

## REGULAR MEETING OF THE IRVING CITY COUNCIL

May 18, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on May 18, 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

Councilman Joe Philipp was not in attendance.

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### **ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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There were no organizational service announcements.

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### **INVOCATION**

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The invocation was delivered by Diana Rohrbach, Irving Bahai Center, of Irving, Texas.

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### **PLEDGE OF ALLEGIANCE**

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Councilman Patrick led those present in the pledge.

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### **PROCLAMATIONS AND ANNOUNCEMENTS**

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Mayor Gears presented a High Spirited Citizen Award to Phil Simms.

Mayor Gears presented a proclamation to Kathryn Dress declaring the Month of May as Asian Heritage Month.

Mayor Gears presented the Neighborhood Awards for 2006 to the following citizens:

#### **Outstanding Newsletter Award:**

The Irving Arts Neighborhood Association News Letter" of the Irving Arts Neighborhood Association

#### **Outstanding Volunteers Award:**

Deborah Fuco with the Grauwlyer Heights Neighborhood Association

Judy E. Medina with the Irving Hospital District Neighborhood Association

**Outstanding Officer Award:**

Jean McCullough with the Grauwlyer Heights Neighborhood Association

**Outstanding Project:**

One Home At A Time – the Grauwlyer Heights Neighborhood Association

Mayor Gears announced that Irving's Weekly curbside recycling program is increasing its participation and tonnage rates, but more can be done. In an effort to continue to reach into the neighborhoods, the City is looking for volunteers to become "Blue Bag Buddies" and "Little Buddies."

Environmental Services Program Assistant Heather Taylor gave a brief description of the "Blue Bag Buddies" and the "Little Buddy" program. Mayor Gears administered the "Little Buddies" oath to the following children:

Benjamin Wickham  
Emily Olmedo  
Roger Taylor  
Maddison Ermis  
Mathew Jauregui  
Zarine Parakh  
Dillon Harmon  
Jonathan Langham

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**PUBLIC INPUT HEARING**

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**1 File No. 5-18-06-154 -- Public Hearing -- Public Input On The 2006-2007 City Of Irving Fiscal Year Budget**

Mayor Gears introduced the item and asked if anyone wished to speak.

Wally Banks, 3413 Briarcliff Court, commended the City employees of the City Of Irving. He encouraged the Council to keep their pay and insurance comparable. Mr. Banks asked for the following to be considered in this year's budget:

- stripe adequately at intersections where there are two left turn lanes, to paint a stripe so that when the cars turn they don't have bumper cars,
- increase police staffing,
- add another pot hole crew,
- build Fire Station number 12 in Hackberry Creek,
- upgrade computer dispatch system and assure that each fireman has a radio when on duty,

- police and fire training academy should continue to move forward,
- the city should have 5, 10, and 20 year plans set, and
- budget funds to enhance communications with the citizens – including electronic communications.

Gordon Sumner, 1617 Landmark Road, requested more police officers to work only traffic. He asked that fees charged at the landfill be increased, and charges should be set for bulky item and brush pick up. He asked that construction contractors should be held to the amount bid and change orders be kept to a minimum, and finally he asked that the synchronization of the traffic lights on Irving Boulevard and MacArthur Boulevard be improved.

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

Jason Fusco, 1512 Blackwell Drive, asked for additional funding for the Irving Fire Department and the Irving Police Department including additional staffing for both departments.

Josh Smith, 2721 Still Meadow Road, also asked for additional funding for the Irving Fire Department and the Irving Police Department including additional staffing for both departments.

## CONSENT AGENDA

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The consent agenda, items #2 through #26 were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. Mayor Gears stated that Teri Hyde, 3217 Konet Street signed up in favor of item number 26. **Councilman Stopfer moved to approve the consent agenda items #2 through #26. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-0.**

- 2 Resolution No. 5-18-06-155** -- Approving The Special City Council Meeting Minutes Of April 14, 2006, The City Council Work Session Minutes Of April 26, 2006; And The City Council Meeting Minutes Of April 27, 2006
- 3 Resolution No. 5-18-06-156** -- Preliminary/Final Plat -- Conflans Court Addition -- A 1.387 Acre Tract Located At 706 Compton Avenue (East Side Of Compton Avenue, South Side Of Conflans Road And The West Side Of Gilbert Road) -- JDJR Engineers And Consultants, Inc., Applicant

- 4     **Resolution No. 5-18-06-157** -- Preliminary/Final Plat -- La Villita Phase 1D -- A 22.354 Acre Tract Located East Of La Villita Boulevard, North Of Camino Lago And West Of Redondo -- Carter & Burgess, Inc., Applicant
- 5     **Resolution No. 5-18-06-158** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving's Records Management Policy
- 6     **Resolution No. 5-18-06-159** -- Approving An Economic Incentive Agreement Between The City Of Irving And Amazon.Com.KYDC, Inc.
- 7     **Resolution No. 5-18-06-160** -- Approving An Economic Incentive Agreement Between The City Of Irving And DPF Trade Center II LP
- 8     **Resolution No. 5-18-06-161** -- Approving An Economic Incentive Agreement Between The City Of Irving And DPF Trade Center III LP
- 9     **Resolution No. 5-18-06-162** -- Approving An Event Production Agreement Between The City Of Irving And The Irving Symphony Orchestra Association In The Amount Of \$85,000.00 For The 2006 Fourth Of July Concert And Fireworks Celebration At Williams Square
- 10    **Resolution No. 5-18-06-163** -- Authorizing The Mayor To Sign A Contract Between The City Of Irving, On Behalf Of The Irving Convention And Visitors Bureau (ICVB), And The Dallas Convention And Visitors Bureau In The Amount Of \$50,000.00 Relative To The Partner City Agreement - Irving, TX "Visit Dallas/Fort Worth" Regional And National Marketing Initiative
- 11    **Resolution No. 5-18-06-164** -- Endorsing The Procedural Agreement Between Atmos And Atmos Cities Steering Committee (ACSC) To Manage The Rate Case And Supporting The Rate Reduction Efforts Of The Atmos Cities Steering Committee And Confirming That Irving Will Be The Beneficiary Of Any Rate Reduction
- 12    **Resolution No. 5-18-06-165** -- Approving A Contract To Purchase Energy Through Cities Aggregation Power Project
- 13    **Resolution No. 5-18-06-166** -- Approving An Engineering Services Agreement With Halff Associates, Inc. For Annual Structural Engineering Services
- 14    **Resolution No. 5-18-06-167** -- Authorizing A Participation Agreement Between The City Of Irving, Signature Estate Development, Ltd. And Venus Construction Company, Inc In An Amount Not To Exceed \$16,380.00 For The Construction Of

An Oversized Off-Site Sanitary Sewer Main Along The Future Extension Of William DeHaes Drive North Of Walnut Hill Lane

- 15 Resolution No. 5-18-06-168** -- Awarding A Contract To Texas United Excavators In The Amount Of \$308,045.00 For The 2006 Alley Improvements Project
- 16 Resolution No. 5-18-06-169** -- Authorizing The Solicitation Of Proposals For The Sale Of City-Owned Property Located At 4103 West Pioneer Drive To Provide Affordable Housing
- 17 Resolution No. 5-18-06-170** -- Authorizing The Mayor To Apply For And Accept Continuum Of Care Homeless Assistance Shelter Plus Care Funds From The U. S. Department Of Housing And Urban Development For Housing Assistance And Supportive Services To Homeless Households
- 18 Resolution No. 5-18-06-171** -- Approving Amendment No. 1 To The Contract With Baylor Medical Center At Irving For Health And Fitness Services For The Irving Fire Department
- 19 Resolution No. 5-18-06-172** -- Purchases Funded In The 2005-2006 Budget
- (A) Bids -- Award Of Bid To Casco Industries, Inc. For Fire Hose In The Net Amount Of \$64,973.00, To Be Used By The Fire Department
  - (B) Bids -- Award Of Bid To Sam Pack's Five Star Ford, And Metro Ford Truck Sales, Inc. For Cab/Chassis With Trash Compactor And One-Ton Cab/Chassis With Flat Bed Body In The Net Amount Of \$96,880.00, To Be Used By The Parks And Recreation Department
  - (C) Bids -- Award Of Contract To Sigma Data Systems, A Division Of CPS Human Resource Services, For An Upgrade To The Sigma 5 Applicant Management System Professional Edition, In The Net Amount Of \$27,700.00, To Be Used By The Human Resources Department
  - (D) Bids -- Award Of Bid To Workman Commercial Construction Services, Ltd. For The Construction Of The Valley Ranch Branch Library In The Net Amount Of \$3,410,634.00
  - (E) Bids -- Award Of Bid To Sam Pack's Five Star Ford, And Southwest International Trucks, Inc. For 5-6 Yard Dump Truck And 1,500 Gallon Water Truck In The Net Amount Of \$121,560.00, To Be Used By The Public Works And Transportation/Streets Department
  - (F) Bids -- Award Of Contract To The Dallas Morning News For The Advertisement Of Legal And Public Notices In The Net Estimated Amount Of \$46,564.00 For The Period Of May 19, 2006, Through September 30, 2006, And \$73,472.00 For The Period Of

October 1, 2006, Through May 18, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Administered By The City Secretary's Office

- (G) Bids -- Renewal Of Bid With Vehicle Maintenance Program, Inc. For Fusee Flares In The Net Estimated Amount Of \$15,335.70 For The Period Of June 1, 2006, Through September 30, 2006, And \$26,051.80 For The Period Of October 1, 2006, Through May 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Police Department
- (H) Bids -- Renewal Of Bid With Buckeye Public Safety, And GST Public Safety Supply, LLC For Fire Department Uniforms In The Net Estimated Amount Of \$12,500.00 For The Period Of May 18, 2006, Through September 30, 2006, And \$137,000.00 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 Fire Department
- (I) Bids -- Renewal Of Bid With Hi-Tech Signals, Inc. For Vehicle Traffic Signal Heads In The Net Estimated Amount Of \$21,180.00 For The Period Of May 18, 2006, Through September 30, 2006, And \$21,180.00 For The Period Of October 1, 2006, Through February 16, 2007, To Be Used By The Public Works And Transportation Department/Traffic Division
- (J) Bids -- Renewal Of Bid With Texas Furniture Source, Inc For Office Furniture In The Net Estimated Amount Of \$20,833.33 For The Period Of May 26, 2006, Through September 30, 2006, And \$29,166.67 For The Period Of October 1, 2006, Through May 25, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By Various Departments

**20 Ordinance No. 8637 -- Budget Adjustments To The 2005-2006 Fiscal Year Budget**

- I. General Fund
- II. Equipment Replacement Fund
- III. Community Development Block Grant Fund
- IV. Computer Replacement Fund
- V. Library Grant Fund

**21 Ordinance No. 8638 -- Authorizing The Abandonment Of A 2.5-Foot Portion Of An Existing 10-Foot Utility Easement In The Hemingway Court Addition Along Tenneyson Ridge Drive, Steinbeck Lane, And Chaucer Hill Lane**

- 22 Ordinance No. 8633** -- Second Reading -- Granting A License To SLA Environmental Services, Ltd. For An Exploratory Soil Boring/Ground Water Monitoring Well Or Wells
- 23 Ordinance No. 8634** -- Second Reading -- Granting A Franchise To E.P.D.A., Inc. dba Alamo Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 24 Ordinance No. 8635** -- Second Reading -- Granting A Franchise To US Cab LLC dba US Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 25 Resolution No. 5-18-06-173** -- Postponing To The June 15, 2006, City Council Meeting The Consideration Of An Ordinance Amending The Comprehensive Plan To Change The Recommended Land Use From "Light Commercial" To "Single Family Attached-Medium Density Residential" And Granting S-P-2 (Generalized Site Plan) For R-TH (Townhouse) District Uses In Zoning Case #5608 -- An Approximately 25.50 Acre Tract Located On The South Side Of Rochelle Road, Between State Highway 161 And Esters Road -- ShelCan, L.P., Applicant
- 26 Ordinance No. 8639** -- Zoning Case #5615 -- Granting S-P-1 (Detailed Site Plan) For R-6 (Single Family) And Personal Care Facility/Assisted Living Uses -- An Approximately 0.43 Acre Tract Located At 3219 Vinson Court -- David W. Vinson, MD, Applicant

This concludes the consent agenda approving items #2 through #26.

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### ZONING CASES AND COMPANION ITEMS

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- 27 Ordinance No. 8640** -- Zoning Case #5610 -- Granting 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), Private Clubs, And Fraternal Organization Uses -- An Approximately 1.15 Acre Tract Located At 2906 Rock Island Road -- Curtis L. Hantelmann, Irving Columbus Club (Knights Of Columbus), Applicant

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

Tom O'Leary, 2521 Crestview Circle, representing the applicant presented the case.

The following citizens spoke in favor.

Robert M. Nelson, 2417 Garden Oaks Drive

Ed Zacher, 3809 E. Green Hills Court

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

Joe Matthews, 3313 Dartmouth  
Ray Reynosa, 3528 W. Bangor Court  
Patricia Rodriguez, 1824 Piedmont Street  
Peter J. Abadie, 2512 Glen Lea Drive  
Joe Maldonado, 2716 Laramie  
Mary Maldonado, 2716 Laramie  
Maryann Roznovsky, 2513 Custer Court  
George Christensen, 9812 Hickory Hollow  
Daniel Roznovsky, 2513 Custer Court  
Alfred D. Zerr, 912 Lane  
Lillian Christensen, 9812 Hickory Hollow Lane  
Rene Rodriguez, 1824 Piedmont Street  
Eugene C. Parma, 2309 W. 11<sup>th</sup> Street  
Mrs. Peter J. Abadie, 2512 Glen Lea Drive  
Andrea Rodriguez, 4158 West Pioneer #2105  
Morton Wright, 2513 Timberlake  
Dorothy Wright, 2513 Timberlake  
Evelyn Percle, 1813 Cochran Street  
Sandra Jones, 3120 Parliament Street  
Karen O'Leary, 1011 McClendon Street  
Curtis Hantelmann, 100 Maykus Court  
Ed Jones, 3120 Parliament Street  
Albin Hoedbeck, 1202 Segundo Drive  
Robert Ross, 9402 Los Alamos  
Shirley Ross, 9402 Los Alamos  
Nulfo Zamora, 2817 Brockbank  
Loren R. Hedrick, 622 Canterbury Street  
Michael Schmidlkofer, 2524 Central Park Blvd. #1717  
Justin Azcona, 2816 Fairbrook Street

**Councilman Dickens moved to approve the ordinance as presented. Seconded by Councilwoman Van Duyne, the motion was approved by a vote of 8-0.**

- 28 Ordinance No. 8641** -- Zoning Case #5614 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.105 Acre Tract Located At 503 Willow Road -- Ramon D. Medina, Applicant

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



Becky Reza, Building Inspections Department, was the translator for the applicant Ana Mirian Diaz, 1305 S. Nursery Road and translated the case presentation on her behalf.

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

- 29 Resolution No. 5-18-06-174-- Zoning Case #5617 -- Granting R-6 (Single Family) Uses -- An Approximately 1.910 Acre Tract Located At 4559 Conflans Road -- JDJR Engineers And Consultants, Inc., Applicant**

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

Jim Dewey, JDJR Engineers, 2500 Texas Drive, presented the case and requested for a postponement to the June 1, 2006, City Council meeting.

**Councilwoman Van Duyne moved to postpone this zoning case to the June 1, 2006, City Council meeting. Seconded by Councilman Cannaday, the motion to postpone was approved by a vote of 8-0.**

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#### INDIVIDUAL CONSIDERATION

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- 30 Ordinance No. 8642 -- Public Hearing -- Proposed Designation Of A Commercial/Industrial Tax Abatement Reinvestment Zone No. Fifty (50) Being All The Same 22.232 Acre Tract Of Land In The City Of Irving, Dallas County, Texas As A Part Of The John C. Read Survey, Abstract No. 1183, As Described In Document No. 200503604493, Deed Records Of Dallas County, Texas**

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

Deputy City Manager Sandy Cash gave a presentation and stated that Items #30 and #31 are companion items.

Don Williams, Director of Business Retention and Expansion for the Greater Irving/Las Colinas Chamber of Commerce, 301 W. Irving Boulevard, spoke in favor of this Item and Item #31.

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

- 31 Resolution No. 5-18-06-175** -- Approving A Real Property Tax Abatement Agreement Between The City Of Irving And Valley View Development, Ltd.

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

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

- 32 Ordinance No. 8643** -- Levying An Admissions Tax On Venues Authorized By The May 13, 2006, Special Election

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

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

- 33 Ordinance No. 8644** -- Levying A Parking Tax On Venues Authorized By The May 13, 2006, Special Election

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

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

- 34 Resolution No. 5-18-06-176** -- Authorizing An Expedited Declaratory Judgment Action To Be Filed To Confirm The Validity Of Any Bonds Issued And Other Actions Taken Pursuant To The May 13, 2006, Special Election

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

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

- 35 Resolution No. 5-18-06-177** -- Establishing A Venue Project Fund Pursuant To Chapter 334 Of The Texas Local Government Code

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

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

- 36 Resolution No. 5-18-06-178 -- Authorizing Attorneys For The City Of Irving To File A Lawsuit To Recover The Mineral Rights To A Tract Of Land Of Approximately 193 Acres Located In The Valley Ranch Area**

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

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

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#### APPOINTMENTS AND REPORTS

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- 37 Resolution No. 5-18-06-179 -- Appointments To The Irving Hospital Authority Board**

Mayor Gears introduced the item.

**Councilman Dickens moved to reappoint Dr. Herlinda Glasscock, Dr. Don Oberlin and Mrs. Ava Washington to terms effective July 1, 2006 and expiring on June 30, 2008. Dr. Ronald R. Aebersold was appointed to a two year term also effective July 1, 2006 and expiring June 30, 2008 as Directors on the Irving Hospital Authority Board. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.**

- 38 Resolution No. 5-18-06-180 -- Appointments To Boards, Commissions, And Committees a) Irving Convention and Visitors Bureau**

Mayor Gears introduced the item

**Councilman Dickens moved to appoint Michael Vance to Place 2, a non-voting hotelier position and Greg Molton to Place 4, also a non-voting hotelier position on the Irving Convention and Visitors Bureau with both terms expiring November, 2006. Seconded by Councilman Dickens, the motion was approved by a vote of 8-0.**

**39** City Manager's Report

- Mayor Gears introduced the new City Manager Tommy Gonzalez;
- Mr. Gonzalez advised the Council and the public of the steps he has initiated to create a Strategic Plan which will conclude with a list of goals and objectives that the Council will approve and will be used throughout the budget process.
- He assured the Council as well as the citizens that Director of Public Health and Environmental Services Pat Fowler and Manager of Public Health and Environmental Services John Teal have been working hard to get the policies in place and the employees properly trained at the Animal Shelter. Mr. Gonzalez stated that an outdoor area is now fenced and sodded with grass to be used by citizens to interact with an animal they are considering for adoption or to exercise the dogs. The form that is used to pick up an animal is now being translated into Spanish, and staff is developing key phrases to help in communicating with the public when picking up an animal.
- Brush and Bulky collection schedule will change to once a week beginning July 31, 2006.
- Copy of Legislative Update as well as an update on Home Land Security Grants has been provided to the Council.

**40** Mayor's Report

There was no report given.

**41** Committee And Liaison Report/Meetings

- Planning and Development Committee, May 31, 11:00 a.m.
- Audit and Finance Committee, May 31, 1:30 p.m.

**42** The meeting adjourned at 8:11 p.m.

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**CITIZEN FORUM**

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Deanna Lane, P.O. Box 631491, spoke to the Mayor and Council about the lack of safety at recreation centers in the Valley Ranch/Las Colinas area and stated that her son was assaulted at the Mustang Recreation Center and Cimarron Recreation Center.

Sabra Taggart, 2123 Royal Oaks, addressed the Mayor and Council about some problems that she and her husband have encountered when trying to adopt pets from the Animal shelter. She stated that the pets that she wanted to adopt had been euthanized.

Mike Taggart, 2123 Royal Oaks, also spoke about the other issues that the Animal Shelter had a year ago in regards to the cats getting sick and dying due to unclean conditions. He stated that the animal shelter is now much cleaner.

Amanda Balensiefer, 735 Sequoya Drive, also spoke about issues that her family has

encountered with the Animal Shelter.

Cindy Boase, 1623 Milner Road, asked the Mayor and Council to place an immediate moratorium on trap and kill activities conducted here in Irving and to amend the ordinance.

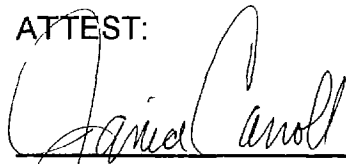
Tom Morris, 8605 Forest Glen Drive, spoke about the current conditions at the Animal Shelter and stated that the conditions at the Animal Shelter are below standard.

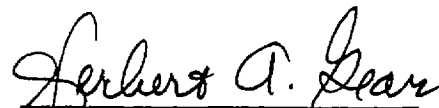
John Seydler, 1221 W. Airport Freeway #113176, also spoke about animals being euthanized improperly at the Animal Shelter. He requested an immediate and full investigation of the Irving Animal Shelter by an impartial outside agency.

Kathleen Irish, 207 S Irving Heights, also spoke the issues she encountered when trying to adopt a cat at the Animal Shelter.

Kat Chaplin, 1875 Ottinger Road, Roanoke, Texas, signed up but did not wish to speak. She is in support of improvements needed at the Irving Animal shelter facility.

ATTEST:

  
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Janice Carroll, TRMC  
City Secretary

  
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Herbert A. Gears, Mayor

