

REGULAR MEETING OF THE IRVING CITY COUNCIL
August 3, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on August 3, 2006, at 7:00 P.M. The following members were present.

Mayor Herbert A. Gears

Councilmembers

James Dickens

Beth Van Duyne

Allan E. Meagher

Lewis Patrick

Lowell Cannaday

Rick Stopfer

Sam Smith

Joe Philipp

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

There were no organizational or service announcements made

INVOCATION

The invocation was delivered by Leon Adkins, Berean Memorial Church of Irving, Texas

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a High Spirited Citizen Award to Gene Olafsen

CONSENT AGENDA

The consent agenda, items #1 through #25, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda. There were no requests **Councilman Smith moved to approve the consent agenda. Items #1 through #25. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0**

- 1 **Resolution No. 8-3-06-260** -- Approving The Strategic Planning Retreat Minutes Of July 7, 2006, The City Council Work Session Minutes Of July 19, 2006; And The City Council Meeting Minutes Of July 20, 2006

- 2 **Resolution No. 8-3-06-261** -- Authorizing The Mayor To Sign An Escrow Agreement With Amador Soto In The Amount Of \$15,725 00 For The Future

Extension Of Pearson Street As A Requirement Of The Soto Addition No 2 Preliminary/Final Plat

- 3 **Resolution No. 8-3-06-262** -- Preliminary/Final Plat -- Soto Addition No 2 -- An Approximately 0.94 Acre Tract Located Approximately 425 Feet South Of East Cason Street On The West Side Of Alexander Street -- Xavier Chapa, Applicant
- 4 **Resolution No. 8-3-06-263** -- Cancellation Of Texas Stadium Seat Options As Requested By The Dallas Cowboys Football Club, Ltd., For The 2006 Season
- 5 **Resolution No. 8-3-06-264** -- Authorizing The Mayor To Sign A Rental Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau (ICVB) And Crown Suite, Ltd. In The Amount Of \$65,000 00 To Lease A Crown Suite II At Texas Stadium For Promotional Uses
- 6 **Resolution No. 8-3-06-265** -- Awarding A Contract To Deloitte And Touche LLP In The Amount Of \$230,198.00 For The Fiscal Year 2005-2006 Annual Financial Audit
- 7 **Resolution No. 8-3-06-266** -- Approving The Plan Document For The Group Health Benefit Plan For Employees And Retirees As Amended To Revise The Definition Of "Retiree"
- 8 **Resolution No. 8-3-06-267** -- Awarding A Contract To S. J Louis Construction Of Texas Ltd. In The Amount Of \$2,110,684 30 For The Dry Branch Creek Interceptor Sanitary Sewer Improvements, Stage III Project
- 9 **Resolution No. 8-3-06-268** -- Approving An Engineering Services Agreement With Bridgefarmer & Associates, Inc. In The Amount Of \$244,500 00 For The Design Of Water And Sanitary Sewer Main Relocations In State Highway 114 And Loop 12
- 10 **Resolution No. 8-3-06-269** -- Awarding A Contract To SYB Construction Co., Inc. In The Amount Of \$777,777 77 For The 2006 Water Replacement, Section II Project
- 11 **Resolution No. 8-3-06-270** -- Approving Addendum No 2 To The Engineering Design Services Agreement With Graham Associates, Inc. In The Amount Of \$23,290.00 For A Drainage And Infrastructure Improvement Phasing Study For The Area Between Rock Island Railroad, O'Connor Road, Union Bower Road And Nursery Road
- 12 **Resolution No. 8-3-06-271** -- Rejecting Bids For The Nursery Road 30-Inch Water Transmission Main South Of Pioneer Drive To Grauwylar Road Project

- 13 **Resolution No. 8-3-06-272** -- Awarding A Contract To Malcolm Pirnie, Inc. For Engineering Design Services For The Rehabilitation And Reconstruction Of The MacArthur Pump Station In An Amount Not To Exceed \$890,000 00 To Be Administered By The Water Utilities Department
- 14 **Resolution No. 8-3-06-273** -- Approving Renewal Of Contract Between The City Of Irving And The University Of Texas Southwestern Medical Center In The Amount Of \$85,177.40 For Continuing Education Services To The Paramedics And Emergency Medical Technicians For The Period Of September 1, 2006, Through August 31, 2007, To Be Used By The Fire Department
- 15 **Resolution No. 8-3-06-274** -- Approving Renewal Of Contract Between The City Of Irving And The University Of Texas Southwestern Medical Center In The Amount Of \$5,778.08 For Medical Direction And Quality Assurance Services For The Period Of September 1, 2006, Through August 31, 2007, To Be Used By The Fire Department
- 16 **Resolution No. 8-3-06-275** -- Rejection Of Proposals For Council Conference Room Video/Audio Production As Recommended By The Community Affairs Department
- 17 **Resolution No. 8-3-06-276** -- Purchases Funded In The 2005-2006 Budget
 - (A) Bids -- Annual Bid For Electrical Services Awarded To Design Electric In The Net Estimated Amount Of \$7,550.00 For The Period Of August 3, 2006, Through September 30, 2006, And \$37,750.00 For The Period Of October 1, 2006, Through July 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department
 - (B) Bids -- Annual Bid For Hot Mix - Cold Laid "Cold Mix" Asphalt Patching Materials Awarded To APAC-Texas, Inc. In The Net Estimated Amount Of \$4,375.00 For The Period Of September 1, 2006, Through September 30, 2006, And \$48,125.00 For The Period Of October 1, 2006, Through August 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department And Public Works And Transportation Department/Streets Division
 - (C) Bids -- Annual Bid For Asphaltic Concrete Awarded To Reynolds Asphalt & Construction Co.; Crafcot Texas, Inc., And Fischl Enterprises, Inc In The Net Estimated Amount Of \$11,779.10 For The Period Of September 1, 2006, Through September 30, 2006, And \$129,557.10 For The Period Of October 1, 2006, Through August 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Public Works And Transportation Department/Streets Division

- (D) Bids -- Annual Bid For Road Maintenance Materials - Part Two Awarded To Crouch Sand & Gravel, Inc., Texas Sand & Gravel; And Big City Crushed Concrete In The Net Estimated Amount Of \$2,664.50 For The Period Of September 1, 2006, Through September 30, 2006, And \$29,313.02 For The Period Of October 1, 2006, Through August 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department And Public Works And Transportation Department/Streets Division
- (E) Bids -- Award Of Bid To Metro Ford Truck Sales, Inc. For Three (3) 25 Cubic Yard Rear Loading Refuse Trucks In The Net Amount Of \$381,588.00 To Be Used By The Public Health And Environmental Services Department
- (F) Proposals -- Annual Proposal Awarded To Evercom Systems, Inc For The Jail Inmate Telephone System In The Net Estimated Revenue Amount Of \$50,000.00 For The Period Of August 3, 2006, Through September 30, 2007, And \$50,000.00 For The Period Of October 1, 2007, Through September 30, 2008, As Administered By The Police Department
- (G) Proposals -- Annual Proposal Awarded To Concentra Health Services, Inc For Medical And Occupational Health Fitness Services In The Net Estimated Amount Of \$8,269 00 For The Period Of August 3, 2006, Through September 30, 2006, \$37,644 00 For The Period Of October 1, 2006, Through September 30, 2007; And \$29,375.00 For The Period Of October 1, 2007, Through July 31, 2008, Subject To Funds Being Appropriated In Fiscal Years 2006-2007 And 2007-2008, To Be Administered By The Human Resources Department
- (H) Bids -- Annual Bid For Roofing, HVAC, And Plumbing Services Awarded To M & H Roofing & Sheet Metal dba Star Roofing And Sheet Metal; GMR Heating & Air Conditioning; And Apex Services, Inc. In The Net Estimated Amount Of \$12,111.00 For The Period Of August 3, 2006, Through September 30, 2006, And \$60,553.00 For The Period Of October 1, 2006, Through July 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Housing And Human Services Department

18 Ordinance No. 8678 -- Budget Adjustments To The 2005-2006 Fiscal Year Budget

- I. General Fund
- II. Seized Narcotics Fund
- III Texas Highway Safety Grant Fund

IV. Library Grant Fund

- 19 Ordinance No. 8679** -- Authorizing The Abandonment Of A 4-Foot Portion Of An Existing 10-Foot Private Drainage And Public Utility Easement And 4-Feet Of An Existing 10-Foot Underground Public Utility Easement On Lot 31, Block A, The Enclave At Las Colinas, Phase I, Located At 4708 Byron Circle
- 20 Ordinance No. 8680** -- Authorizing The Abandonment Of A 5-Foot Portion Of A 10-Foot Public Utility Easement Across Lot 29, Block 7, Cottonwood Valley Phase II, Installment IV Located At 1905 Cottonwood Valley Circle South
- 21 Ordinance No. 8681** -- Authorizing The Abandonment Of A Portion Of An Alley And A Portion Of Associated 5-Foot Public Utility Easements, Lots 17, 18, 19, And 21, Block H, Emerald Valley Phase I Addition, Subject To The Reservation Of A 5-Foot Public Utility Easement
- 22 Resolution No. 8-3-06-277** -- Requesting Sign Variance Case No. 0603-0005 Located At 1800 East Airport Freeway -- Jerry Freeman, Owner Of Freeman Mazda Hyundai, Applicant
- 23 Ordinance No. 8682** -- Amending Section 33A-2 Of Chapter 33A, Entitled Landscape And Setback, Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Delete Certain Properties Adjoining The South Right-Of-Way Line Of State Highway 183 At 1800 East Airport Freeway From The Thirty Foot Setback Provisions Of Section 33A-3 -- Freeman Mazda-Hyundai, Applicant
- 24 Ordinance No. 8683** -- Zoning Case #5633 -- Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) And Hotel Uses -- An Approximately 10 94 Acre Tract Located On The Southwest Corner Of Interstate Highway 635 And North Belt Line Road -- Cross Architects, Applicant
- 25 Ordinance No. 8684** -- Zoning Case #5636 -- Granting PUD (Planned Unit Development) For S-P-1 (Detailed Site Plan) For R-AB (Restaurant With The Attendant Accessory Use Of The Sale Of Alcoholic Beverages For On-Premises Consumption) Uses -- An Approximately 4,842 Square Foot Tract Located At 6450 North MacArthur Boulevard, Suite 100 -- Sharon Barbosa-Crain, Applicant

This concludes the consent agenda approving items #1 through 25

INDIVIDUAL CONSIDERATION

- 26 Ordinance No. 8685** -- Amending Comprehensive Zoning Ordinance No 1144 Of The City Of Irving, Texas, By Amending Certain Residential Districts To Require

Guest And Servant's Quarters As An Accessory Use By Site Plan; Amending Section 52-35a Relating To Impervious Surfaces; Amending Section 52-26 Relating To Outside Storage Regulations, And Amending Section 52-75 To Change The Definition Of Guest House

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition

Mayor Gears requested a presentation on this item.

Deputy City Manager Cash asked for Director of Building Inspections Gary Miller

Mr. Miller called on Chief Code Compliance Inspector Teresa Adrian to present the power point.

Council questions and discussion followed.

The following spoke in opposition of this item

Manny Benavides, 2108 Meadow Glen
Glenn Hardeson, 824 Olde Tower Drive
Sharon Barbosa-Crain, 2608 Alan-a-Dale
Don Van Slyke, 2617 Castle

After lengthy Council discussion, **Councilwoman Van Duyne moved to approve the ordinance approve the ordinance as amended by the City Attorney and further amending Sections 52-56 to allow for the use of landscape structures, yard swings, water scapes, are formes, gazebos and arbors as a lawful outside use. Seconded by Councilman Meagher, the motion was approved by a vote of 9-0.**

APPOINTMENTS AND REPORTS

27 Resolution -- Appointments To Boards, Commissions, And Committees

There were no appointments made.

28 City Manager's Report

- Comcast/Time Warner Cable System Transfer is complete and the name has changed to Time Warner,
- Assistant Chief Sid Fuller has been named Police Chief of Farmers Branch
- Library Events – 20th Anniversary of Irving Central Library will be held on August 6, 2006 at noon;

- Special Library Exhibit – August 18 through September 29, 2006 “Forever Free, Abraham Lincoln’s Journey to Emancipation.”

29 Mayor’s Report

- Mayor Gears read a press release regarding an event to be held on September 11, 2006 sponsored by Faiths Together. The event will be held at the Theatre of North Lake College and Interfaith Gathering for Peace, at 7:00 p m

30 Committee And Liaison Report/Meetings

Councilman Smith announced that the Chamber of Commerce recently won two awards in at the Texas Chamber of Commerce Executive Centennial Conference. The awards go to Chambers who produce outstanding media campaigns.

Councilman Dickens announced that the next Community Services meeting will be held Tuesday, September 5, 2006, at 10:00 a.m.

Councilwoman Van Duyne, liaison to the Health Board, reported that they asked that a referendum to be placed on the November ballot to ask the public to support a comprehensive ban on smoking in public places in the City.

Councilman Cannaday announced that today was his last day on the DFW Airport Board, and a Grapevine Councilman will represent the surrounding cities.

31 The meeting adjourned at 8.15 p.m.

CITIZEN FORUM

Betty Yarbrough, 204 W. 7th Street, addressed the Mayor and Council regarding animal shelter reform

Olga Uribe, 109 Sanders Place, addressed the Mayor and Council regarding the danger’s of second hand smoke in public places.

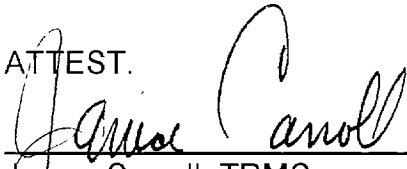
Holly Elms, 3rd Street, spoke about Animal Shelter reform. She stated that she would like for Animal Shelter Advisory board expanded. She would like this implemented before the new shelter is built.

Karen Rash, 2204 Piedmont Street, also addressed issues at the Animal Shelter.

Cindy Boase, 1623 Milner Road, spoke about the incident that occurred at the Animal Shelter regarding a cat named "Black Beauty" that was euthanized.


Mary Chapin, 713 N Sleepy Hollow, addressed the Mayor and Council regarding Code Enforcement officers enforcing the codes rigidly

ATTEST.



Janice Carroll, TRMC
City Secretary





Herbert A. Gears, Mayor