

REGULAR MEETING OF THE IRVING CITY COUNCIL
March 23, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on March 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

There were no organizational service announcements made.

INVOCATION

The invocation was delivered by John Keith, Christian Life Church, of Irving, Texas

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a proclamation to DFW International Community Alliance Week – April 6-16, 2006. The following were present to receive this proclamation: Anne Marie Weiss-Armesh, Elvia Wallace-Martinez, representing DCET; and also present was Carole Lawrence – Health Educator Supervisor for the City Of Irving Public Health and Environmental Services Department.

CONSENT AGENDA

The consent agenda, items #1 through #19, 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 Mayor Gears announced that item #16 would be pulled and Item #19 would be withdrawn from the consent agenda. **Councilman Dickens moved to approve the consent agenda Items #1 through #19, excluding items 16 and withdrawing item 19. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 3-23-06-091** -- Approving The City Council Work Session Minutes Of March 8, 2006, And The City Council Meeting Minutes Of March 9, 2006
- 2 **Resolution No. 3-23-06-092** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving's Records Management Policy
- 3 **Resolution No. 3-23-06-093** -- Authorizing The Mayor To Apply For, Accept, Reject, Alter Or Terminate The Victims Of Crime Act (VOCA) Grant From The Office Of The Governor, Criminal Justice Division, In The Amount Of \$60,992.00
- 4 **Resolution No. 3-23-06-094** -- Authorizing The Mayor To Sign A Sponsorship Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau (ICVB) And The Salesmanship Club Charitable Golf Of Dallas In The Amount Of \$148,500.00 For A Host City Sponsorship And Media Center Co-Sponsorship For The 2006 EDS Byron Nelson Championship
- 5 **Resolution No. 3-23-06-095** -- Approving An Addendum To The Legal Services Agreement With Matthews, Stein, Shiels, Pearce, Knott, Eden & Davis, L.L.P., Reflecting Revised Billing Rates
- 6 **Resolution No. 3-23-06-096** -- Authorizing Settlement Of A 1976 Tax Suit Against Leon And Viola Brigham Concerning Property Located At 1126 Carver Lane
- 7 **Resolution No. 3-23-06-097** -- Supporting The City Of Irving Joining A Gas Standing Steering Committee For Cities Served By Atmos Energy
- 8 **Resolution No. 3-23-06-098** -- Supporting Cities Aggregation Power Project's (CAPP) Efforts To Contract For Long Term Capacity With The Owner Of Generation To Supply The Electric Power Needs Of CAPP Members; Specifying Certain Parameters To Be Met By Any Proposed Deal To Contract For Long Term Capacity; And The Approval Of CAPP's Financing Structure To Fund Acquisition Of Long Term Capacity To Supply The Electric Power Needs Of CAPP Members
- 9 **Resolution No. 3-23-06-099** -- Approving An Economic Incentive Agreement Between The City Of Irving And DFW International Commerce Park #1, L.P.
- 10 **Resolution No. 3-23-06-100** -- Approving Amendment No. 1 To The FY 2005-2006 Emergency Shelter Grant Agreement With Brighter Tomorrows Domestic Violence Shelter To Include \$4,718.16 In Unexpended FY 2003-2004 And FY 2004-2005 Emergency Shelter Grant Funds, Thereby Increasing The FY 2005-2006 Agreement For Shelter Operations From \$17,633.00 To \$22,351.16

- 11 **Resolution No. 3-23-06-101** -- Authorizing Staff To Negotiate A Professional Services Contract With Malcolm Pirnie, Inc. For An Energy Efficiency Study For Water Utilities
- 12 **Resolution No. 3-23-06-102** -- Change Order No. 1 To Sam Pack's Five Star Ford In The Net Amount Of \$37,149.00 For The Purchase Of Three Additional Compact Pickup Trucks, To Be Used By The Inspections Department
- 13 **Resolution No. 3-23-06-103** -- Rejection Of Bid For Lighting Supplies (Bulbs And Ballasts) For The General Services Department
- 14 **Resolution No. 3-23-06-104** -- Authorizing The Mayor To Accept The FY 2005 Assistance To Firefighters Grant From The U. S. Department Of Homeland Security Federal Emergency Management Agency In The Amount Of \$268,895.00
- 15 **Resolution No. 3-23-06-105** -- Purchases Funded In The 2005-2006 Budget
 - (A) Award -- Approving Award To Air Cleaning Technologies, Inc. For The Purchase And Installation Of Nine Vehicle Exhaust Removal Systems Through The Interlocal Agreement With The North Texas DemandStar Users Group In The Net Amount Of \$334,930.00, To Be Used By The Fire Department
 - (B) Bids -- Award Of Bid To Tony Collins Art To Design And Provide Public Art Pieces For Victoria Park Phase II Improvements In The Net Amount Of \$38,460.00, To Be Utilized By The Parks And Recreation Department
 - (C) Bids -- Award Of Bid To C & M Electrical Contractors, Inc. For The Electrical Equipment Replacement For The Civic Center In The Net Amount Of \$392,500.00, To Be Administered By The General Services Department
 - (D) Bids -- Renewal Of Bid With Mustang Lighting For Lighting Supplies (Bulbs And Ballasts) In The Net Estimated Amount Of \$25,412.10 For The Period Of April 1, 2006, Through September 30, 2006, And \$37,654.40 For The Period Of October 1, 2006, Through March 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The General Services And Parks And Recreation Departments
- 17 **Ordinance No. 8618** -- Zoning Case #5602 -- Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) Uses -- An Approximately 21.2 Acre Tract Located At 3907 West Airport Freeway -- Bromont Development, Applicant

- 18 Ordinance No. 8619** -- Zoning Case #5605 -- Granting C-N (Neighborhood Commercial) Uses -- An Approximately 0.29 Acre Tract Located At 904 West Sixth Street -- LaMarr Lilly, Coldwell Banker Residential Mortgage, Applicant
- 19 Resolution No. 3-23-06-106** -- Zoning Case #5607 -- Granting C-C (Community Commercial) Uses -- An Approximately 0.4151 Acre Tract Located At 100 Strickland Plaza (East Side Of Strickland Plaza, North Of Irving Boulevard) -- Terry McCain, Applicant

This concludes the consent agenda approving items #1 through #19, excluding item#16 and withdrawing Item #19.

- 16 Ordinance 8617** -- Budget Adjustment To The 2005-2006 Fiscal Year Budget
- I. General Fund
 - II. Water And Sewer System Fund
 - III. Garage Fund
 - IV. Street Improvement Bond Fund
 - V. Storm Sewer Bond Fund
 - VI. Park Improvement Bond Fund
 - VII. Fire Station Bond Fund
 - VIII. Community Development Block Grant Fund
 - IX. Historic Preservation Fund
 - X. Health Self Insurance Fund
 - XI. Municipal Drainage Utility Fund
 - XII. HMO/Life Insurance Fund
 - XIII. Municipal Court Building Security Fees Fund
 - XIV. Museum Fund
 - XV. Youth Development/Community Center Bond Fund
 - XVI. Miscellaneous Grant Fund
 - XVII. Museum Operating Fund

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

Sue Harper, Irving Citizens Group, 1117 S. Delaware, asked how this impacted the Museum Fund and Museum Operating Fund? Also does this impact the million dollar interest bearing loan?

Budget and Financial Manager Brett Starr, stated that these two budget items are based on a reprojection of hotel-motel tax money for fiscal year 2005-2006 and the

increase is very conservative, 1% which is \$19,980.00, and this reflects a revenue increase in the Museum Fund and the Preservation and Redevelopment Fund.

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

ZONING CASES AND COMPANION ITEMS

- 20 Ordinance No. 8620** -- Downtown Development District Exception #DDD-012 -- Approving An Exception To The Minimum Lot Width Requirement In The Downtown Development District (Transition Sub-District) -- Property Located At 313 South O'Connor Road -- Craig And Lorraine Taylor, Applicants

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

The applicant, Lorraine Taylor, 313 South O'Connor Road, presented the case.

The following spoke in opposition of this item:

Sue Harper, 1117 S. Delaware
Nancy Wilson, 2911 Bryn Mawr
Jackie Garza, 1502 Rindie

After discussion, Councilman Patrick moved to approve the ordinance with two stipulations that the front setbacks be consistent with the setback of the house on the lot to the north (a minimum of 50 feet from the front property line); and that the driveway may be a gravel driveway from the front property line back; however, the curb approach on public right-of-way must be concrete per City specifications. Seconded by Councilman Dickens, the motion was approved by a vote of 8-1, with Councilman Meagher voting in opposition.

- 21 Ordinance No. 8621** -- 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 **(Postponed From The February 23, 2006, City Council Meeting)**

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

The applicant, Scott Rohrman, Hunter Equities, 3890 Northwest Highway #100, presented the case.

The following spoke in opposition of this item:

Sue Harper, 1117 S. Delaware
Nancy Wilson, 2911 Bryn Mawr

The following registered in opposition, but did not wish to speak
Jackie Garza, 1502 Rindie

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

Charles Lamping, P.E Jones & Boyd Inc., 17090, Dallas, Texas 75248

Councilman Patrick moved to approve the ordinance as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 6-3, with the following voting in opposition: Councilman Meagher, Councilman Philipp and Councilwoman Van Duyne.

- 22 Ordinance No. 8622** -- Zoning Case #5600 -- Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) And Warehouse Uses -- An Approximately 3.11 Acre Tract Located At 1500-1502 East Irving Boulevard (South Side Of Irving Boulevard At Sixth Street) -- Greg Coghlan, Applicant

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

The applicant Greg Coghlan, 1502 E. Irving Boulevard, presented the case.

The following spoke in opposition of this item:

Timothy Moore, 650 Francine Drive

Councilman Philipp moved to approve the ordinance with the stipulation that screening be put up around the property. Seconded by Councilman Patrick, the motion was approved by a vote 9-0.

INDIVIDUAL CONSIDERATION

- 23 Ordinance 8623** -- 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 Arts Center By The Board; To Provide For Budget Preparation, And A Responsibility To Report To The City Council; And To Add Two Members To The Board

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

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

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

APPOINTMENTS AND REPORTS

- 24 Resolution No. 3-23-06-107 -- Rescinding The Appointment Of Loren Byers To The City Of Irving Zoning Board Of Adjustments And Appeals**

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

Councilman Dickens moved to rescind the appointment of Loren Byers to the City Of Irving Zoning Board of Adjustments and Appeals. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.

- 25 Resolution -- Appointments To Boards, Commissions, And Committees**

There were no appointments made.

- 26 City Manager's Report**

- Tuesday, April 4, 2006, at 6:30 p.m. in the Council Chambers, the Public Works Department will be holding a Project meeting on the O'Connor Road Improvements North of 183 to Columbia Circle.
- The City Of Irving has entered into a Stage I Conservation Stage: Voluntary Water Use Restrictions which went into effect on March 16, 2006.
- The State of Texas declared a state of emergency regarding the Texas wildfires in the panhandle; they asked that the City of Irving send firefighters and equipment to assist.
- April 17, 2006 at 7:00 p.m., the Planning and Zoning Commission will conduct a public hearing regarding several proposed amendments to the city's zoning ordinance, relating to code enforcement
- There were only several of the City that were flooded due to the heavy rain that occurred last weekend.

- 27 Mayor's Report**

- Mayor Gears mentioned to the citizens that they may have heard about a recent operation that was conducted by the Texas Alcoholic Beverage Commission in the City of Irving. Larry Boyd, Chief of Police reported to the Council on this. He has examined the details on all that occurred and it was determined that those that were arrested needed to be arrested

28 Committee And Liaison Report/Meetings

Councilman Dickens stated that on Saturday, April 22, 2006, a Community Fest will be held from 10:00 a.m. to 3:00 p.m. at Senter Park Recreation Center. There will be no charge to attend. He also made this statement in Spanish.


29 The meeting adjourned at 8:25 p.m.

CITIZEN FORUM

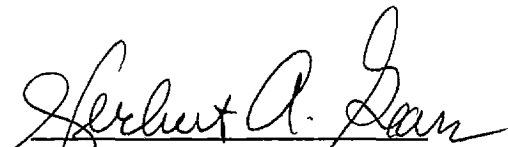
Joyce Eckles, 1827 Dory Lane, thanked the Mayor and Council for voting for weekly recycling. In her neighborhood alone, February recycling was increased approximately by 30%. She is on the Neighborhood Recycling Committee which works with Keep Irving Beautiful.

Nancy Wilson, Irving Citizens Group, 2911 Bryn Mawr, spoke about dog restrictions enforced in other cities and asked that Irving consider these. She also stated that she wanted to know why the money that has been set aside for dog care has not been utilized.

ATTEST:



Janice Carroll, TRMC
City Secretary



Herbert A. Gears, Mayor

