of subsection (a) has been expired for less than fifteen (15) calendar days.”

SECTION 2. That Subsection 25-60 "Authority to Remove; Procedure; Fees" of Chapter 25, "Traffic," of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby amended to read as follows:

“(a) *Removal by Police Officer.* A police officer is authorized to remove or tow a vehicle or other property of any description from any street or highway to a place or garage designated or maintained by the police department when:

- (1) The vehicle or property is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle or property constitutes an obstruction to traffic;
 - (2) A vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the persons in charge of the vehicle are, by reason of physical injury or other condition, incapacitated to such an extent as to be unable to provide for its custody or removal;
 - (3) A vehicle is left unattended upon a street or within the street right-of-way and parked illegally;
 - (4) A vehicle is left unattended on a street or within the right-of-way in violation of section 25-50;
 - (5) A vehicle is illegally parked and blocks the entrance to any private driveway;
 - (6) A vehicle is found upon a street and a report has been made that the vehicle has been stolen and such report has not been retracted;
 - (7) An officer has reasonable grounds to believe that the vehicle has been abandoned;
 - (8) A vehicle is left unattended upon a street or within a street right-of-way and constitutes a danger to the traveling public; or
 - (9) An officer arrests the driver and/or the person having control of a vehicle for an offense and the officer is by law required to take the person arrested immediately before a magistrate.
- (b) *Removal by Non-Police Officer.* Employees designated by the Chief of Police to enforce parking regulations may enforce parking violations provided in the Grand Prairie Code of Ordinances and remove or tow a vehicle from any street or highway to a place or garage designated or maintained by the police department when:
- (1) The vehicle is parked illegally; or
 - (2) The vehicle is parked legally, has been unattended for more than 48 hours, and the designated employee has reason to believe the vehicle is abandoned.
- (c) *Redemption; fees.* A vehicle removed and towed pursuant to the provisions of this section shall be kept at the place designated by the chief of police until the owner or other person entitled to possession pays all costs of towing, impoundment and storage. The chief of police shall charge fees for towing and storage of vehicles at city pound locations in accordance with the following regulations:
- (1) For vehicles or equipment twenty (20) feet or less in length and seven (7) feet or less in width, the storage fee is twenty dollars (\$20.00) for each day or portion of a day.
 - (2) For vehicles or equipment more than twenty-five (25) feet in length, the storage fee is thirty-five dollars (\$35.00) for each day or portion of a day.

- (3) Storage fees on stolen vehicles shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the day following notice to the owner of the vehicle or his agent that he may claim the vehicle.
 - (4) Storage fees on vehicles owned by arrested persons shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the date of impoundment.
 - (5) Storage fees shall not be collected when a vehicle is not involved in an accident but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent he is unable to care for his vehicle.
 - (6) Storage fees on vehicles involved in motor vehicle accidents shall be charged as outlined in subsections (c)(1) and (2) of this section, commencing on the date of impoundment.
 - (7) A service fee of fifty dollars (\$50.00), in addition to applicable towage, impoundment and storage fees, shall be charged when a vehicle has been in the automobile pound for five (5) days unless an administrative hold has been placed on the vehicle. The period of any administrative hold shall not be included in the computation of the five-day period required before a service fee may be imposed.
 - (8) An impoundment fee of twenty dollars (\$20.00), in addition to applicable towage and storage fees, shall be charged for a vehicle that has been removed and towed to a city pound location.
 - (9) Towing fees shall be at the rate of one hundred seventy-one dollars (\$171.00) per vehicle for regular duty tow, and two hundred forty-six dollars (\$246.00) per hour for heavy-duty tow. Additional fees may be charged when specialized equipment is used.
- (d) Release without payment. The chief of police or his designee may release a vehicle without payment of storage, impoundment or towage fees under the following circumstances:
- (1) A vehicle taken into protective custody when the incident did not involve an arrest, violation or automobile accident.
 - (2) A vehicle is owned by or belongs to an individual who is entitled to diplomatic immunity.
 - (3) Subsequent investigation of an arrested person results in a determination that there was no probable cause to warrant the arrest.
- (e) *Violation.* A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, impoundment and storage fees which have accrued on the vehicle.
- (f) *Storage for commercial purposes.* As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council

hereby designates all city pound locations as storage facilities operated for commercial purposes.”

SECTION 3. That Chapter 25, “Traffic,” of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 6. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 7. That this Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS ON THIS THE 21ST DAY OF MARCH, 2023.