

**IRVING CITY COUNCIL
WORK SESSION
April 26, 2006**

The Irving City Council met in work session in the First Floor Council Conference Room of the City Hall Complex on April 26, 2006. 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

Mayor Gears convened the meeting at 12:00 P.M.

1 DISCUSSION: Review of Regular Agenda

The Council reviewed the items posted for action at the Regular Council meeting to be held at 7:00 p.m. on April 27, 2006. The following Council directions were noted.

1 Resolution – Recognizing And Expressing Appreciation To Members Of Congress

Acting City Manager Sandy Cash stated that Congressman Michael Burgess along with Representative Gene Green and Senator John Cornyn sponsored the designation of Mr. Byron Nelson of a recipient the Congressional Gold Medal which is the highest honor the United States Congress can bestow upon a civilian citizen.

2 Resolution -- Authorizing The Mayor To Enter Into An Agreement With The Governor's Division Of Emergency Management To Receive Additional Funding In The Amount Of \$116,500.00 For The Urban Area Security Initiative Grant Through The FY 2005 State Homeland Security Grant Program

Councilman Philipp asked staff to prepare a summary of all the Homeland Security Grant funds the city has received and the status of the utilization of the funds.

- 8** Resolution -- Awarding A Contract To SOUTH-WIN, Inc. In The Amount Of \$49,316.00 For The Wyche Park -Trail Lighting Project

Councilman Philipp asked for a briefing on this item.

Director of Parks and Recreation Paul Gooch stated that for over a two year period both bond funds and general funds have been utilized to upgrade Wyche Park. New playground equipment, lighting, and a shade canopy has been installed. Currently a picnic pad and pavilion shelter are under construction. This item today approves lighting for the walking trail. There is \$30,000 still available for asphaltting the walking trail.

- 9** Resolution -- Temporary Use Permit #G0604-0063 -- To Allow The Extension Of The S-P-1 (R-AB) Service Area Into The Parking Lot At On The Border Restaurant Located At 1220 Market Place Boulevard -- Gus Staats, Applicant

Councilwoman Van Duyne asked if there would be issues with noise since they are not setting up until 10:00 p.m

Director of Building Inspections Gary Miller stated that they have addressed the noise issue with the applicant and have provided the ordinance regarding noise to them. This issue should not be a problem.

- 10** Resolution -- Requesting Sign Variance Case No. 0603-0079 Located At 698 East Airport Freeway -- Terry Waldrum, Representing Don Herring Mitsubishi, Applicant

Councilman Cannaday asked for a presentation.

Director of Building Inspections Gary Miller reviewed the facts of this case.

Councilman Stopfer asked if the current owners sold the property, would the non-conforming sign be removed.

Mayor Gears asked if the variance could have stipulations added.

Deputy City Attorney Anderson advised that the variance goes with the sign and there are state statutes that govern this. However, he will see if some conditions can be placed on this variance.

- 13** Resolution -- Authorizing Acceptance Of The Engagement Letter Of The Law Firm Of Vinson & Elkins LLP To Represent The City Of Irving In An Expedited Declaratory Judgment Action

Councilman Dickens asked for a clarification on this fee.

Deputy City Attorney Charles Anderson stated that the firm will be paid out of the bond proceeds.

- 23** Resolution -- Approving Change Order No. 1 To ScoBilt Contractors, Inc. In The Net Amount Of \$27,312 00 For The Renovation Of The Historical Masonic Lodge At The Bear Creek Heritage Center

Acting City Manager Cash stated that there was some damage to the Masonic Lodge that is under renovation, and he is recommending that this be done or the damage will become more severe. He stated that this expense will be paid from the Preservation/Redevelopment cash reserves.

Mayor Gears asked if the board approves all of this first or do we make them take care of these problems.

Preservation/Redevelopment Coordinator Keith Parkhurst stated that there is some concern regarding Preservation and Redevelopment requesting to transfer control of the Bear Creek Project to the Museum board.

The Council agreed to address this at a future meeting.

- 25** Resolution -- Purchases Funded In The 2005-2006 Budget

Councilman Philipp asked if there were any contested bids.

Acting City Manager Cash stated that there were no contested bids and noted that on Item A, there is a \$129,000 rebate from FEMA that will be used to purchase Lifepak 12 defibrillators from Medtronic Emergency Response Systems.

- 29** Ordinance -- Relinquishing Extraterritorial Jurisdiction Of The City Of Irving To A Tract Of Land Generally Located In The Right-Of-Way Of Irving Boulevard From The Trinity River Westward 200 Feet In Favor Of The City Of Dallas

Councilman Philipp asked for an explanation on this item.

Acting City Manager Cash stated the City of Dallas is requesting the City of Irving enter into a partnership to maintain the appearance of the Trinity River Corridor. The project would allow the City of Dallas to bury high tension power lines in the flood way.

Director of Public Works/Traffic and Transportation Jim Cline explained that this is the first step of a process in which there will be an adjustment of the city limits boundary and reviewed the entire process. The area in which the Extraterritorial Jurisdiction will be released is in unincorporated Dallas County at the Trinity River. The City Of Dallas must first annex the land before the boundary adjustment can be made to place the river bridge within the city limits of Dallas. This is key as the existing Trinity River Bridge is to become the maintenance responsibility of the City Of Dallas. This protects the City Of Irving from having any maintenance responsibilities for the bridge.

- 33** Ordinance -- First Reading -- Granting A Franchise To US Cab LLC dba US Cab Company To Operate A Taxicab Service In The City Of Irving, Texas

Councilman Philipp asked if anyone gets to come in and apply for a franchise.

Acting City Manager Cash stated that if they meet all of the requirements for insurance inspections, and they are in compliance with the ordinance, then they can apply. The concern is whether there is a demand in the market for this type of service.

Councilman Philipp asked if they had to have an Irving permit and if they could dispatch from and Irving home.

Chief of Police Larry Boyd stated that they do have to have a permit, and they cannot dispatch from an Irving home or neighborhood

- 34** Ordinance -- Zoning Case #5613 -- Granting ML-20 (Light Industrial) Uses -- An Approximately 22 232 Acre Tract Located On The East Side Of Valley View Lane, North Of Rock Island Road -- Sharon Barbosa-Crain, Applicant

Councilwoman Van Duyne asked for a presentation on this item.

Senior Planner Kenneth Bloom gave a presentation on this item and stated that the applicant is asking for a ML-20 which is a minimum of 20, 0000 square feet of industrial size lots.

Councilman Patrick asked if this was in the Dallas County Flood Control District.

Mr. Bloom stated that it was in the district.

- 35** Ordinance -- Zoning Case #5611 -- 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) Uses --

Approximately 1,619 Square Feet Located At 255 East Grauwlyer Road, Suite 138 -- Gabriel Ventura, Applicant

Senior Planner Kenneth Bloom gave a presentation on this item and stated that staff did recommended approval of this case. During the April 17, 2006 Planning and Zoning meeting, there were five people that spoke in opposition. Included was the Superintendent of the Irving Independent School District since the restaurant is in close proximity to a school.

Acting City Manager Cash stated that staff has followed the normal procedure and recommends moving forward if the applicant meets the requirements. However, Mr. Cash recommended that this zoning case be denied due to the safety issues around the elementary school, church, and the Salvation Army being close to the restaurant.

- 36** Resolution -- Public Hearing -- To Receive Citizen Comments On A Proposed Change In Use Of All City Of Irving Park Property Whereby The City Would From Time To Time Lease City Park Property For Subsurface Mineral Development To Allow Extraction Of Natural Gas And Other Minerals Without The Disturbance Or Use Of The Surface Of The Park Land, And To Determine Whether There Is Any Feasible And Prudent Alternative To Such Change Of Use

Acting City Manager Cash stated that Items #36 and #37 are companion items.

Director of Parks and Recreation Paul Gooch reviewed this process

- 38** Resolution -- Public Hearing -- To Receive Citizen Comments On A Proposed Change In Use Of Portions Of Mountain Creek Preserve, Campión Trails, Twin Wells Golf Course, Trinity View Park and River Hills Park Whereby The City Would Convey Necessary Easements To The Trinity River Authority For The Construction Of The Elm Fork Relief Interceptor, Segment EF1 Project, An 102" Sanitary Sewer Main, And To Determine Whether There Is Any Feasible And Prudent Alternative To Such Change Of Use

Director of Parks and Recreation Paul Gooch stated that this is public hearing and item #39 is the companion item

- 40** Resolution -- Expressing The Intent Of The City Council Not To Impose The Facilities Use Tax Even If Authorized By The Special Election Of May 13, 2006

Acting City Manager Cash stated that this item is on the agenda so the Council may express in a public manner that they have agreed not to impose a facility use tax on the Texas Stadium, provided the Special Election on May 13, 2006, is approved by the voters. Mr. Cash noted that

this is an issue that can be discussed further in Executive session if the Council chooses.

42 City Manager's Report

- Introduced the new Director of Information Technology Hong Sae;
- Short e-mail noting that the Parks and Recreation Department is working on a problem with some vandalism in Keeler Park.
- Letter from Jim Cline to the City of Dallas about linkage with the Trinity River Corridor,
- Annual meeting of the Friends of the Library will be held on Thursday, May 4, 2006, at 7:00 p.m. at the Carpenter Hall;
- 2006 EDS Byron Nelson Championship will be held the week of May 7-14, 2006;
- The City Of Irving And Keep Irving Beautiful will host a Shredding Event for residents on Saturday, April 29, 2006, from 9:00 a.m. until 3:00 p.m.; each citizen will be allowed to bring two boxes of documents to shred.
- Handout on Legislative update noting that the legislative convened in Special Session on April 17, 2006;
- For the 18th consecutive year the City Of Irving has received the Distinguished Budget Presentation Award by the Government Finance Officer Association for the 2005-2006 Fiscal Year;
- Meeting of the Bond Task Force was held on Tuesday, April 24, 2006;
- Councilman Smith asked about the RFP process for the televising of the work-sessions. Director of Community Affairs Pat Nicks stated that they have the draft for the RFP, and she has sent it to Information Technology and General Services for their review.

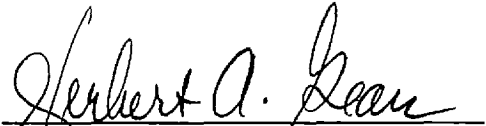
EXECUTIVE SESSION

Mayor Gears read the Council into Executive Session at 2:28 p.m.

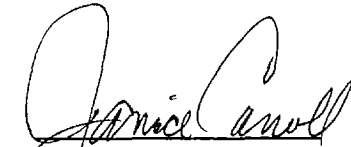
- 2 DISCUSSION:** Land Acquisition – Property Located At 306 E. Shady Grove Road
- 3 DISCUSSION:** Land Acquisition – Property Located At 200 Main Street
- 4 DISCUSSION:** Status Report On Litigation
- 5 DISCUSSION:** Lake Chapman Water Rights And Diversions

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 3:50 p.m.

The meeting adjourned at 3.51 p.m


Herbert A Gears, Mayor

ATTEST:


Janice Carroll, TRMC
City Secretary

