

REGULAR MEETING OF THE IRVING CITY COUNCIL
January 12, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on January 12, 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

Sam Smith

Joe Philipp

Councilman Rick Stopfer was not in attendance

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

There were no organizational service announcements made.

INVOCATION

The invocation was delivered by Reverend Robert Corser, Joy Chapel Church of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Cesar Moncada and Angel Biasatti from the Verizon Foundation presented a check for \$15,000.00 to the Friends of the Irving Public Library to benefit the Irving Public Library in its' literacy effort called Technology Improving Literacy Efficiency, for literacy software and hardware to establish a dedicated literacy lab.

CONSENT AGENDA

The consent agenda, items #1 through #23, 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's #4, 5, 6, 12, 16, 18, 21 and 23 would be pulled. **Councilman Philipp moved to approve the consent agenda Items #1 through #23, excluding Items #4, 5, 6, 12, 16, 18, 21 and 23. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.**

- 1 **Resolution No. 1-12-06-001** -- Approving The City Council Work Session Minutes Of December 14, 2005, And The City Council Meeting Minutes Of December 15, 2005

- 2 **Resolution No. 1-12-06-002** -- Approving The Assignment Of The Twin Wells Golf Course Agreement From The Current Lessee, American Golf Corporation, To The Assignee, Twin Wells Golf Club LLC

- 3 **Resolution No. 1-12-06-003** -- Approving The Renewal Of The Professional Services Agreement With Geodetix, Inc. For The Annual Aerial Surveying And Mapping At The Hunter Ferrell Landfill In The Amount Of \$8,600.00 For A Period Of One Year

- 7 **Resolution No. 1-12-06-007** -- Authorizing The Mayor To Apply For And Accept A Fiscal Year 2006 Emergency Management Performance Grant (EMPG) Offered By The Governor's Division Of Emergency Management To Reimburse The City Up To 50% Of Allowable Emergency Management Program Costs

- 8 **Resolution No. 1-12-06-008** -- Expressing Support Of Sustainable Development Projects Within The City Of Irving Submitted To The North Central Texas Council Of Governments (NCTCOG)

- 9 **Resolution No. 1-12-06-009** -- Awarding Contract To V.A Construction, Inc. In The Amount Of \$298,750.00 For The Annual Concrete Repair Of Sidewalks, Utility Cuts, Streets And Alleys For Fiscal Year 2005-2006

- 10 **Resolution No. 1-12-06-010** -- Approving An Engineering Services Agreement With Bucher, Willis & Ratliff Corporation In The Amount Of \$257,433.00 For The Design Of The Northgate Drive Paving Improvements From Tom Braniff Drive To Carl Road

- 11 **Resolution No. 1-12-06-011** -- Approving Change Order No. 1 To SYB Construction Co., Inc. In The Amount Of \$32,190.00 For The 2005 Water Replacement, Section I Project

- 13 **Resolution No. 1-12-06-013** -- Purchases Funded In The 2005-2006 Budget
 - (A) Award -- Award Of Contract To Meggitt Defense Systems Caswell Inc. For The Gun Range Renovation Project In The Net Amount Of \$116,747.00, For Use By The Police Department

 - (B) Bids -- Award Of Bid To Columbus Country Ford For Twenty-Nine (29) Police Patrol Vehicles In The Net Amount Of \$597,328.00, To Be Used By The Police And Municipal Court Departments

 - (C) Bids -- Annual Bid For Emergency On-Board Drugs To Sun Belt Medical/Emergi-Source In The Net Estimated Amount Of \$37,500 00 For The Period Of January 12, 2006, Through September 30, 2006, And \$12,500.00 For The Period Of October 1, 2006, Through

December 31, 2006, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Administered By The Fire Department

- (D) Bids -- Annual Bid For Tires - Part 2 To Rick's Tire Service, Inc. And Gray's Wholesale Tire In The Net Estimated Amount Of \$90,783.46 For The Period Of January 12, 2006, Through August 31, 2006, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The General Services Department/ Fleet Maintenance Division
- (E) Bids -- Renewal Of Bid With Atlas Utility Supply Co. And National Waterworks, Inc. For Couplings, Clamps And Service Saddles In The Net Estimated Amount Of \$79,527.85 For The Period Of January 12, 2006, Through September 30, 2006, And \$26,509.28 For The Period Of October 1, 2006, Through December 31, 2006, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department

- 14 **Ordinance No. 8589** -- Budget Adjustments To The 2005-2006 Fiscal Year Budget
 - I Garage Fund
 - II Texas Stadium Rental #1 Fund
 - III. Self Insurance Casualty Fund
- 15 **Ordinance No. 8577** -- Final Reading -- Granting A Non-Exclusive License To MCI Network Services, Inc. For The Purpose Of Constructing, Maintaining, And Operating A Fiber Optic Transmission System In, Under, Over, And Across The Streets And Public Ways In The City Of Irving
- 17 **Ordinance No. 8591** -- Revising Chapter 64 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, Concerning Gas Well Drilling Regulations
- 19 **Ordinance No. 8593** -- Amending Comprehensive Zoning Ordinance No. 1144 Of The City Of Irving, Texas, By Amending Section 52-32d(a)(3)b To Modify The Types Of Structures On Which Telecommunications Antennas May Be Placed Without A Zoning Change -- City Of Irving, Applicant
- 20 **Ordinance No. 8594** -- Zoning Case #5549 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.382 Acre Tract Located At 308 Ouida Road, South Of East Pioneer Drive -- M-3 Construction, LLC, Applicant
- 22 **Ordinance No. 8595** -- Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Multiple Family - High

Density Residential" To "Retail" And Granting C-N (Neighborhood Commercial) District Uses In Zoning Case #5589 -- An Approximately 0.66 Acre Tract Located At 1335 East Shady Grove Road (Northwest Corner Of East Shady Grove Road And Balleywood Road) -- Tim Vinzant, Shady Grove Feed Store, Applicant

This concludes the consent agenda items #1 through #23, excluding items #4, 5, 6, 12, 16, 18, 21 and #23.

- 4 Resolution No. 1-12-06-004** -- Authorizing The Mayor To Execute A Fiscal Year 2006-2007 Solid Waste Implementation Project Application Through The North Central Texas Council Of Governments (NCTCOG) To Develop An Interfaith Environmental Marketing Tool Kit

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

Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, spoke in opposition of this item

Acting City Manager Cash explained the item.

Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Philipp, the motion was approved by a vote of 7-1 with Councilwoman Van Duyne voting in opposition.

- 5 Resolution No. 1-12-06-005** -- Granting Authorization To GTE Southwest Incorporated d/b/a Verizon Southwest For The Transmission Of The City Of Irving's Governmental Television Programming Inside And Outside The City Of Irving

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

Nancy Wilson, Irving Citizen's Group, 2911 Bryn Mawr, spoke in opposition.

The following did not wish to speak, but registered in opposition of this item:
Jackie Garza, 1502 Rindie Street

Acting City Manager Cash stated this authorizes Verizon to carry public access education and government channels.

Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Dickens, the motion was approved by a vote of 8-0.

- 6 Resolution No. 1-12-06-006** -- Approving A Legal Services Engagement Agreement With Fulbright & Jaworski L.L.P. For Advice And Representation In Connection With Texas Stadium In The Amount Of \$60,000.00

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

Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, asked why the city needed to get outside counsel on this item.

Acting City Manager Cash stated that this firm specializes in sports venue issues

The following did not wish to speak, but registered in opposition of this item:
Sue Harper, 1117 S. Delaware

Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-0.

- 12 Resolution No. 1-12-06-012** -- Awarding Contract To Servpro Of North Irving In The Net Amount Of \$31,339.78 For The Emergency Cleanup Of The Senter Recreation Building After Departure Of Hurricane Rita Evacuees For The General Services Department

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

Nancy Wilson, Irving Citizen's Group, 2911 Bryn Mawr, asked what clean up needs to be done and why has FEMA not made a definite time line in reimbursing the city.

Acting City Manager Cash stated that the city hired a company to get the facility ready to be utilized by the general public and this was done with the understanding that the city would be asking for reimbursement from FEMA.

The following did not wish to speak, but registered in opposition of this item.
Sue Harper, 1117 S. Delaware

Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-0.

- 16 Ordinance No. 8590** -- Authorizing Amendment Of The City Of Irving Supplemental Benefit Plan To Allow Five-Year Vesting For All Employees And Early Retirement With At Least Five Years Of Service At Age Sixty, Or Twenty Years Of Service At Any Age

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

Nancy Wilson, 2911 Bryn Mawr, asked if this was graduating or full vesting.

Councilman Dickens moved to approve the resolution as presented. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0

- 18 Ordinance No. 8592** -- Amending The Comprehensive Zoning Ordinance No. 1144 Of The City Of Irving, Texas, By Amending Section 52-75 To Amend The Definition Of "Width Of Lot" -- City Of Irving, Applicant

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

Nancy Wilson, 2911 Bryn Maw, asked whether a site plan would be required for future flag lots.

Manager of Current Planning Steve Reed stated that in the future any flag lots that wanted to be developed would have to first be approved through a site plan zoning case.

Councilman Patrick moved to approve the ordinance as presented. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.

- 21 Resolution No. 1-12-06-014** -- Postponing To The February 23, 2006, City Council Meeting The Consideration Of An Ordinance Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Retail" To "Single Family-Attached, Medium Density Residential" 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

Mayor Gears introduced the item and stated that the resolution on this item was for postponement of this case.

Nancy Wilson, Irving Citizen's Group, 2911 Bryn Mawr stated that she objects to the set backs and she is in favor of the postponement.

Councilman Philipp moved to approve the resolution as presented. Seconded by Councilman Dickens, the motion was approved by a vote of 8-0.

- 23 Resolution No. 1-12-06-015** – Postponing To The February 23, 2006, City Council Meeting The Consideration Of An Ordinance Granting S-P-2 (Generalized Site Plan) For ML-20a (Light Industrial) District Uses, Private Clubs, Fraternal Organizations, Self Storage , Warehouses And Indoor Business Service Uses On Lot 2R-1 In Zoning Case #5591 – An Approximately 4.5 Acre Tract Located At 2906, 2910 And 2924 Rock Island Road – George Christensen, Irving Columbus Club, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Councilman Philipp moved to approve the resolution for postponement. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.

ZONING CASES AND COMPANION ITEMS

- 24 Resolution No. 1-12-06-016** -- Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Light Commercial" To "Single Family - Low Density Residential" And Granting R-6 (Single Family) District Uses In Zoning Case #5590 -- An Approximately 11.53 Acre Tract Located Approximately 425 Feet East Of Union Bower Road, Between East Grauwylar Road And Proctor Street -- Terry Penn, Key Life Homes, Inc., Applicant

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

John Danish, representing the applicant presented the case and stated that this item will require a ¾ vote of the Council which is seven affirmative votes He requested a postponement of this item to the January 26, 2006, Council meeting

Councilman Philipp moved to postpone this item to the January 26, 2006 City Council Meeting. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.

- 25 Resolution No. 1-12-06-017** -- Special Fence Plan #218 -- A 0.74 Acre Tract Located At 1513 Maryland Drive -- C.T. And S., Inc., Applicant **(Appeal)**

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Bruce Witter, 1513 Maryland Drive, the applicant presented the case.

The following spoke in favor of this item:

Nancy Wilson, Irving Citizen's Group, 2911 Bryn Mawr

After lengthy discussion, **Councilman Dickens** moved to approve the resolution with the stipulation to allow a 14 feet tall metal fence with razor wire placed inside the fence so it is not visible from the outside the fence. **Seconded by Councilwoman Van Duyne**, the motion was approved by a vote of 8-0.

INDIVIDUAL CONSIDERATION

- 26 Resolution No. 1-12-06-018** -- Designating And Providing For Texas Stadium As A Sports And Community Venue Project And Designating Methods Of Financing The Project And Related Infrastructure **(Postponed From The December 15, 2005, City Council Meeting)**

Mayor Gears introduced the item and asked Acting City Manager Cash to give a presentation. Mr. Cash introduced the item and called on John Boyle the City's outside legal counsel.

John Boyle, Boyle and Lowry, 4201 Wingren Street # 108, gave a presentation on this item.

Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, asked if passage of this resolution canceled all other possible uses.

Mayor Gears stated that it does not

Leon Garcia, 1533 Bedford, asked what land will be available after TxDot revamps the area.

Councilman Philipp moved to approve the resolution as presented. **Seconded by Councilman Patrick**, the motion was approved by a vote of 8-0.

APPOINTMENTS AND REPORTS

- 27 Resolution No. 1-12-06-019** -- Appointment To The Dallas/Fort Worth International Airport Board For A Non-Voting Member Representing Coppell, Grapevine, Euless And Irving For A One-Year Term Effective January 12, 2006

Mayor Gears introduced the item.

Councilman James Dickens moved that Councilman Lowell Cannaday be appointed as the non-voting member of the Dallas Fort Worth International Airport Board for an unexpired one year term expiring August 31, 2006. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.

- 28 Resolution No. 1-12-06-020** -- Appointments To A Citizens Bond Task Force

Mayor Gears introduced the item and called on Acting City Manager Cash to give an explanation of this item.

Councilman James Dickens moved that the following named individuals be appointed to serve as a "Citizens Bond Task Force."

James Cassels	Ray Sebastian	Joe McQuillan
Sharon Barbosa-Crain	Chris Arrington	Arnold Martin
Genie Mitchell	Johnathan Boyle	Carol Wood
Rene Castilla	Talley Parker	Don Oberlin
Roland Medina	Mike Benton	Don McGee
Alicia Dare	John Monroe	Marquette Stevenson
Al Zapanta	David Gutierrez	Bob Reichelt
J. Ralph Ellis	Robert Bourgeois	Betty Yarbrough
Heinz Simon	John Bonnont	Sue Richardson

Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.

- 29 Resolution No. 1-12-06-021** -- Appointments To Boards, Commissions, And Committees

Mayor Gears introduced the item.

Councilman Dickens moved that Jeffery Pierce be appointed to Place One on the Irving Advisory Committee on Disabilities said term expiring November 2007.

30 City Manager's Report

- Martin Luther King, Jr. Observance, January 16, Irving Arts Center;
- State of the City Address, January 17, Sheraton Grand Hotel;
- Gave Status Report on New Valley Ranch Library, and stated that the city plans to have a Ground Breaking Ceremony in May, and if construction continues on time, by December 2007 the city will have a Grand Opening of the new library;
- Council has authorized the staff to work with Councilwoman Van Duyne to prepare comments that she will present to the City Of Dallas in their Public Hearing to be held on January 25, 2006, at Dallas City Hall on the Cypress Waters Project ;
- The City of Irving now has in its possession as of last week a permit from the State of Texas for water re-use. This means that the city has the ability in the future as the city develops this project, to use that water, too meet all water demands until 2050;
- The city is in a drought due to the lack of rain, and he urged everyone to be cautious in their water use

31 Mayor's Report

There was no report given.

32 Committee And Liaison Report/Meetings

Councilman Philipp announced that during the next week the following will be taking place in the month of January at the Irving Arts Center:

- Exhibitions in the main hall;
- Irving Las Colinas Symphony Orchestra will perform on January 14, 2006;
- Irving Symphony Orchestra will hold its 2nd Annual On Stage Chili Cook-Off on January 21, 2006
- ICT MainStage will start its production of the Oldest Living Graduate from January 20-February 4, 2006.

33 The meeting adjourned at 8:40 p.m.

CITIZEN FORUM

Betty Yarbrough, 204 West 7th, spoke to the Mayor and Council about chaining and tethering animals, she spoke of the danger to both animals and humans. She asked that the Council be open to comments on the animal ordinance that is currently being reviewed

Sue Harper, Irving Citizens Group, 1117 S. Delaware, asked the Mayor and Council to revitalize South Irving through better code enforcement.

Brynne Sissom, 3500 Gentry Road, asked that the City Of Irving consider having a "Shredding Event", she stated that other cities have had them, and they were successful.

Carol Bonnacaze, 3321 Ridgefield, spoke to the Mayor and Council about having stricter rules for vicious dog, especially pit bull dogs.

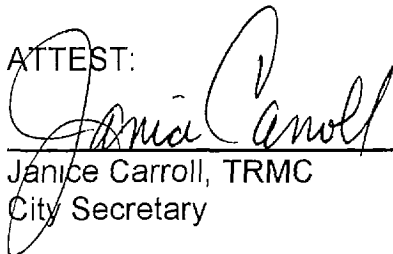
Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, stated that the Irving Citizen's Group has had an increase of phone calls from interested citizens in helping with this group. She publicly extended an invitation to the Mayor to meet with Irving Citizens Group. She also stated that the animal ordinance needs to be revised. Lastly, she stated that a petition is being circulated for a new Animal Shelter.

Lucia Rottenberg, 2220 Indian Creek Drive, asked that the animal ordinance be revised. She also spoke about better public information and asked that she would like the Citizen Forum moved up to 6:30 p.m. for thirty minutes and the overflow of citizens can be heard after the meeting.

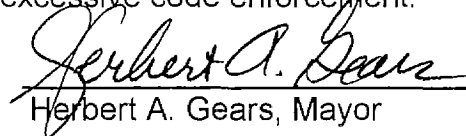
Mary Chapin, 1613 N. Sleepy Hollow, spoke against excessive enforcement within the city

David Loudermilk, 111 Bowman, also spoke against excessive code enforcement.

ATTEST:



Janice Carroll, TRMC
City Secretary



Herbert A. Gears, Mayor

