

REGULAR MEETING OF THE IRVING CITY COUNCIL
November 2, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on November 2, 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

Genie Mitchell urged all of the citizens of Irving to vote for the eleven capital improvement project propositions that will be on the November 7, 2006 election ballot.

INVOCATION

The invocation was delivered by Pastor Norris McGill, Antioch Christian Church, Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears announced the winners of the 2006 Disabilities Poster Contest

From Mrs. Ingram's class at Stipes Elementary

- Faustino Alvarez
- Dustin S. Sandoval
- Natan Grajales

From Ms. Knocke's class at Freeman Elementary

- Spandana Mandalaju
- Bernice Chapman

From Ms. Wemple's class at Otis Brown Elementary

- Caroline Rico
- Ruben Hernandez
- Karla Mendoza
- Ricky Flores

Proclamation:

Mayor Gears presented a proclamation to Captain Matthew Trayler representing the Salvation Army for taking a leadership role in coordinating immediate assistance to the families of the Villa Martinique Apartment in the month of September.

CONSENT AGENDA

The consent agenda, items #1 through #26, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. **Councilman Smith moved to approve the consent agenda, Items #1 through #26. Seconded by Councilman Philipp the motion was approved by a vote of 8-0.**

- 1 **Resolution No. 11-2-06-393** -- Approving The City Council Work Session Minutes Of October 11, 2006, And The City Council Meeting Minutes Of October 12, 2006
- 2 **Resolution No. 11-20-06-394** -- Preliminary/Final Plat -- Atwell Addition -- An Approximately 0.76 Acre Tract Located On The East Side Of National Drive -- Monica Halsey Atwell, Property Owner
- 3 **Resolution No. 11-2-06-395** -- Authorizing The Mayor To Accept, Reject, Alter Or Terminate A Violence Against Women Act (VAWA) Grant Through The Office Of The Governor, Criminal Justice Division, To Continue Funding Of The Irving Police Department's Domestic Violence Unit
- 4 **Resolution No. 11-2-06-396** -- Approving The Appointment Of Dr Willis L Starnes To Serve As The Local Health Authority And Approving An Agreement For Health Authority Services Between The City Of Irving And Willis L. Starnes, M.D., Ph.D., For A Two (2) Year Period Beginning November 2, 2006, At A Fee Of \$500.00 Per Month Including Expenses, Subject To Funds Being Appropriated In The 2006-2007 Fiscal Year Budget
- 5 **Resolution No. 11-2-06-397** -- Authorizing The Irving Convention And Visitors Bureau To Purchase Advertising Space In The Media In An Amount Not To Exceed \$585,000.00 Through September 30, 2007
- 6 **Resolution No. 11-2-06-398** -- Authorizing The Mayor To Execute An Interlocal Agreement Between The City Of Irving And Dallas County For Accepting A \$235,000.00 Trail Development Grant For The Extension Of Campi3n Trails Into Sam Houston Trails Park Along The Elm Fork Of The Trinity River
- 7 **Resolution No. 11-2-06-399** -- Awarding Bid To Gilbert May, Inc. In The Net Amount Of \$614,126.77 For The Construction Of The Lively Pointe Skate Park

- 8 **Resolution No. 11-2-06-400** -- Approving A "Third Lease Amendment Agreement" To Extend The Lease For The Northwest Branch Library Located At 2904 North Belt Line Road, Suite 2928, In The Amount Of \$75,230.00 For The Period Of April 1, 2007, To October 31, 2007, And Subsequent Years Subject To Availability Of Funding -- EQYInvest Owner I, Ltd., L.P., Owner

- 9 **Resolution No. 11-2-06-401** -- Approving Change Order No 2 To Workman Commercial Construction Services, Ltd., In The Amount Of \$19,506.38, For The Construction Of The Valley Ranch Branch Library

- 10 **Resolution No. 11-2-06-402** -- Approving Addendum To The Legal Services Agreement With Bickerstaff, Heath, Pollan & Caroom, L.L.P. Reflecting Revised Billing Rates

- 11 **Resolution No. 11-2-06-403** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Halff Associates, Inc. For The Analysis Of The Irving Flood Control District, Section I

- 12 **Resolution No. 11-2-06-404** -- Authorizing Staff To Negotiate With Walter Moore And Associates, Inc For Parking Consulting Services To Perform A Parking Lot Feasibility Study For The Las Colinas Urban Center, Phase II

- 13 **Resolution No. 11-2-06-405** -- Approving An Interlocal Agreement Between The City Of Irving And The Dallas County Utility And Reclamation District In An Amount Not To Exceed \$384,000.00 For The Desiltation Of District Waterways And Levee Certification For FEMA Requirements

- 14 **Resolution No. 11-2-06-406** -- Approving A Letter Of Authorization Between The City Of Irving And North Central Council Of Governments (NCTCOG) In The Amount Of \$33,906 00 To Provide FY 2007 Funding For The Cooperative Regional Storm Water Monitoring Program

- 15 **Resolution No. 11-2-06-407** -- Approving An Amendment Of License Agreement No. 44513 Between The City Of Irving, The Dallas Area Rapid Transit And The Fort Worth Transportation Authority Operating As The Trinity Railway Express For The Purpose Of Replacing The Nursery Road/Railroad Sanitary Sewer Interceptor From Wildwood Drive To Maltby Road

- 16 **Resolution No. 11-2-06-408** -- Authorizing The Taking Of Bids Or The Initiation Of Negotiations For The Sale Of 1.24 Acres Of Land Owned By The City Of Irving Located At The Northeast Corner Of Lake Carolyn Parkway And Las Colinas Boulevard

- 17 Resolution No. 11-2-06-409** -- Awarding A Contract To J. T. Dersner, Inc In The Amount Of \$193,571.75 For The 24-Inch Water Line Extension At State Highway 161/Walnut Hill Lane Project
- 18 Resolution No. 11-2-06-410** -- Rejection Of Bid For Police Patrol Vehicles For The Police Department
- 19 Resolution No. 11-2-06-411**-- Purchases Funded In The 2006-2007 Budget
- (A) Award -- Approving Award To Philpott Ford For The Purchase Of 28 Police Interceptors Through The Cooperative Purchasing Interlocal Agreement Between The City Of Irving And Tarrant County In The Net Amount Of \$587,129.00, To Be Used By The Police Department
 - (B) Bids -- Renewal Of Bid With SprayMAX, Inc. For Chemical Weed Control (Drainage Areas) And Chemical Weed And Pest Control (Athletic Fields And Park Turf) In The Net Estimated Amount Of \$22,393.00 For The Period Of January 1, 2007, Through September 30, 2007; \$22,393.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$0.00 For The Period Of October 1, 2008, Through December 31, 2008, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Parks And Recreation Department
 - (C) Bids -- Renewal Of Bid With Trugreen Chemlawn For Chemical Weed And Pest Control For Athletic Fields And Park Turf Areas In The Net Estimated Amount Of \$21,852.00 For The Period Of January 1, 2007, Through September 30, 2007; \$21,852.00 For The Period Of October 1, 2007, Through September 30, 2008, And \$0.00 For The Period Of October 1, 2008, Through December 31, 2008, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Parks And Recreation Department
 - (D) Bids -- Renewal Of Bid With Moore Disposal Inc. For Portable Toilet Rental And Cleaning Services In The Net Estimated Amount Of \$27,157.76 For The Period Of January 1, 2007, Through September 30, 2007, And \$9,636.83 For The Period Of October 1, 2007, Through December 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Parks And Recreation Department
 - (E) Bids -- Renewal Of Bid With Shaffer Publications Inc. dba Popular Subscription Service For Library Serial Subscriptions In The Net Estimated Amount Of \$45,591.26 For The Period Of January 1, 2007, Through December 31, 2007, To Be Used By The

Department Of Libraries

- (F) Bids -- Annual Bid For LED Vehicle Traffic Signal And Pedestrian Signal Heads To Hi-Tech Signals, Inc In The Net Estimated Amount Of \$111,989.00 For The Period Of November 2, 2006, Through September 30, 2007, To Be Used By The Public Works Department/Traffic Division

- 20 Ordinance No. 8716** -- Budget Adjustments To The 2006-2007 Fiscal Year Budget
 - I. General Fund
 - II. General Fund Non-Bond Capital Improvement Program Fund
 - III. Water And Sewer System Fund
 - IV. Garage Fund
 - V. Park Improvement Bond Fund
 - VI. Economic Development Fund
 - VII. Compensated Absences Fund
 - VIII. Computer Replacement Fund
 - IX. Municipal Drainage Utility Fund
 - X. Texas Stadium Rental #1 Fund
 - XI. Texas Stadium Rental #2 Fund
 - XII. Youth Development/Community Center Bond Fund
 - XIII. Irving Convention And Visitors Bureau General Fund
- 21 Ordinance No. 8717** -- Amending Ordinance No. 8711 Calling The Bond Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Approving Certain Propositions For The Issuance Of General Obligation Bonds
- 22 Ordinance No. 8718** -- Authorizing Amendment Of The City Of Irving Supplemental Benefit Plan To Define And Clarify Terms Of Disability Retirement
- 23 Ordinance No. 8719** -- First Reading -- Granting A Franchise Renewal To Cowboy Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 24 Ordinance No. 8720** -- Authorizing The Abandonment Of A Five Foot Utility Easement On Lot 8 And Lot 12, Block C, Grand Estates At Northlake Hills Phase II Addition Located On Valley Vista Drive

- 25 Ordinance No. 8721** -- Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Office" To "Retail" And Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) Uses In Zoning Case #5651 -- An Approximately 36.72 Acre Tract Located On The Southeast Corner Of Interstate Highway 635 And Belt Line Road -- RKM Consulting Engineers, Applicant
- 26 Ordinance No. 8722** -- Zoning Case #5653 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.31 Acre Tract Located At 1914 Bradford Street -- Glenda Kerr, Applicant

This concludes the agenda approving items 1-26.

ZONING CASES

- 27 Resolution No. 11-2-06-412** -- Special Fence Project Plans #227 And #228 -- 0.74 Acres Located At 2402 And 2403 Arbor Court (Northwest And Southwest Of Arbor Court And Story Road) -- Head Construction, Inc., Applicant

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

Mark Wainscott, Head Construction, 3030 LBJ Freeway, Suite 700, Dallas, Texas 75234, representing the applicant presented the case.

After Council discussion, Councilman Smith moved to deny the special fence projects #227 and #228. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-0.

- 28 Resolution No. 11-2-06-413** -- Zoning Case #5646 -- Granting S-P-1 (Detailed Site Plan) For C-C (Community Commercial), Auto Sales, Display And Make Ready Uses -- An Approximately 0.754 Acre Tract Located At 431 West Airport Freeway (Northeast Corner Of O'Connor Road And State Highway 183) -- Alden Wagner, Applicant **(Postponed From The September 21, 2006, City Council Meeting)**

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

The applicant Alden Wagner, 13505 Montfort Place #200, Dallas, Texas 75240 presented the case.

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

Joe Matthews, 3313 Dartmouth, Irving, Texas

After Council discussion, Councilman Cannaday moved to deny the case. Seconded by Councilman Philipp, the motion was approved by a vote of 8-0.

- 29 Resolution No. 11-2-06-415** -- Zoning Case #5654 -- Granting C-OU-2 (Commercial Outdoor) District Uses -- An Approximately 0.416 Acre Tract Located At 100 Strickland Plaza (East Side Of Strickland Plaza, North Of Irving Boulevard) -- Graciano Castanon, Applicant

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

The applicant Graciano Castanon, 141 E. Ireland Drive, Irving, Texas, presented the case

Steve Reed, Manager of Urban Development gave a brief presentation on the case and stated that both staff and the Planning and Zoning Commission recommended this case be denied.

Councilman Meagher moved to deny the case as presented. Seconded by Councilman Cannaday, the motion was approved by a vote of 7-1, with Councilman Dickens voting in opposition of the motion.

- 30 Ordinance No. 8723** -- Zoning Case #5655 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.159 Acre Tract Located At 2303 Ridgewood Street (East Of Story Road) -- Fred Yarmer, Applicant

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

The applicant Betty Yarmer, 2303 Ridgewood Street, presented the case.

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

INDIVIDUAL CONSIDERATION

- 31 Resolution No. 11-2-06-415** -- Public Hearing -- Failure Of Tió Carlos Mexican Restaurant To Meet The Requirements Of Section 52-49 Of Ordinance No. 1144 "Restaurant With Attendant Accessory Use Of The Sale Of Alcoholic Beverages For

On-Premises Consumption" (Postponed From The September 21, 2006, City Council Meeting)

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

Mayor Gears asked for a presentation from staff.

Acting City Attorney Charles Anderson called on Senior Environmental Health Inspector David Mallette.

Inspector Mallette advised the Council that the restaurant is not in compliance with the approved site plan and outlined the violations.

David Leininger stated that subject restaurant is not in compliance with the City's requirement that the sale of food be at 60% and alcoholic beverages be at 40% based upon the quarterly reports.

The owner Carlos Benitez, 4070 North Beltline Road, #156, presented his case and stated that he would come into compliance.

After Council discussion, **Councilman Meagher moved to postpone this case for six months. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.**

Councilman Patrick asked the attorney for a legal opinion regarding outside catering being credited to inside food consumption. Mr. Patrick would like for this Council to consider that catered food not be considered in the 60/40 calculation.

- 32 Resolution No. 11-2-06-416** -- Designating The City Secretary As The Public Information Coordinator For The City Of Irving, Texas

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

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

- 33 Resolution No. 11-2-06-417** -- Approving The Articles Of Incorporation And Bylaws For The Creation Of The Irving Housing Finance Corporation

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

Mayor Gears asked for a brief presentation from staff.

Assistant City Attorney II Rodney Adams gave a brief presentation of this item and went over the following revisions for the IHFC Bylaws, Article I Powers and Purposes

- The acquisition, demolition, construction, rehabilitation, reconstruction, repair, or remodeling of single family and multifamily residential developments;
- Weathering and updating homes occupied by senior citizens;
- Acquiring, repairing, remodeling and reselling homes acquired from HUD; and
- Any other projects deemed necessary or appropriate to promote housing within the City Of Irving.

The following spoke in opposition of this item
Lucia Rottenberg, 2220 Indian Creek Drive, Irving, Texas

The following spoke in favor of this item.
Jan M Killen, 901 Olde Towne, Irving, Texas
Carole Shlipak, 1500 Colony Drive, Irving, Texas

Councilman Cannaday moved to approve the resolution and attachments as amended. Seconded by Councilman Dickens, the motion was approved by a vote of 7-1, with Councilwoman Van Duyne voting in opposition.

APPOINTMENTS AND REPORTS

- 34 Resolution No. 11-2-06-418** -- Appointments To Boards, Commissions, And Committees With Terms Expiring November 2008, And To Various Unexpired Terms For The Following.

Councilman Dickens moved that the following appointments be made to City Boards for a 2 year term expiring November 2008.

Animal Shelter Advisory Committee

Reappointment of:

Sarah Kammerer

Dr. Billy Burkett

And the appointment of:

Holly Elms AND

Melissa Karp

Building and Standard Commission

Reappointment of:

Randy Boatright, Place 2

Steve Hillier, Place 4

Rachel Moon, Place 2 (Alternate)

Alan Fennell, Place 4 (Alternate)

And the appointment of:

Bill Mahoney, Place 1 (Alternate)

Irving Convention and Visitors Bureau

Reappointment of:

Clem Lear, Place 2

Richard Stewart, Place 4

Jennings Smith, Place 6

Gail Jackson, Place 8

Vance Michael, Place 2 (Non-voting hotelier)

Greg C. Malcolm, Place 4 (Non-voting hotelier)

Disabilities Advisory Committee

Reappointment of:

Mary Cranford, Place 6

Mary Tatro, Place 8

And the appointment of:

Renee Walker, Place 4 AND

Brian McGuire, Place 5

Housing and Human Services

Reappointment of:

Jearlene Miller, Place 4

Dawn Cano-Sanchez, Place 6

Phil Smith, Place 8

And the appointment of:

Stephanie Haley, Place 2

Parks and Recreation

Reappointment of:

Ed Bowers, Place 2

Charles Kirk, Place 3

Melissa Davis, Place 5

And the appointment of:

Kimberly Zahorik, Place 1 AND

Larry Stipes, Place 4

Planning and Zoning Commission

Reappointment of:

Jack Spurlock, Place 1

David Palmer, Place 2

Eugenia Foust, Place 3

And the appointment of:

Al Zapanta, Place 4

Preservation and Redevelopment

Reappointment of:

Vernon Proctor, Place 2

Jimmy Bellew, Place 4

And the appointment of:

Doug French, Place 6 AND

Wesley Hameline, Place 8

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

35 City Manager's Report

- Pet Adopt-a-Thon – Animal Services' first Adopt-a-Thon, was held on October 21, 2006, at the Animal Shelter, and was very successful,
- Fire Chief Interviews will be held next week.
- Laurie Kunke, Corporate Communications Manager, is the immediate past president for Corporate Communications Marketing Association, and she planned their conference which brought four hundred people to the City of Irving.

36 Mayor's Report

Mayor Gears announced that on Sunday, November 5, 2006 at 5:00p.m. at the Irving Arts Center the Telugu Association of North Texas is hosting a performance by Smitha Madhav, a well known Indian movie star and television personality, who will dance and play music along with a live orchestra. The admission is free but donations are suggested. All proceeds go to Vegesna Foundation which supports the rehabilitation of disabled children

37 Committee And Liaison Report/Meetings

Audit Finance meeting was held on Thursday, November 2, 2006

Councilman Dickens invited all citizens to attend a veteran's day event being held on November 11, 2006, at the Porter's Army Navy Store on Irving Boulevard from 10:00 a m until 5:00 p.m. honoring all veterans

38 The meeting adjourned at 10:00 p.m.

CITIZEN FORUM

Betty Yarbrough, 204 W. 7th Street, spoke about the City sponsored adopt-a-thon and stated that thirty animals were adopted She commended Fran Witte for a job well done Ms Yarbrough also gave an update on projects that citizens have been working to make the animal shelter a safer facility.

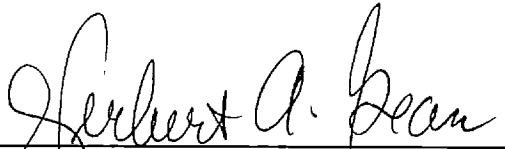
Clare Morris, 8605 Forest Glen Drive, spoke about reform for the Irving Animal Shelter, and she reviewed a spreadsheet for tracking animals that come into the shelter and when they leave the shelter.

Harold E. Morris, 602 W. 8th Street, was not present to speak.

Lucia Rottenberg, 2220 Indian Creek, spoke about a problem with a commercial vehicle that is being parked on the northwest corner of Indian Creek and Glenwick

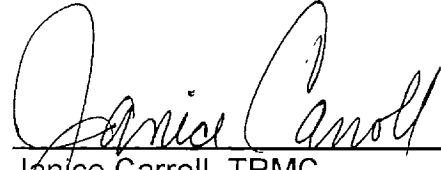
Michael McPhail, 815 Dixon, addressed the Mayor and Council regarding the lack of police action on stolen and vandalized campaign signs He asked that the police take police reports for these incidents

Johnny and Melba Jackson, 621 Beacon Hill Drive, addressed the Mayor and Council regarding unsightly apartments and tire shops as well as car lots in South Irving. They would like these issues to be addressed.



Herbert A. Gears, Mayor

ATTEST:



Janice Carroll, TRMC
City Secretary

