

**REGULAR MEETING OF THE IRVING CITY COUNCIL**  
**February 23, 2006**

The City Council met in regular session in the Council Chambers of the City Hall Complex on February 23, 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**

---

Director of Public Libraries Patty Landers and Senior Librarian Jan Bodnar stated that the library is sponsoring the "One Book, One Irving" event, and extends a challenge to all citizens to read the same book, Life of Pi by Yann Martel. The City Of Irving Library is giving away 800 copies of this book and hosting on-line discussions of the book thanks to a grant from the Northeast Texas Library System and the support of the Friends of the Library.

---

**INVOCATION**

---

The invocation was delivered by Pastor John Durham, First Baptist Church, of Irving, Texas.

---

**PLEDGE OF ALLEGIANCE**

---

Councilman Patrick led those present in the pledge.

---

**PROCLAMATIONS AND ANNOUNCEMENTS**

---

Mayor Gears presented a proclamation to Pat McMacken and Jason Carriere from the Emergency Management Department establishing the week of February 26 through March 4, 2006, as Severe Weather Awareness Week.

---

**CONSENT AGENDA**

---

The consent agenda, items #1 through #21, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. Mayor Gears announced that item #7 would be dropped from the consent

agenda and Items #2, #6, #12, and #14A would be pulled. **Councilman Stopfer moved to approve the consent agenda Items #1 through #21, dropping Item #7 and excluding Items #2, 6, 12, and #14A. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 2-23-06-053** -- Approving The City Council Work Session Minutes Of February 8, 2006, And The City Council Meeting Minutes Of February 9, 2006
- 3 **Resolution No. 2-23-06-055** -- Authorizing The Mayor To Enter Into An Agreement With Dallas County Elections Department To Administer The Regular Municipal Election To Be Held On Saturday, May 13, 2006, For The Purpose Of Electing City Council Places Four (4), Six (6), And Eight (8), And A Special Election In Accordance With Chapter 334 Of The Local Government Code, And A Subsequent Run-Off Election, If Necessary
- 4 **Resolution No. 2-23-06-056** -- Supporting Use Of The ADA iVotronic v.8.0 1.0 Provided By Election Systems And Software As An Accessible Voting System That May Legally Be Used In Texas Elections In Compliance With The "Help America Vote Act"
- 5 **Resolution No. 2-23-06-057** -- Authorizing Staff To Negotiate A Professional Services Contract With Wiginton Hooker Jeffry, Architects For The Design Of The Cimarron Park Family Aquatic Center
- 7 **File No. 2-23-06-059** -- Approving Change Order No. 2 To S. J. Louis Construction Of Texas For The Dry Branch Creek Interceptor Sanitary Sewer Improvements, Stage II Project
- 8 **Resolution No. 2-23-06-060** -- Approving An Engineering Services Agreement With Terracon Consultants, Inc. For The Annual Geotechnical Engineering And Construction Materials Testing And Inspection Contract
- 9 **Resolution No. 2-23-06-061** -- Authorizing Staff To Negotiate An Engineering Services Contract With Deltatek Engineering For Services Associated With The Rehabilitation Of The Walnut Hill Elevated Tank, Two Steel Ground Storage Tanks Located At The MacArthur Pump Station And Tank No. 1 At The Hackberry Pump Station
- 10 **Resolution No. 2-23-06-062** -- Approving An Engineering Services Agreement With Black & Veatch Corporation In The Amount Of \$250,000.00 For A Water Distribution Master Plan Update And Modeling Support

- 11 **Resolution No. 2-23-06-063** -- Approving Change Order No. 4 To John D. Stephens, Inc. Reducing The Contract In The Amount Of \$11,442.49 For The Lake Chapman Water Supply Project, Contract B, C, D - Pipeline Sta 4+27 To Sta 1740+92
- 13 **Resolution No. 2-23-06-065** -- Approving Addendum No. 1 To Buck Consultants, LLC To Add An Additional One-Year Renewal Option In An Amount Not To Exceed \$185,000.00 For A Period Through April 19, 2007, For Actuarial And Benefit Consulting Services
- 14 **Resolution No. 2-23-06-066** -- Purchases Funded In The 2005-2006 Budget
- (A) Bids -- Award Of Bid To KPOSTCOMPANY For The Texas Stadium Roof Coating In The Net Amount Of \$643,003.00 To Be Administered By Texas Stadium Corporation
  - (B) Bids -- Award Of Bid To Sam Pack's Five Star Ford For Thirteen (13) Pickup Trucks, One (1) Cargo Van, And One (1) Prisoner Transport Van In The Net Amount Of \$248,631.00 To Be Used By The Departments Of Parks And Recreation, Inspections; Municipal Courts; Public Works And Transportation/Engineering; Public Works And Transportation/Traffic; General Services; And Water Utilities
  - (C) Bids -- Award Of Bid To Philpott Ford, Inc. For The Purchase Of Three (3) Police Patrol Vehicles In The Net Amount Of \$62,865.75 Through An Interlocal Agreement Between Tarrant County And The City Of Irving
  - (D) Award -- Approving Award To Xerox For A 60-Month Lease Of A Copier Through The Texas Cooperative Purchasing Network (TCPN) For The Fire Department In The Net Estimated Amount Of \$3,115.13 For The Period Beginning With A Tentative Installation Date Of March 15, 2006, Through September 30, 2006; \$5,751.00 For The Period Of October 1, 2006, Through September 30, 2007; \$5,751.00 For The Period Of October 1, 2007, Through September 30, 2008; \$5,751.00 For The Period Of October 1, 2008, Through September 30, 2009; \$5,751.00 For The Period Of October 1, 2009, Through September 30, 2010, And \$2,635.88 For The Period Of October 1, 2010, Through March 14, 2011, Subject To Funds Being Appropriated In Fiscal Years 2006-2007, 2007-2008, 2008-2009, 2009-2010 And 2010-2011, To Be Administered By The Financial Services Department/Purchasing Division
  - (E) Bids -- Annual Bid For Municipal Court Security Personnel Services To Ruiz Protective Service, Inc. In The Net Estimated Amount Of \$41,334.00 For The Period Of February 23, 2006, Through September

30, 2006, And \$20,666.00 For The Period Of October 1, 2006, Through February 7, 2006, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Municipal Court Department

- (F) Bids -- Renewal Of Bid With Shaffer Publications Inc. d/b/a Popular Subscription Service For Library Serial Subscriptions In The Net Estimated Amount Of \$45,591.26 For The Period Of January 1, 2006, Through December 31, 2006, To Be Used By The Irving Public Library
- (G) Bids -- Renewal Of Bid With Allied Waste Services For Processing Of Recyclables Collected In Irving's Curbside Collection Program In The Net Estimated Revenue Amount Of \$14,514.48 For The Period Of April 1, 2006, Through September 30, 2006, And \$14,514.48 For The Period Of October 1, 2006, Through March 31, 2007, Based On 80% Net Profit Of Collected Recyclables, To Be Administered By The Public Health And Environmental Services Department/ Waste Minimization And Collection Division
- (H) Bids -- Renewal Of Bid With Bass & Hays Foundry, Inc. For Water Meter Boxes In The Net Estimated Amount Of \$45,874.12 For The Period Of March 1, 2006, Through September 30, 2006, And \$25,485.63 For The Period Of October 1, 2006, Through February 28, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department

**15 Ordinance No. 8610** -- Budget Adjustments To The 2005-2006 Fiscal Year Budget

- I. General Fund
- II. General Interest And Sinking Fund
- III. Health Self Insurance Fund
- IV. Municipal Drainage Utility Fund
- V. Texas Stadium Rental #2 Fund
- VI. Cimarron Recreation Center Fund
- VII. Lee Park Recreation Center Fund
- VIII. Heritage Senior Center Fund
- IX. Mustang Park Recreation Center Fund
- X. Northwest Park Recreation Center Fund
- XI. Senter Park Recreation Center Fund

XII. West Park Recreation Center Fund

XIII. Miscellaneous Grant Fund

- 16 **Ordinance No. 8611** -- Zoning Case #5595 -- Granting S-P-2 (Generalized Site Plan) For ML-20 (Light Industrial) Uses -- An Approximately 2.39 Acre Tract Located At 3100 Rock Island Road -- James C. Paris, Applicant
- 17 **Ordinance No. 8612** -- Zoning Case #5596 -- Granting S-P-1 (Detailed Site Plan) For C-C (Community Commercial) Uses -- An Approximately 1.97 Acre Tract Located At 1601 West Irving Boulevard (North Side Of Irving Boulevard, South Side Of Pioneer Drive) -- Ricky Stephenson, Applicant
- 18 **Ordinance No. 8613** -- Repealing Ordinance No. 4736 Granting S-P-1 (Detailed Site Plan) For R-AB (Restaurant With The Attendant Accessory Use Of The Sale Of Alcoholic Beverages For On-Premise Consumption) To Reinstate The Previous S-P-2 (Generalized Site Plan) For FWY (Freeway) And Retail Uses In Zoning Case #5597 -- An Approximately 0.155 Acre Tract Located At 545 East John Carpenter Freeway (North Side Of The Intersection Of State Highway 114 And Riverside Drive) -- CB Richard Ellis, Applicant
- 19 **Ordinance No. 8614** -- Zoning Case #5598 -- Granting S-P-1 (Detailed Site Plan) For R-AB (Restaurant With The Accessory Use Of The Sale Of Alcoholic Beverages For On-Premise Consumption) Uses -- An Approximately 0.133 Acre Tract Located At 530 West LBJ Freeway (South Side Of Interstate Highway 635, East Of MacArthur Boulevard) -- Howard Tseung, Applicant
- 20 **Resolution No. 2-23-06-067** -- Postponing To The March 23, 2006, City Council Meeting The Consideration Of An Ordinance Amending The Comprehensive Plan And Granting S-P-2 (Generalized Site Plan) For R-TH (Townhouse) District Uses In Zoning Case #5586 -- An Approximately 10.45 Acre Tract Located On The North Side Of Market Place Boulevard Between Olympus Boulevard And Rosche Drive -- Hunter Equities, Inc., Applicant (**Postponed From The January 12, 2006, City Council Meeting**)
- 21 **Resolution No. 2-23-06-068** -- Withdrawal Of Zoning Case #5601 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.62 Acre Tract Located At 3932 Frisco Avenue (South Side Of Frisco Avenue, East Of Gilbert Road) -- Bear Creek Development Corporation, Applicant

This concludes the consent agenda items #1 through #21, excluding item #2, #6, #12, and #14A.

---

- 2 Resolution No. 2-23-06-054** -- Preliminary/Final Plat -- McCullough Estates -- A 6.266 Acre Tract Located On The West Side Of Balleywood Road And North Of Oakdale Road -- JDJR Engineers And Consultants, Inc., Applicant

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

Eleanor Williams, 1721 Balleywood, lives adjacent to the project in question. She asked if there would be a screening wall, if the homes would be two-story homes, and if they would be zero-lot line homes? She also stated that she is concerned with the drainage and water pressure in this area.

Manager of Current Planning Steve Reed presented the item and answered Ms. Williams questions. He noted that this plat came before the Council as a variance had been requested. The development did not require a zoning change.

Director of Public Works/Traffic and Transportation Jim Cline advised that the Technical Review Committee has addressed these issues and the plat has been approved.

**After Council discussion, Councilman Philipp moved to approve the resolution as presented. Seconded by Councilman Patrick, the motion was approved by a vote of 9-0.**

- 6 Resolution No. 2-23-06-058** -- Requesting Sign Variance Case No. 06-02 Located At 1714 North Story Road -- Edwin D. Van Eck, Representing Plymouth Park Baptist Church, Applicant

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

The following registered in opposition, but did not wish to speak:  
Nancy Wilson, 2911 Bryn Mawr

**Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.**

- 12 Resolution – 2-23-06-064** – Approving The Plan Group Health Benefit Plan For Employees And Retirees As Amended To Include A New Plan Design, The Requirements Of State And Federal Laws And Revisions Of Obsolete Terms, And Administrative Procedures And Practices

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

Richard and Clarissa Lindsey, 2009 Puritan Drive, asked the Council to consider continuing the HMO plan for next year and future years. Mr. Lindsey stated that he is a city employee.

Acting City Manager Cash stated that this item does not address the HMO plan and asked Director Of Human Resources Kathy Cleveland to review this item.

Director of Human Resources Kathy Cleveland did so. This item amends the plan documents for the group health benefit plan for employees and retirees. She noted that discussion relating the HMO plan was on the work session and the Council has asked for Robin Bain with Buck Consultants to come back to the Audit/ Finance Committee on March 8, 2006, and address continuing the HMO as an option.

**Councilman Philipp moved to approve the resolution as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.**

**14 Resolution No. 2-23-06-066 -- Purchases Funded In The 2005-2006 Budget**

(A) Bids -- Award Of Bid To KPOSTCOMPANY For The Texas Stadium Roof Coating In The Net Amount Of \$643,003.00 To Be Administered By Texas Stadium Corporation

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. He stated that Nancy Wilson, 2911 Bryn Mawr pulled the item, but did not wish to speak.

Acting City Manager Cash gave a presentation on this item and stated that this would be funded from the Texas Stadium #2 Rental Fund.

**Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.**

---

**ZONING CASES AND COMPANION ITEMS**

---

**22 Resolution No. 2-23-06-069 -- Zoning Case #5591 -- Granting S-P-2 (Generalized Site Plan) For ML-20a (Light Industrial) District Uses, Private Clubs, Fraternal Organizations, Self-Storage, Warehouse And Indoor Business Service Uses On Lot 2R-1 -- An Approximately 4.5 Acre Tract Located At 2906, 2910 And 2924 Rock Island Road -- George Christensen, Irving Columbus Club, Applicant (**Postponed From The January 12, 2006, City Council Meeting**)**

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

The applicant George Christenson, Irving Columbus Club, 9812 Hickory Hollow Lane, presented the case.

The following spoke in opposition of this item:  
Frances Hollinghead, 3038 Saint Lo

The following registered their opposition, but did not wish to speak.  
Wanda Riddle, 2932 St. Lo Drive  
H.M Meyers, 3513 Bob-O-Link  
Betty Meyers, 3513 Bob-O-Link  
Nancy Wilson, 2911 Bryn Mawr

The following spoke in favor of this item:  
Curtis Hantleman, 100 Macus Court

**After lengthy discussion, Councilman Stopfer moved to approve the case as presented. Seconded by Councilwoman Van Duyne, the motion failed by a vote of 3- 6, with the Councilmen Meagher, Patrick, Smith, Dickens, Cannaday, and Mayor Gears voting in opposition.**

- 23 Ordinance No. 2-23-06-070** -- Zoning Case #5599 -- Granting S-P-1 (Detailed Site Plan) For R-6 (Single Family) And Catering Business Uses -- An Approximately 0.1148 Acre Tract Located At 3832 Grimes Road -- Freddie Brigham, Applicant

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

The applicant Freddie Brigham, 3832 Grimes Road, presented the case.

The following registered their opposition, but did not wish speak:  
Nancy Wilson, 2911 Bryn Mawr

The following registered in support, but did not wish to speak:  
Karen O'Leary, 1011 McClendon Street

**Councilman Patrick moved to approve the case with the stipulations that no sales to be picked up at property and no frying be allowed. Seconded by Mayor Gears, the motion failed by a vote of 2-7 with the following voting in opposition: Councilman Meagher, Stopfer, Philipp, Smith, Dickens, Cannaday, and Councilwoman Van Duyne.**

---

#### APPOINTMENTS AND REPORTS

---

- 24 Resolution No. 2-23-06-071** -- Appointments To Boards, Commissions, And Committees a) Youth Council



Mayor Gears introduced the item.

**Councilman Dickens moved to appoint Melissa Pardue to the Youth Council Place 6, an unexpired term expiring November 2006. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.**

**25** City Manager's Report

- Revised date for the closure the Hunter Ferrell Road east; this is to inform citizens that this road will be closed between Nursery and MacArthur Boulevard from 6:00 a.m. February 28, 2006 through 6:00 p.m. March 13, 2006;
- thanked the Street Division for a great job done during the icy weather;
- "Inside Edition", the television news magazine, filmed the City Of Irving Teen Court for an upcoming show;
- On Monday, February 27, 2006 work will be done on the north side of City Hall, he asked that the public use the west entrance to City Hall.

**26** Mayor's Report

There was no report given.

**27** Committee And Liaison Report/Meetings

Councilman Dickens stated that the Community Services Meeting will be held on March 22, 2005 at 10:00 a.m. An Audit/Finance Committee meeting will be held on March 8, 2006.

**28** The meeting adjourned at 8:40 p.m.

---

**CITIZEN FORUM**

---


Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, thanked the Mayor and Council for the trickling of residential construction that she is beginning to see in South Irving. She also reminded Council of the new animal ordinance. Ms Wilson stated that Dr. Michael Barkett agreed to not charge the shelter for any exams, just for the medication that they may need; she also stated that the Irving Citizens Group would like to have a status report on this by March 8, 2006. She also stated that the City of Irving is in violation of the Americans with Disabilities Act as side walks are obstructed by telephone poles, fire plugs, trees, publication boxes and cars that park on sidewalks.


Oscar Ward, 608 Farine Drive, stated that he attended the last Council meeting when Anthony Bond stated that the City Of Irving did not have a grants compliance officer, and was not in compliance with Federal Law. He would like to know if this is true.

Betty Yarbrough, 204 W. 7<sup>th</sup> Street, First Vice President of the Irving Downtown Association, stated that the purpose of her group is to revitalize downtown Irving. She asked that some improvements be made along the TRA/DART rail line as the area is not attractive, and this is what the riders see as they go through our city.

Margaret Lopez, 3820 Cheyenne, stated that Mary Little's home burned. She wanted to make everyone aware of a fund that has been set up for her, the Mary A. Little Home Fire Relief Fund at Bank of America.

ATTEST:

  
\_\_\_\_\_  
Janice Carroll, TRMC  
City Secretary

  
\_\_\_\_\_  
Herbert A. Gears, Mayor

