

REGULAR MEETING OF THE IRVING CITY COUNCIL
January 26, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on January 26, 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

Mayor Gears announced that Friday, February 3, 2006, is National Wear Red Day for heart disease, this is the No. 1 killer in woman. The Council has been provided with pins to wear.

INVOCATION

The invocation was delivered by Dr. William LaBarr, Plymouth Park United Methodist Church of Irving, Texas

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

There were no proclamations or announcements made.

CONSENT AGENDA

The consent agenda, items #1 through #18, 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 #14 and #16 would be pulled. **Councilman Philipp moved to approve the consent agenda Items #1 through #18, excluding Items #14, and #16. Seconded by Councilman Meagher, the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 1-26-06-023** -- Approving The City Council Work Session Minutes Of January 11, 2006, The City Council Meeting Minutes Of January 12, 2006, And The Special City Council Meeting Minutes Of January 16, 2006

- 2 **Resolution No. 1-26-06-024** -- Preliminary/Final Plat -- Positano Tuscan Homes -- A 15.225 Acre Tract Located On The South Side Of Fluor Drive, The West Side Of Las Colinas Boulevard And The North Side Of Tuscan Drive -- Jones & Boyd, Inc., Applicant

- 3 **Resolution No. 1-26-06-025** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving's Records Management Policy

- 4 **Resolution No. 1-26-06-026** -- Rejection Of Bids For The North Lake Ranch Park Development Project As Recommended By The Parks And Recreation Department

- 5 **Resolution No. 1-26-06-027** -- Approving An Interlocal Agreement Between The City Of Irving And The Irving Flood Control District Section I In An Amount Not To Exceed \$16,000.00 For The Analysis And Improvement Of District Infrastructure

- 6 **Resolution No. 1-26-06-028** -- Approving An Interlocal Agreement Between The City Of Irving And The Irving Flood Control District Section III In An Amount Not To Exceed \$72,000.00 For The Analysis And Improvement Of District Infrastructure

- 7 **Resolution No. 1-26-06-029** -- Approving Contract For The Donation Of An Approximately 3.125 Acre Tract Located Adjacent To Fritz Park -- Benny Newman, Property Owner

- 8 **Resolution No. 1-26-06-030** -- Approving Contract For Property Acquisition In The Amount Of \$802,000.00 Plus Closing Costs Not To Exceed \$3,000.00 -- Approximately 7.793 Acres Located Adjacent To Fritz Park -- Gerald Stavely, Property Owner

- 9 **Resolution No. 1-26-06-031** -- Approving Contract For Property Acquisition In The Amount Of \$161,000.00 Plus Closing Costs Not To Exceed \$3,000 00 -- A 1.94 Acre Tract Located At 1416 Irving Heights Drive -- Jack Rushing, Property Owner

- 10 **Resolution No. 1-26-06-032** -- Approving An Interlocal Agreement Between The City Of Irving And The North Central Texas Council Of Governments (NCTCOG) In The Amount Of \$23,502.00 For Participation In Low-Cost Operational Improvements At Signalized Intersections

- 11 **Resolution No. 1-26-06-033** -- Approving An Agreement Between The City Of Irving And Las Colinas Marketing Alliance In An Amount Not To Exceed \$20,000.00 To Provide Marketing And Research Support Services For The Tax Increment Finance (TIF) District
- 12 **Resolution No. 1-26-06-034** -- Purchases Funded In The 2005-2006 Budget
- (A) Bids -- Annual Bid For Turf Fertilizers To Justin Seed, UAP - PP; And Mann Farm & Ranch, Inc. In The Net Estimated Amount Of \$31,070.63 For The Period Of February 1, 2006, Through January 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Parks And Recreation Department
 - (B) Proposals -- Annual Proposal For Destination Representation For The Irving Convention And Visitors Bureau To The Hyland Group In The Net Estimated Amount Of \$30,500.00 For The Period Of February 1, 2006, Through September 30, 2006, And \$22,500.00 For The Period Of October 1, 2006, Through January 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007
 - (C) Bids -- Renewal Of Bid To GEAC Public Safety For The Software Maintenance Contract For The Fire Department's Computer Aided Dispatch (CAD) System And Mobile Data Computer Communication Software In The Net Amount Of \$51,699.00, To Be Administered By The Information Technology Department
- 13 **Ordinance No. 8596** -- Budget Adjustments To The 2005-2006 Fiscal Year Budget
- I. General Fund
 - II. Community Development Block Grant Fund
 - III. Texas Highway Safety Grant Fund
 - IV. Library Grant Fund
- 15 **Ordinance No. 8598** -- Authorizing The Abandonment Of A Portion Of An Alley In Emerald Valley Phase 1
- 17 **Ordinance No. 8600** -- Zoning Case #5592 -- Granting S-P-2 (Generalized Site Plan) For C-O (Commercial Office) Uses -- An Approximately 4.748 Acre Tract Located At 1600, 1610 And 1616 Corporate Court -- Kimley-Horn And Associates, Inc., Applicant
- 18 **Ordinance No. 8601** -- Zoning Case #5593 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.133 Acre Tract Located At 521 Mimosa Lane (West Side Of Mimosa Lane, North Of Pioneer Drive) -- JDJR Engineers & Consultants, Inc., Applicant

This concludes the consent agenda items 1-18, excluding items #14 and #16.

- 14 Ordinance No. 8597** -- Amending Chapter 6 Entitled "Animals And Fowl" To Be Renamed "Animal Services," Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

Acting City Manager Sandy Cash asked for Pat Fowler to give a presentation on this item.

Director of Public Health and Environmental Services gave a presentation on this item.

The following spoke in opposition of this item:

Nancy Wilson, 2911 Bryn Mawr Drive, Irving Citizens Group
Blanche Carpenter, 3026 Sun Valley Street

The following registered in opposition, but did not wish to speak:

Jo Armstrong, 710 Beacon Hill
Carol Bonnecezem 3321 Ridgefield
Doug and Sue Harper, 1117 S. Delaware Street
Jackie Garza, 1502 Rindie Street

The following spoke in favor of this item:

Betty Yarbrough, 204 W. 7th Street

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

- 16 Ordinance No. 8599** -- Authorizing The Abandonment Of A Portion Of A 20-Foot Sanitary Sewer Easement And A Portion Of A 60-Foot Drainage And Utility Easement In Graff Phase 1A And Graff Farms Phase 1B

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

The following spoke in opposition on this item:

Lee Mosty, 1500 Park Grove Drive

Acting City Manager Cash addressed this item and advised that Director of Public Works/Traffic and Transportation Jim Cline will meet with Mr. Mostly.

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

ZONING CASES AND COMPANION ITEMS

- 19 Resolution No. 1-26-06-035** -- Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Single-Family - Low Density Residential" To "Retail" And Granting C-N (Neighborhood Commercial) District Uses In Zoning Case #5583 -- An Approximately 0.18 Acre Tract Located At 1515 North Nursery Road (West Side Of Nursery Road, North Of Grauwlyer Road) - - Juan Carlos Ochoa, Applicant

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

Juan Carlos Ochoa, 1515 North Nursery Road, the applicant presented the case; he had a translator to assist him.

Manager of Current Planning Steve Reed presented the case, and stated that staff recommends denial of this zoning case.

The following spoke in opposition of this item:

Joyce Eckles, 1827 Dory Lane
Linda Fisher, 1619 Dale Place
Karen O'Leary, 1011 McClendon Street
Deborah Fusco, 1806 Dory Lane

The following registered their opposition, but did not wish to speak:

Nancy Wilson, 2911 Bryn Mawr
Melissa Torres, 1521 N. Nursery
Jason Fusco, 1512 Blackwell Drive
Billy Savage, 1712 N. Nursery Road
Jean McCullough, 1105 E. Grauwlyer
Cathy Madill, 1312 Broadmoor
Pam Brown, 410 Irvin Road

Councilman Patrick moved to deny the zoning case. Seconded by Councilman Philipp, the motion to deny this case was approved by a vote of 9-0.

- 20 Resolution No. 1-26-06-036** -- 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 Grauwlyer Road And Proctor Street -- Terry Penn, Key Life Homes, Inc., Applicant (**Postponed From The January 12, 2006, City Council Meeting**)

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

John Danish, representing the applicant presented the case.

Manager of Current Planning Steve Reed reviewed the case and noted that staff recommends denial. Also, a three-fourths vote of the Council is required.

The following spoke in favor of this item:

Terry Waldrum, 1021 Windmill
Nancy Wilson, 2911 Bryn Mawr
Rev. Keith Buice, 1512 Upton Place
Terry Penn, 500 Towne Cove
Zach Penn, 2003 Riverside Drive #1308
Tina Few, 750 Knight Lane
Michael Greiner, 4017 Southwestern, Dallas, Texas 75235
Sam Jackson, 4317 Baldwin Ave #102, Fort Worth, Texas 76115
Bill Thomson, 107 Loda Court, Grand Prairie, Texas
Moose Stovall, 2629 E. Grauwlyer Road
Laura May, 1821 Copper Drive
Ginger Wiggins, 2416 Northlake Court
Lauren Buyers, 918 E. Tanglewood Drive

The following registered their support, but did not wish to speak.

Grady King, 4106 Crest Ridge Drive
George Stephensen, 2105 Druid Drive
Doug and Sue Harper, 1117 S. Delaware
Jackie Garza, 1502 Rindie Street

The following spoke in opposition of this item:

Roger Stebbins, 1430 Broadmoor
Jack Hines, 1604 E. Daywood
Sue Richardson, 1521 Belmead
Robert Power, Attorney at Law, 1311 W Irving Boulevard
Ben Madill, 1312 Broadmoor

The following registered their opposition of this item, but did not wish to speak

Pam Brown, 410 Irvin Road
Ron Hines, 2725 Quail Valley
James Drive, 211 Farine
Wauchette Driver, 211 Farine
Karen O'Leary, 1011 McClendon Street

After lengthy Council discussion, Councilman Philipp moved to deny the zoning case as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-1, with Councilman Patrick voting in opposition.

INDIVIDUAL CONSIDERATION

- 21 Resolution No. 1-26-06-037** -- Protesting The Issuance Of A Private Club Registration Permit By The Texas Alcoholic Beverage Commission To The Irving Columbus Club For 2906 Rock Island Road Until Such Property Has Been Rezoned S-P-1 For R-AB

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

Loren Hedrick, 622 Canterbury Street, representing the Irving Columbus Club presented the case.

The following spoke in favor of this item.

Curtiss Hantelmann, 100 Maykus Court
Karen O'Leary, 1011 McClendon Street

After lengthy discussion, Councilwoman Van Duynes moved to drop this item from the agenda. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.

- 22 Ordinance No. 8602** -- Amending Chapter 16B Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Provide For The Appointment, Removal, And Supervision Of The Executive Director Of The Irving Convention And Visitors Bureau By The Board And To Provide For Budget Preparation And A Responsibility To Report To The City Council

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

Deputy City Attorney Charles Anderson gave a brief presentation on this item.

The following registered their support of this item, but did not wish to speak:

Richard G. Stewart Jr. 2327 Southern Oak Drive
Pam Brown, 410 Irvin Road

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

- 23 Ordinance No. 8603** -- Amending Chapter 63 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Provide For The Appointment, Removal, And Supervision Of The Executive Director Of Housing And Human Services By The Board And To Provide For Budget Preparation And A Responsibility To Report To The City Council

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

The following registered their support, but not wish to speak:

Carole Shlipak, 1500 Colony Drive
Dr. Lori Davis, 1803 Sunnybrook
Dawn Cano-Sanchez, 1137 Esters Road #1508
Ernest Richards, 8660 Drayton Drive

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

APPOINTMENTS AND REPORTS

- 24 Resolution No. 1-26-06-038(A)** -- Appointments To Boards, Commissions, And Committees a) Youth Board

Mayor Gears introduced the item.

Councilman Dickens moved that the following appointments be made to the Youth Council to fill vacancies: Evan Owens to Place 11 an unexpired term expiring November 2007 and John Monroe to Place 10 an unexpired term expiring November 2006. Seconded by Councilman Meagher, the motion was approved by a vote of 9-0.

25 City Manager's Report

- Blue Bag Recycling Starts once a week on February 6, 2006;
- Water is precious please use it wisely the city is in a condition of drought.

26 Mayor's Report

- Received approval from Austin from the State Comptrollers office approving the city's election in regards to the Texas Stadium.
- Councilwoman Van Duyne attended the Dallas City Council meeting on Wednesday, January 25, 2006, and she gave an update on the zoning hearing on the Cypress Waters Project
- Councilman Patrick thanked Councilwoman Van Duyne for attending the Dallas City Council meeting and for representing the City of Irving's interest in regards to the Cypress Waters Project

27 Committee And Liaison Report/Meetings

There were no reports given

28 The meeting adjourned at 11:04 p.m.

CITIZEN FORUM

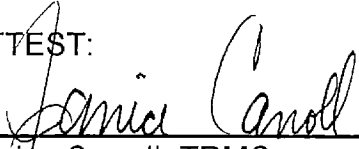
C.D. Thomason, 622 Channel Street, stated that he feels that the Citizen Forum should not be televised. He also spoke in favor of toll fees.

Tom Madrzykowski, 2220 Spanish Trail, spoke about ICTN Candidate Forum policy and stated that if one candidate does not appear then they should not cancel the show

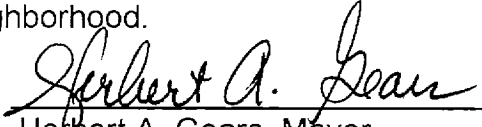
George Stephenson, 2105 Druid Drive, addressed the Mayor and Council about drought issues within the city; he also spoke on the city passing codes to restrict the use of irrigation systems.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, thanked Gerald Daniels for sending a city employee to her neighborhood to cleanout the storm drain. She also thanked Bob Chapman and Mike Walters of the Public Works Department who met with her a few weeks ago to address the drainage issues in her neighborhood.

ATTEST:



Janice Carroll, TRMC
City Secretary



Herbert A. Gears, Mayor

