

**REGULAR MEETING OF THE IRVING CITY COUNCIL**  
**September 7, 2006**

The City Council met in regular session in the Council Chambers of the City Hall Complex on September 7, 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

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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 Pastor Will Mayfield, Central Baptist Church, 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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The following employees participated in the Art Works Employee Art Exhibit and were presented with Certificates of Appreciation by Mayor Gears: Karen Siddall, Mary Higbie, Steven Booher and David Evans, The following were not present, but also participated: Trish McDaniel, Ellen Tucker, John Harvey, Shawn Mullin, and Shane Burton.

**High Spirited Citizen Award:**

Mayor Gears presented to Dot Smith the High Spirited Citizen Award for her service to the community.

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**PUBLIC INPUT HEARING**

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- 1 **File No. 9-7-06-307** - 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 in favor or opposition.

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

Ken Ewing, 2524 Crestview Circle

- 2 **File No. 9-7-06-308** - Public Hearing -- Hearing On A Proposal To Increase The Revenues Of The City Of Irving From Properties On Tax Roll In The Preceding Year By 5.39 Percent

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

- 3 **Ordinance No. 8692** -- First Reading -- Amending Section 33-14 Of Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas Providing For New Monthly Sanitation Collection Rates, Providing An Effective Date And Providing A Severability Clause

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

## **CONSENT AGENDA**

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The consent agenda, items #4 through #24, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. It was noted that Don Van Slyke, 2617 Castle Street registered in support of Item No. 14 on the Consent Agenda, but did not wish to speak. **Councilman Smith moved to approve the consent agenda, Items #4 through #24. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.**

- 4 **Resolution No. 9-7-06-309** -- Approving The City Council Budget Retreat Minutes Of August 18-19, 2006; The City Council Work Session Minutes Of August 23, 2006; The City Council Meeting Minutes Of August 24, 2006; And The City Council Special Meeting Minutes Of August 27, 2006
- 5 **Resolution No. 9-7-06-310** -- Supporting American Airlines' Application To The U. S. Department Of Transportation For New Route Service To Beijing, China

- 6 **Resolution No. 9-7-06-311** -- Approving And Adopting The Tarrant County 9-1-1 Emergency Assistance District 2006-2007 Budget
- 7 **Resolution No. 9-7-06-312** -- Approving An Interlocal Agreement For Security And Peace Officer Services Between The City Of Irving And The Carrollton-Farmers Branch Independent School District (C-FBISD) To Initiate A School Resource Officer Program At C-FBISD Campuses Located In The City Of Irving
- 8 **Resolution No. 9-7-06-313** -- Approving An Interlocal Agreement For Security And Peace Officer Services Between The City Of Irving And The Irving Independent School District (IISD) To Maintain The School Resource Officer Program At IISD Campuses
- 9 **Resolution No. 9-7-06-314** -- Authorizing A Renewal Of The Lease Agreement Between The City Of Irving And The State Of Texas, On Behalf Of The Texas Department Of Family And Protective Services, To House A Unit In The Family Advocacy Center
- 10 **Resolution No. 9-7-06-315** -- Approving A Statement Of Agreement Between The City Of Irving And The Dallas Area Chapter Of The American Red Cross To Define And Clarify The Methods Of Cooperation, Coordination, And The Roles And Responsibilities Of Each Organization In Disaster Preparedness And Disaster Relief Operations
- 11 **Resolution No. 9-7-06-316** -- Approving A Contract Between The City Of Irving And The Texas Department Of State Health Services For Participation In The CHEMPACK Bioterrorism Program
- 12 **Resolution No. 9-7-06-317** -- Annual Review Of The City Of Irving Investment Policy And List Of Qualified Brokers
- 13 **Resolution No. 9-7-06-318** -- Approving An Economic Incentive Agreement Renewal With Aviall Services, Inc.
- 14 **Resolution No. 9-7-06-319** -- Requesting DART Consideration To Include The BN-SF Rail Line In The Proposed 2030 Transit System Plan As A "Vision Element" Of The Plan
- 15 **Resolution No. 9-7-06-320** -- Approving A Boundary Adjustment Agreement Between The City Of Irving And The City Of Dallas Incorporating A 0.00452 Acre Tract Of Land Generally Located In The Right-Of-Way Of Irving Boulevard From The Trinity River Westward 200 Feet, Currently Located In Irving, Into The City Of Dallas

- 16 **Resolution No. 9-7-06-321** -- Approving An Escrow Agreement With One PSC Walnut Hill, Ltd. In The Amount Of \$34,363.00 For Participation In The Construction Of A 24-Inch Water Main For The Northstar Phase II, 1st Revision Addition, Lot 1R
- 17 **Resolution No. 9-7-06-322** -- Approving An Escrow Agreement With Two PSC Walnut, Ltd. In The Amount Of \$34,363.00 For Participation In The Construction Of A 24-Inch Water Main For The Northstar Phase II, 1st Revision Addition, Lot 2R
- 18 **Resolution No. 9-7-06-323** -- Authorizing The Mayor To Execute An Amended Agreement Between The City Of Irving And M/A-COM Private Radio Systems, Inc. For EDACS Radio System Software Updates In An Amount Not To Exceed \$60,000.00
- 19 **Resolution No. 9-7-06-324** -- Approving An Engineering Services Agreement With Alan Plummer Associates, Inc. In An Amount Not To Exceed \$449,000.00 For Professional Services Associated With The Development Of A Water Reuse Implementation Plan To Be Administered By The Water Utilities Department
- 20 **Resolution No. 9-7-06-325** -- Rejection Of Proposal For The Fleet Fuel Card Program For The Police Department
- 21 **Resolution No. 9-7-06-326** -- Purchases Funded In The 2005-2006 Budget
- (A) Award -- Approving Award To PlayPower LT Farmington, Inc. For Two Play Units For The North Lake Ranch Park Project Through The State Of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) In The Net Amount Of \$27,946.00 For The Parks And Recreation Department
  - (B) Award -- Approving Award Of Annual Contract To Corporate Express For Office Supplies In The Net Estimated Amount Of \$275,000.00 For The Period Of October 1, 2006, Through September 30, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, Through The Cooperative Purchasing Interlocal Agreement Between Tarrant County And The City Of Irving To Be Administered By The Financial Services Department/ Purchasing Division
  - (C) Bids -- Annual Bid For Paper Awarded To Western Paper Co.; Clampitt Paper Company; And Cenveo, Inc. In The Net Estimated Amount Of \$9,505.84 For The Period Of September 7, 2006, Through September 30, 2006, And \$118,328.61 For The Period Of October 1, 2006, Through September 30, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The General Services Department/Print Services Division
  - (D) Bids -- Annual Bid For Tires And Tubes To Grays Wholesale Tire In

The Net Estimated Amount Of \$3,000.00 For The Period Of September 7, 2006, Through September 30, 2006, And \$200,809.36 For The Period Of October 1, 2006, Through August 31, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The General Services Department/Fleet Maintenance Division

- (E) Bids -- Annual Bid For Ice Control Sand To Matbon, Inc. In The Net Estimated Amount Of \$36,248.00 For The Period Of November 1, 2006, Through September 30, 2007, And \$3,295.00 For The Period Of October 1, 2006, Through October 31, 2007, Subject To Funds Being Appropriated In Fiscal Years 2006-2007 And 2007-2008, To Be Used By The Public Works And Transportation Department/Streets Division
- (F) Bids -- Annual Bid For Concrete To Redi-Mix Concrete In The Net Estimated Amount Of \$240,240.00 For The Period Of October 1, 2006, Through September 30, 2007, To Be Used By The Public Works And Transportation Department/Streets Division
- (G) Bids -- Renewal Of Bid With Great Southwest Meters, Inc. For Large Water Meters Testing And Repair In The Net Estimated Amount Of \$136,287.50 For The Period Of October 1, 2006, Through September 30, 2007, Subject To Funds Being Appropriated In Fiscal Year 2006-2007, To Be Used By The Water Utilities Department
- (H) Bids -- Renewal Of Bid With Hersey Meters Company And AMCO Water Metering Systems, Inc., For Automated Meter Reading Water Meters In The Net Estimated Amount Of \$417,914.73 For The Period Of November 1, 2006, Through September 30, 2007, And \$37,992.24 For The Period Of October 1, 2007, Through October 31, 2007, Subject To Funds Being Appropriated In Fiscal Years 2006-2007 And 2007-2008, To Be Used By The Water Utilities Department

- 22 Ordinance No. 8693** -- Amending Section 21-87 Of Chapter 21 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding School Zones On Santa Anita Boulevard From Preakness Drive To South Terminus, Cross Timbers Drive From Santa Anita Boulevard To Park Grove Drive, Elizabeth Hill From Cross Timbers Drive To Churchill Downs, Bridelwood Lane From Elizabeth Hill To Park Grove Drive, And Churchill Downs From Elizabeth Hill To Park Grove Drive
- 23 Ordinance No. 8694** -- Amending Section 21-88 Of Chapter 21 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding A Speed Limit Of 35 Miles Per Hour On Carl Road Between State Highway 183 And Northgate Drive

- 24 **Ordinance No. 8695** -- Zoning Case #5640 -- Granting S-P-2 (Generalized Site Plan) For R-7.5 (Single Family) Uses -- An Approximately 0.17 Acre Tract Located At 1616 Rusdell Drive -- Everett G. Stoneburner, Applicant

This concludes the consent agenda approving items 4-24.

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## ZONING CASES

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- 25 **Resolution No. 9-7-06-327** -- Special Fence Plan #211 -- An 0.74 Acre Tract Located At 3828 Jackson Street (South Side Of Jackson Street, East Of Gilbert Street) -- Francisco J. Godines, Applicant (**Appeal**)

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

Francisco Godines, 3828 Jackson Street, the applicant, presented the case.

After Council discussion regarding the requested height of the fence, the type of fence, the setback requirements and visibility issues, **Councilman Patrick moved to approve the resolution as presented. Seconded by Councilman Dickens, the motion was approved by a vote of 8-1, with Councilman Meagher voting in opposition.**

- 26 **Ordinance No. 8696** -- Zoning Case #5643 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family), Church, Educational, And Child Care Uses -- An Approximately 5.31 Acre Tract Located At 1704 West Airport Freeway -- Plymouth Park Church Of Christ, 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 spoke in opposition of this item:

Hazel Carr, 1816 William Brewster

The following spoke in favor of this item.

Sam Huggins, 2604 Twin Post Court  
Tom T. Fullerton, 1725 Cripple Creek  
Bruce McAdoo, 2628 Castle

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

Jean White, 2020 Mather Street  
Royce Chism,  
Jay Bass, 1056 West Winding Creek, Grapevine, Texas 76051  
Larry Lawrence, 1233 W. Grauwylar  
Joyce Lawrence, 1233 W. Grauwylar  
Allan London, 1708 Cypress Drive  
Nancy Nelson, 2023 Mather Street  
Willa Jones, 1319 Quanah Street  
Erik Baker, 750 Mid Cities Boulevard #1923, Euless, Texas  
James J. Severs, 700 Fayette Drive, Euless, Texas 76039  
Lucy Fullerston, 1725 Cripple Creek  
Virginia Nisbett, 511 Beasley Drive, Lewisville, Texas 75057  
Aubrey Morell Garrett, 1918 Milner Road  
Jimmy Garrett, 1918 Milner Road  
C. Todd Meredith, 3515 Coker Street #228

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

- 27 Ordinance No. 8697** -- Amending Comprehensive Zoning Ordinance No. 1144 Of The City Of Irving, Texas, By Adding Section 52-32g. To Provide The Creation Of A Transit Oriented Development District

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

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#### APPOINTMENTS AND REPORTS

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

There were no appointments made.

- 29** City Manager's Report

- Stated that the City is working closely with social groups with regard to the residents from the Villa Martinique Apartments that were recently displaced from their homes due to serious code violations by the action of the Irving Building and Standards Commission;

- Town Hall Meeting – September 12, 2006, at 7:00 p.m. at Senter Park Recreation Center.

**30 Mayor's Report**

- Ground breaking occurred yesterday on the COPC Clinic.
- Update on Animal Shelter regarding the progress that is being made by the staff to assure improved care of the animals.

**31 Committee And Liaison Report/Meetings**

Councilman Dickens stated that a date will be announced at the next Council meeting on September 21, 2006, for an October Public Hearing regarding the smoking ordinance.

**32 Mayor Gears adjourned the meeting adjourned at 8:42 p.m.**

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**CITIZEN FORUM**

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Terry Waldrum, 222 E. Irving Boulevard, addressed the Mayor and Council regarding the sign ordinance, specifically pertaining to the parking regulations that deal with vehicles that have what constitutes signage on the actual vehicle. He asked that the Council reconsider that portion of the ordinance.

Todd Madrzykowski, 2220 Spanish Trail, addressed the Mayor and Council requesting that city regulations pertaining to campaign signs be suspended through the early voting period from October 23, 2006, through November 3, 2006, to allow signs around early voting locations.

Mary Chapin, 1013 N. Sleepy Hollow, was not present, but had planned to speak about the harassment of citizens by the Code Enforcement Officers.

George Stephenson, 2105 Druid Drive, addressed the Mayor and Council about "South Irving Neglect" and the generally poor appearance of the major thoroughfares in south Irving.

Betty Yarbrough, 204 West 7<sup>th</sup>, addressed the Mayor and Council regarding the problems at the Animal Shelter. Ms. Yarbrough also asked that an independent audit be done on the Animal Shelter operations.

Don Rorschach, 417 Keats Circle, also addressed the Mayor and Council about the problems at the Animal Shelter.

Holly Elms, 3<sup>rd</sup> Street, Animal Shelter Reform Group, also addressed the Mayor and Council regarding the Animal Shelter problems and asked for an outside audit to be done.



Cindy Boase, addressed the Mayor and Council about problems at the Animal Shelter and asked that an outside audit be done on the Animal Shelter.

Linda Nations, 1524 Hux Court, Irving Animal Shelter Reform Group, also addressed the Mayor and Council about the Animal Shelter and also asked that an outside audit be done on the Animal Shelter.

Mike Taggart, 2123 Royal Oaks, also spoke about problems regarding the Animal Shelter. He would like to have an outside audit done on the Animal Shelter.

Gregg Hoffman, 1204 Garden Terrace, also addressed the Mayor and Council regarding the problems with the Animal Shelter and asked for an outside audit.

Tajana Mesic, 3802 Branch Hollow Place, Carrollton, Texas addressed the Mayor and Council about the problems at the Animal Shelter.

Diana Wood, 4237 Shores Court, Fort Worth, Texas also addressed the Council about problems at the Animal Shelter.

Kathleen Chaplain, 1875 Ottinger Road, Roanoke, Texas, also addressed the Council about the problems at the Animal Shelter and asked for an outside audit to be done on the Animal Shelter.

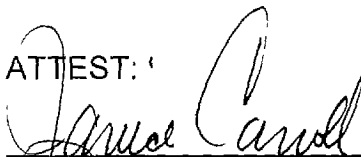
Martha Lindsey, 3421 Moon Drive, Mesquite, Texas, did not come forward but was also concerned about the problems at the Animal Shelter.

Bayn Carlson, 10805 Canoe Road, Frisco, Texas, also spoke about problems at the Animal Shelter and stated that changes needed to be made.

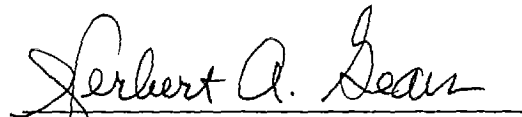
Robin Pressnall, 3316 S. 72<sup>nd</sup> Wave, Tulsa, Oklahoma, Executive Director of Small Paws Rescue, addressed the Council about the problems at the Animal Shelter and asked for an outside audit.

Tom Waits, 4900 Eldorado, North Richland Hills, asked for an external audit

Pam Asturias, Grand Prairie, Texas, Vice President of Feral Friends Animal Rescue and Assistance, also addressed the Council about the Animal Shelter problems.

ATTEST:   
Janice Carroll, TRMC  
City Secretary



  
Herbert A. Gears, Mayor