

REGULAR MEETING OF THE IRVING CITY COUNCIL
November 16, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on November 16, 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

Genie Mitchell, 2220 Spanish Trail, invited all citizens to an open meeting that will be held by the League of Women Voters on Tuesday, November 28, 2006, at 7:00 p.m. the meeting will be held in a private home. If you would like to attend, information is on the cable and she provides a phone number as well.

INVOCATION

The invocation was delivered by Reverend Gerald Patterson, Family Worship Center Church, Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a High Spirited Citizen Award to Dotty Verett.

CONSENT AGENDA

The consent agenda, items #1 through #16, 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 #7 would be dropped from the consent agenda and that Items #13 and #14 would be pulled from the consent agenda. Acting City Attorney Charles Anderson read the amendment to the contract on Item #5. **Councilman Philipp moved to approve the consent agenda, items #1 through #16, excluding Items #7, #13 and #14. Seconded by Councilman Dickens the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 11-16-06-419** -- Approving The City Council Work Session Minutes Of November 1, 2006, And The City Council Meeting Minutes Of November 2, 2006
- 2 **Resolution No. 11-16-06-420** -- Approving A Texas Traffic Safety Program Grant Agreement Between The City Of Irving And The State Of Texas, Acting By And Through The Texas Department Of Transportation, For A Selective Traffic Enforcement Program (STEP) Grant In The Amount Of \$10,000.00
- 3 **Resolution No. 11-16-06-421** -- Approving An Annual Maintenance Agreement Between The Irving Police Department And NEC Corporation For The Maintenance Of The Automated Fingerprinting Identification System (AFIS)
- 4 **Resolution No. 11-16-06-422** -- Awarding A Contract To Ark Contracting Services, LLC In The Amount Of \$993,485 00 For The Dry Branch Stream - Bank Stabilization Improvements Project
- 5 **Resolution No. 11-16-06-423** -- Approving An Employment Agreement With The City Manager
- 6 **Resolution No. 11-16-06-424** -- Awarding A Contract To The Trinity River Authority In The Amount Of \$233,000.00 For Laboratory Analysis Services
- 7 **File No. 11-16-06-425** -- Approving An Agreement Between The City of Irving And Dean International Inc , In The Amount Of \$300,000.00 For Creation Of A Comprehensive Analysis Of Water Related Assets
- 8 **Resolution No. 11-16-06-426** -- Approving The Irving Arts Center's By-Laws Which Is Used For The Irving Arts Center's Arts Board
- 9 **Resolution No. 11-16-06-427** -- Award Of Contract To Gold Metal Recyclers, LTD For The Sale of Brass Meters In The Net Revenue Amount Of \$55,956.80 As Part Of The Scrap Recovery From The AMR Retrofit Program Implemented By The Public Works Department / Water Utilities Division
- 10 **Resolution No. 11-16-06-428** -- Purchases Funded In The 2006-2007 Budget
 - (A) Proposals -- Award Of Proposal To ATB Services For Alarm Management Services In The Net Estimated Amount Of \$118,479 25 For The Period Of November 16, 2006, Through September 30, 2007, \$129,250.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$10,770.75 For The Period Of October 1, 2008, Through October 31, 2008, Which Will Be Deducted From The Revenues Generated From The Alarm Services Revenues,

Administered By The Police Department

- (B) Bids -- Award Of Bid To Caldwell Country Chevrolet For Five Sports Utility Vehicles With Police Pursuit Package In The Net Amount Of \$149,121.00 To Be Used By The Police Department
- (C) Bids -- Annual Bid For Retread And Specialty Tires To Wingfoot Commercial Tires Systems, LLC In The Net Estimated Amount Of \$70,000.00 For The Period Of November 16, 2006, Through August 31, 2007, To Be Used By The General Services Department/Fleet Maintenance Division
- (D) Bids -- Annual Bid For Fire Department Bunker Clothing Awarded To North American Fire Equipment Co.,; Bonaventure Co, Inc; And Dooley Tackaberry, Inc. In The Net Estimated Amount Of \$69,296.90 For The Period Of November 16, 2006, Through September 30, 2007, And \$13,859.30 For The Period Of October 1, 2007, Through October 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Fire Department
- (E) Award -- Approving Award To Freeway Ford For The Purchase Of Two Ambulances Through The Interlocal Agreement For Cooperative Purchasing With Houston-Galveston Area Council Of (H-GAC) In The Net Amount Of \$288,000.00 To Be Used By The Fire Department
- (F) Proposals -- Renewal Of Proposal With Resource Rescue, Inc. For Citizen Drop-Off / Cashless Buyback Program For Recyclables In The Net Estimated Amount Of \$71,685.00 For The Period Of January 1, 2007, Through September 30, 2007, And \$23,895.00 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 Public Health And Environmental Services Department
- (G) Bids -- Renewal Of Bid With Metro Valve & Pipe For Valves In The Net Estimated Amount Of \$26,291.00 For The Period Of December 1, 2006, Through September 30, 2007, And \$5,258.20 For The Period Of October 1, 2007, Through November 30, 2007, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Water Utilities Division
- (H) 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 1, 2007, Through September 30, 2007, And \$26,509.28 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 Public Works Department/Water Utilities Division

- (I) Award -- Approving Award To Dallas Morning News For The Purchase Of Display Advertising For Irving Arts Center As A Single Source Expenditure In The Net Amount Of \$81,692.00 For The Period Of October 6, 2006 Through October 5, 2007

- 11 Ordinance No. 8725** -- First Reading -- Granting A Franchise Renewal To MSS, Inc , DBA Freedom Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 12 Ordinance No. 8719** -- Second Reading -- Granting A Franchise Renewal To Cowboy Cab Company To Operate A Taxicab Service In The City Of Irving, Texas
- 15 Ordinance No. 8728** -- Zoning Case #5661 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.161 Acre Tract Located At 2310 Ridgewood Street (East Of North Story Road) -- Carl D. Tipton, Applicant
- 16 Ordinance No. 8729** -- Zoning Case #5662 -- Granting S-P-2 (Generalized Site Plan) For C-N (Neighborhood Commercial) And Hotel Uses -- An Approximately 2 00 Acre Tract Located At 4700 Plaza Drive -- Tomden Engineering, Applicant

This concludes the agenda approving items 1-16, excluding items #7, #13 and #14.

- 13 Ordinance No. 8726** -- Amending Chapter 9 Entitled "Burglar Alarm Systems" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, Providing For A Service Fee, Providing For An Effective Date, Providing A Savings Clause, And Providing A Severability Clause

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

Chief of Police Larry Boyd gave a presentation on this item.

The following spoke in opposition.

Barbara Kevles, Irving Citizen

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

- 14 Ordinance No. 8727 – Amending The Comprehensive Plan To Change The Recommended Land Use From “Office” To “Single Family Attached – Medium Density Residential” And Granting PUD (Planned Unit Development) For R-TH (Townhouse) Uses Per Development Plan #8, 9th Revision, PUD 4, La Palazzi – Approximately 12.62 Acre Tract Bounded By Royal Lane, Las Colinas Boulevard, Tuscan Drive And Love Drive – CSE Commercial Real Estate, Applicant

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

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

Cheryl Toney, 6445 Love Drive

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

ZONING CASES

- 17 **Ordinance 8730** -- Zoning Case #5660 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.161 Acre Tract Located At 2320 Cunningham Street (East Of North Story Road) -- Elias Yanez, Applicant

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

The applicant Elias Yanez, 2320 Cunningham Street presented the case and asked for the Council to approve his carport.

Councilman Philipp moved to approve the ordinance as presented. Seconded by Councilman Patrick, the motion was approved by a vote of 8-1, with Councilwoman Van Duyne voting in opposition.

INDIVIDUAL CONSIDERATION

- 18 **Ordinance No. 8731** -- Adjusting The City Council Residential Districts 1 Through 5 In Accordance With The City Of Irving Home Rule Charter Article IV, Sec 3(d)

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

Councilwoman Van Duyne gave a presentation on this item and stated that 2000 Census data would be used. Ms Van Duyne also stated that it is the Redistricting

intent that the districts again be adjusted when the 2010 census figures are available

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

- 19 Ordinance No. 8732** -- An Ordinance Amending The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Repealing Chapter 2, Article IV, Entitled "Irving Cable Television" Board

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

The following spoke in favor of this item.

Genie Mitchell, 2220 Spanish Trail

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

- 20 Resolution No. 11-16-06-429** -- Approving A Settlement Agreement In *City Of Irving V. Legend Asset Management, Corp , D/B/A Chivas Square Apartments, Et Al; Cause No. 06-11106*, For The Collection Of Delinquent Water Bills

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

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

APPOINTMENTS AND REPORTS

- 21 Resolution No. 11-16-06-430** -- 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 the City boards for a 2 year term expiring November 2008, unless noted.

Irving Arts Board

Reappointment of.
Earlene Matkin, Place 2
Gus Tramp, Place 4

Charles Boyce, Place 8

And the appointment of:
George Primo, Place 6
Herlinda Glasscock, Place 10 (corporate member)

Health Board

Reappointment of:
Ann Dillard, Place 8

And the appointment of:
Medhavi Balachandran, Place 2
David Gutierrez, Place 4
Laurie Reissler, Place 6

Youth Council

Reappointment of:
Betty Thomas, Place 2
Sai Ganesamoorthi, Place 4
Melissa Pardue, Place 6

Juanita (Janie) Hernandez, Place 1 (expire Nov. 2007)
John Hammer, Place 3 (expire Nov. 2007)
Monica Ellington, Place 5 (expire Nov. 2007)

And the appointment of:
Pam Hastings, Place 7 (expire Nov. 2007)

Seconded by Councilman Patrick, the motion was approved by a vote of 9-0.

22 City Manager's Report

- Announced that Level 3 Stage 3 Water Restrictions will occur at the next Council meeting and also they are working on an in between stage for water restrictions called a 3 plus to further water restrictions.
- Animal Services Update was given at work session.

23 Mayor's Report

- Mayor Gears stated that he attended a press conference today with the Mayors of Fort Worth and Dallas as well as representatives from the Dallas Cowboys and the board of the North Texas Commission; and as a group they support the submission of an application for the 2011 Super Bowl to be held in this area.

- He also spoke about the Water Restrictions and stated that the city is preparing for next summer now.

24 Committee And Liaison Report/Meetings

Councilman Dickens stated that the Christmas Celebration will be held on December 2, 2006. The activities will start at 3:00 p.m.; the parade will start at 4:00 p.m., and the Tree Lighting ceremony will start at 6:00 p.m. If anyone has any questions, please call Jackie Madden in the Parks Department at 972-721-2501.


25 The meeting adjourned at 8.07 p.m.

CITIZEN FORUM

Joyce Eckles, 1827 Dory Lane, addressed the Mayor and Council and commended city employees in the streets department.

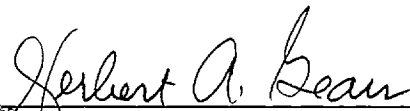
Joseph Weems, 3224 Rustic Woods, Bedford, Texas, read Matthew 24 of the Bible to the Mayor and Council. He asked that a ministry be built in the place of the Texas Stadium.

ATTEST.



Janice Carroll, TRMC
City Secretary





Herbert A. Gears, Mayor