

REGULAR MEETING OF THE IRVING CITY COUNCIL
October 12, 2006

The City Council met in regular session in the Council Chambers of the City Hall Complex on October 12, 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 organization services announcements made.

INVOCATION

The invocation was delivered by Pastor J. Don George, Calvary Church, Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a proclamation on Disabilities Awareness Month in Irving, Texas to the following: Mary Tatro Chair of Irving Advisory Committee on Disabilities and John Bramblitt, an artist who is the winner of the State of Texas Art Contest on Disabilities and Cindy Counts, Community Outreach and Public Information Coordinator for the Texas Governors Committee on People with Disabilities.

Mayor Gears also presented a proclamation to Executive Producer of ICTN Paul Wahlstrom and Director of Community Affairs Pat Nicks celebrating the 25th Anniversary of the Irving Community Television Network.

High Spirited Citizen Award:

Mayor Gears presented the High Spirited Citizens Award to Linda Fisher.

CONSENT AGENDA

The consent agenda, items #1 through #28, 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 the following items will be pulled from the consent agenda #2, #17, #18, and #27. **Councilman Philipp moved to approve the consent agenda, Items #1 through #28, excluding items #2 #17, #18 and #27. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 10-12-06-363** -- Approving The City Council Work Session Minutes Of September 20, 2006, The Special Joint City Council Meeting Minutes Of September 21, 2006, And The City Council Meeting Minutes Of September 21, 2006

- 3 **Resolution No. 10-12-06-364** -- Authorizing The Mayor To Accept A Sub-Recipient Grant Award From The Governor's Division Of Emergency Management To Receive Grant Funding For The Metropolitan Medical Response System

- 4 **Resolution No. 10-12-06-365** -- Approving Change Order No. 2 To PricewaterhouseCoopers LLP In The Amount Of \$25,000.00 To Provide Additional Services Relative To Developing A More Focused And Detailed Analysis Of A Multi-Purpose Center As Identified Through The Feasibility Study

- 5 **Resolution No.10-12-06-366** -- Approval Of The Contract Addendum Extending The Nutrition Service Contract Through September 30, 2007, Between The City Of Irving And The Dallas Area Agency On Aging (DAAA) To Provide Daily Meal Service To Senior Citizens At The Heritage Senior Center

- 6 **Resolution No. 10-12-06-367** -- Approving A Renewal Contract Between The City Of Irving And Keep Irving Beautiful (KIB) In The Amount Of \$64,880.00

- 7 **Resolution No. 10-12-06-368** -- Awarding A Professional Services Contract To Dunkin, Sefko And Associates, Inc. For Updating The City's Comprehensive Plan In An Amount Not To Exceed \$182,000.00, Including Reimbursable Expenses In An Amount Not To Exceed \$3,000.00

- 8 **Resolution No. 10-12-06-369** -- Approving The Bylaws Of And Accepting Membership In The Texas Clean Air Cities Coalition, And Approving Payment Of The \$10,000.00 Membership Assessment

- 9 **Resolution No. 10-12-06 370** -- Endorsing The "Joint Recommendation For Regional Rail In North Central Texas" As Approved By The Boards Of Dallas Area Rapid Transit (DART), Denton County Transportation Authority (DCTA), And The Fort Worth Transportation Authority (The "T") That Supports The Concept Of Local Option Funding Of Public Transit In The Region By Exempting An Amount Equal To The Locally Authorized Transit Sales Tax From The 2% Local Sales Tax Cap

- 10 **Resolution 10-12-06-371** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Freese And Nichols, Inc. For The Design Of The 2007 Miscellaneous Drainage Improvements Project

- 11 **Resolution No. 10-12-06-372** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Glenn Engineering Corporation For The Design Of The Lake Carolyn Parkway, Phase II Paving Improvements From Las Colinas Boulevard To O'Connor Boulevard

- 12 **Resolution No. 10-12-06-373** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Graham Associates, Inc. For The Design Of The Walnut Hill Lane Paving Improvements Project From Tophill Lane To Belt Line Road

- 13 **Resolution No. 10-12-06-374** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Hayden Consultants, Inc. For The Design Of The 2006-2007 Water Meter Vault Reconstruction Project

- 14 **Resolution No. 10-12-06-375** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Lockwood, Andrews And Newnam, Inc. For The Design Of The Nursery Road/Rock Island Railroad Sanitary Sewer Interceptor, Phase II Project

- 15 **Resolution No. 10-12-06-376** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Schrickel, Rollins And Associates, Inc. For The Design Of The Elwood Road, Joffre Drive, Mimosa Street And Willow Road Paving Improvements Project

- 16 **Resolution No. 10-12-06-377** -- Awarding Contract To SYB Construction Co., Inc. In The Amount Of \$516,647.30 For The 2006 Water Main Replacement, Section VI Project

- 19 **Resolution No. 10-12-06-380** -- Approving A Contract For Property Acquisition In The Amount Of \$80,000.00, Plus Closing Costs Not To Exceed \$3,000.00 -- Lot 2,

Block B, Pecan Grove Park Addition Located At 1409 Ronne Drive -- The Salvation Army, Property Owner

- 20 Resolution No. 10-12-06-381** -- Approving Amendment No. 1 To The Home Investment Partnerships (HOME) Grant Agreement Between The City Of Irving And The Bear Creek Development Corporation (BCDC) For The Construction Of Six Single Family Homes On Carver Street
- 21 Resolution No. 10-12-06-382** -- Approving A Home Investment Partnerships (HOME) Grant Agreement Between The City Of Irving And The Bear Creek Development Corporation (BCDC) In The Amount Of \$150,000.00 For The Purchase Of Land On Avalon Street To Build Five Single Family Housing Units
- 22 Resolution No. 10-12-06-383** -- Approving A Home Investment Partnerships (HOME) Grant Agreement Between The City Of Irving And The Bear Creek Development Corporation (BCDC) In The Amount Of \$146,000.00 For Site Development Costs For Eight Single Family Homes And Construction Costs For One Single Family Home On Conflans Street
- 23 Resolution No. 10-12-06-384** -- Approving An Engineering Services Agreement With Kinsman & Associates, Consulting Engineers, In The Net Amount Of \$50,000.00 For Professional Services Associated With The Selection And Administration Of A Performance Contractor, To Be Administered By The General Services Department
- 24 Resolution No. 10-12-06-385** -- Renewal Of Interlocal Agreement Between The City Of Irving And The City Of Dallas To Receive BioTel Systems Services In The Net Amount Of \$76,620.00 For The Period Of October 1, 2006, Through September 30, 2007, And \$76,620.00 For The Period Of October 1, 2007, Through September 30, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Fire Department **(Postponed From The September 21, 2006, City Council Meeting)**
- 25 Resolution No. 10-12-06-386** -- Purchases Funded In The 2006-2007 Budget
- (A) Bids -- Award Of Bid To Dooley Tackaberry, Inc., Casco Industries; NAFECO; Tascosa Tool Service; Ferrara Fire Apparatus, Inc.; And Metro Fire Apparatus Specialties, Inc. For Equipment To Furnish A New Fire Truck In The Net Amount Of \$37,754.49 To Be Used By The Fire Department
 - (B) Proposals -- Annual Proposal For The Fleet Fuel Card Program To Fuelman Of DFW In The Net Estimated Amount Of \$203,401.00 For The Period Of November 1, 2006, Through

September 30, 2007, And \$18,500.00 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 Police Department

- (C) Bids -- Annual Bid For Prisoner Food To Sunbeam Foods, Inc. And Schepps Dairy In The Net Estimated Amount Of \$83,506.20 For The Period Of November 1, 2006, Through September 30, 2007, And \$7,587.91 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 Police Department
- (D) Bids -- Renewal Of Bid With GST Public Safety Supply, LLC; C & G Wholesale; And Safety & Security International For Police Department Uniforms In The Net Estimated Amount Of \$80,268.89 For The Period Of October 12, 2006, Through September 30, 2007, To Be Used By The Police Department
- (E) Award -- Approving Award To Philpott Motors For The Purchase Of A Chemical, Biological, Radiological/Nuclear, Explosive (CBRNE) Vehicle Through Houston-Galveston Area Council Of Governments In The Net Amount Of \$86,219.36 To Be Used By The Police Department
- (F) Bids -- Annual Bid For Polyethylene Refuse Bags To Jadcore, Inc. In The Net Estimated Amount Of \$143,233.06 For The Period Of October 12, 2006, Through September 30, 2007, To Be Used By The Public Health & Environmental Services Department
- (G) Bids -- Renewal Of Bid With McGriff, Seibels & Williams Of Texas, Inc. To Place Excess Insurance Coverage With State National Insurance Company In The Net Estimated Amount Of \$272,422.00 For The Period Of October 1, 2006, Through September 30, 2007, To Be Administered By The Human Resources Department
- (H) Bids -- Annual Bid For Thermoplastic Pavement Markings Materials To Susannah Dobbs Co., LC In The Net Estimated Amount Of \$33,520.50 For The Period Of October 1, 2006, Through September 30, 2007, To Be Used By The Public Works Department/Traffic Division
- (I) Proposals -- Award Of Proposal To Cavalia Homes For The Development Of Vacant Lots At Jackson Street And Oaklea Street In The Net Amount Of \$1,425,632.00 To Be Administered By The Housing And Human Services Department

26 Resolution No. 10-12-06-387 -- Postponing Indefinitely, Not To Exceed Six Months, The Consideration Of An Ordinance Amending The Comprehensive Plan

From "Single Family - Low Density Residential" To "Two Family - Duplex" Uses And Granting R-3.5 (Two Family) Uses In Zoning Case #5587 -- An Approximately 0.55 Acre Tract Located At 1203 North Holly Street (Southeast Corner Of Holly Street And Mullins Street) -- Midegssa And Catherine Beyene, Applicants

- 28 Ordinance No. 8713** -- Zoning Case #5652 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single-Family) Uses -- An Approximately 0.13 Acre Tract Located At 3908 Carver Place -- Richard N. Smith, Inc., Applicant

This concludes the agenda approving items 1-28, excluding items #2, #17 #18 and #27.

- 2 Ordinance No. 8711** -- Amending Ordinance No. 8702 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

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

Councilwoman Van Duyne asked what the City was doing to notify citizens in these precincts that the polling places have changed.

City Secretary Janice Carroll stated that the Texas Election code requires that a notice be placed at the old polling place and because the city contracts with Dallas County, they will send notices to each one of the voters in those precincts. Ms. Carroll also stated that an amended ordinance has been handed out tonight because another polling location has been changed from the Penacostal Church to J.R. Good Elementary School; and the reason the city is required to do this is because this is the first year that cities are required to use the county polling locations.

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

- 17 Resolution No. 10-12-06-378** -- Approving A Contract For Property Acquisition In The Amount Of \$525,000.00, Plus Closing Costs Not To Exceed \$5,000.00 -- Lots 1 Through 6, Block 3, Original Town Of Irving Located At 129 West Irving Boulevard - Neil Felder, Property Owner

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

The following spoke in opposition of this item:
Lynnette Edic, 234 Rochelle #318

Councilman Stopfer stated that the value of this land is that it will be part of a Transit Oriented Development and the funds for this are provided through a Council of Governments grant.

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

- 18 Resolution No. 10-12-06-379 -- Approving A Fee Agreement With Dean International, Inc. For Assistance In Transportation Related Issues And Consulting Services On The Transportation Summit (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.

Councilwoman Van Duyne asked for an overview of this contract.

Director of Public Works Jim Cline reviewed the terms of the contract.

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

- 27 Ordinance 8712 -- Zoning Case #5648 -- Granting S-P-1 (Detailed Site Plan) For Mini-Warehouse Uses -- An Approximately 2.911 Acre Tract Located On The Southwest Corner Of Interstate Highway 635 And State Highway 161 -- Rick Jones, Applicant**

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

Rick Jones, Advantage Self Storage Inc., 1500 S. Central Expressway # 620 McKinney, Texas, representing the applicant, presented the case.

After Council discussion, Councilman Cannaday moved to approve the ordinance with the stipulation that no truck storage and rental would be allowed. Seconded by Councilman Dickens, the motion was approved by a vote of 7-2, with the following voting in opposition: Councilwoman Van Duyne and Councilman Stopfer.

ZONING CASES

- 29 **Ordinance No. 8714** -- Amending The Comprehensive Plan To Change The Land Use Recommendation Of The Comprehensive Plan From "Retail" To "Light Commercial" Uses And Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) And Auto Sales, Display And Service Uses In Zoning Case #5650 -- An Approximately 3.319 Acre Tract Located At 2903 West Airport Freeway (Northwest Corner Of Harvard Street And State Highway 183) -- Sharon Barbosa-Crain, Applicant

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

Sharon Barbosa-Crain, 2608 Alan-A-Dale, representing the applicant, presented the case.

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

J.O. Ward, 608 Farine Drive
George Stephenson, 2105 Druid Drive
Robert Mayo, 2513 La Salle
Leonard Garcia, 2500 Edinburgh
Bruce Lang, 2529 Dunbar
Rebecca Evans, 23020 Parliament
Kenneth Turney, 3013 Parliament
Angela Munoz, 3000 Parliament
Sharon Dickey, 2528 Dunbar

The following spoke in favor:

Chris Wallace, 5221 N. O'Connor Blvd, Suite 100
Anthony Bond, 4109 W. Northgate Drive #824

Councilman Patrick moved to approve the ordinance with the additional stipulations that the delivery of autos be prohibited between 9 p.m. and 7a.m., and that a minimum of two trees shall be planted in the landscape area on the north end of the site. Seconded by Councilman Cannaday, the motion was approved by a vote of 8-1, with Councilwoman Van Duyne voting in opposition.

INDIVIDUAL CONSIDERATION

- 30 **Resolution No. 10-12-06-388** -- Notice Of Intention To Lease Land For Mineral Development

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

Real Estate Services Manager Doug Janeway presented the item.

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

- 31 Resolution No. 10-12-06-389** -- 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"

Mayor Gears introduce the item and stated that this item would be postponed.

Councilman Smith moved to postpone this item to the November 2, 2006 City Council meeting. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.

- 32 Resolution No. 10-12-06-390** -- Requesting Sign Variance Case No. 0608-0078 Located At 4402 West Interstate Highway 635 -- Scott Ozymy, Representing Koll Development, Applicant

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

Director of Building Inspections Gary Miller presented the case.

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

- 33 Resolution No. 10-12-06-391** -- Authorizing Attorneys For The City Of Irving To Take All Necessary Legal Action Including Filing Suit Against The Owners Or Any Other Person Or Entity Which May Be Liable For The Delinquent Water Bills At The Chivas Square Apartments

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 Stopfer, the motion was approved by a vote of 9-0.

- 34 Resolution No. 10-12-06-392** -- Authorizing Attorneys For The City Of Irving To Take All Necessary Legal Action Including Filing Suit Against The Owners Or Any

Other Person Or Entity Which May Be Liable For The Delinquent Water Bills At The Villa Martinique Apartments

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

The following spoke in favor of this item:

Anthony Bond, 4109 W. Northgate #824, Irving, Texas 75062

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

35 Ordinance No. 8715 -- Creating An Animal Services Advisory Committee

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

APPOINTMENTS AND REPORTS

36 Resolution -- Appointments To Boards, Commissions, And Committees

There were no appointments made. Councilman Dickens announced that the Council would be conducting the interview process the 16, 17, 18 and 19th of next week.

37 City Manager's Report

Assistant City Manager Cliff Miller announced that the 1st Annual Paw Pals Adopt A Thon will be held from 9 a.m. to 5:00 p.m. on Saturday, October 21, 2006, at the Irving Animal Shelter located at 100 N. Briery Road. Mr. Miller also announced that the 25th ICTN anniversary was very well received.

38 Mayor's Report

There was no report given.

39 Committee And Liaison Report/Meetings

Councilman Dickens announced that the "Main Event" will be held this Saturday October 14, 2006, from 10:00 a.m. to 5:00 p.m. This event will be held in the

Heritage District. They will also be holding the Second Annual Christian Biker Rally; this is also sponsored by the Downtown Irving Association.

40 The meeting was adjourned at 9:04 p.m.

CITIZEN FORUM

Angel Cruz, 406 Rawls Circle, was not present to speak.

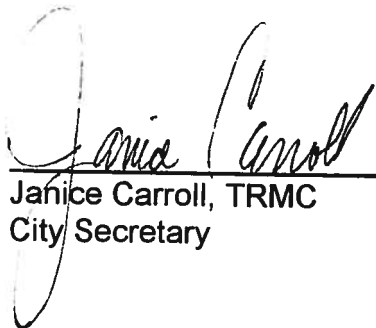
George Stephensen, 2105 Druid Drive, addressed the Mayor and Council about the neglect in south Irving.

Freda Boatright, 1702 Waldrop Street, was not present to speak.

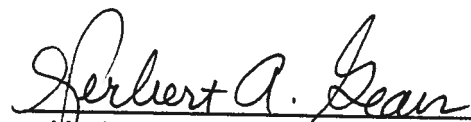
Anthony Bond, 4109 W. Northgate #824, was not present to speak.

Michael McPhail, 815 Dixon Drive, addressed the Mayor and Council regarding his objections to the political debate format policy established by Irving Community Television Network.

ATTEST:



Janice Carroll, TRMC
City Secretary



Herbert A. Gears, Mayor

