

REGULAR MEETING OF THE IRVING CITY COUNCIL
January 11, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on January 11, 2007 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 organizational service announcements made.

INVOCATION

The invocation was delivered by Father Ben Pardo, St. Mary Anglican Church, of the City Of Irving Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

There were no proclamations or announcements made.

CONSENT AGENDA

The consent agenda, items #1 through #25, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. It is noted that the following citizens wished to register their opposition of Item #9, but did not wish to speak. Doug Harper, 1117 S. Delaware, Sue Harper, 1117 S. Delaware, and Nancy Wilson, Bryn Mawr. **Councilman Philipp moved to approve the consent agenda, items #1 through #25. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0.**

- 1 **Resolution No. 1-11-07-001** -- Approving The City Council Work Session Minutes Of December 13, 2006, And The City Council Meeting Minutes Of December 14, 2006

- 2 **Resolution No. 1-11-07-002** -- Final Plat -- La Villita Townhomes Phase 2 -- A 5.348 Acre Tract Located On The Southwest Corner Of La Villita Boulevard And DeSeo -- Carter & Burgess, Applicant

- 3 **Resolution No. 1-11-07-003** -- Authorizing The Mayor To Apply For And Accept Grant Funds Through The Fiscal Year 2007 Emergency Management Performance Grant Program (EMPG) Offered By The Governor's Division Of Emergency Management
- 4 **Resolution No. 1-11-07-004** -- Authorizing The Mayor To Apply For The 2006 Fire Prevention And Safety Grant Through The U. S. Department Of Homeland Security For Fire Prevention Education Equipment
- 5 **Resolution No. 1-11-07-005** -- Authorizing Staff To Negotiate A Contract With Haston Associates For The Design And Construction Oversight Of Perimeter Screening Berms For The Hunter Ferrell Landfill
- 6 **Resolution No. 1-11-07-006** -- Approving The Renewal Of The Engineering Services Agreement With Haston Associates For The Annual Compliance Monitoring At The Hunter Ferrell Landfill In The Amount Of \$139,298.50 For A Period Of One Year
- 7 **Resolution No 1-11-07-007** -- Approving The Renewal Of The Professional Services Agreement With Geodetix, Inc. For The Annual Aerial Surveying And Mapping At The Hunter Ferrell Landfill In The Amount Of \$8,600.00 For A Period Of One Year
- 8 **Resolution No. 1-11-07-008** -- Approving An Addendum To The Agreement For Legal Services With Bickerstaff, Heath, Pollan & Caroom, L.L.P. In Connection With The Redistricting Of Council Districts
- 9 **Resolution No. 1-11-07-009** -- Approving The Mediated Settlement Agreement In U.U.S., Inc. vs. City Of Irving, Texas, Cause No. DC-05-11002-F, In The Amount Of \$150,000.00
- 10 **Resolution No. 1-11-07-010** -- Approving An Engineering Services Agreement With Freese And Nichols, Inc. In The Amount Of \$216,400.00 For The Design Of The 2007 Miscellaneous Drainage Improvements Project
- 11 **Resolution No. 1-11-07-011** -- Approving An Engineering Services Agreement With Lockwood, Andrews And Newman, Inc. In The Amount Of \$89,835.00 For The Design Of The Nursery Road/Rock Island Railroad Sanitary Sewer Interceptor, Phase II Project
- 12 **Resolution No. 1-11-07-012** -- Approving A Water Services Agreement Between The City Of Irving And Dean International, Inc. In The Amount Of \$270,000.00 Plus Allowable Expenses Not To Exceed \$30,000.00 For Creation Of A Comprehensive Analysis Of Water Related Assets
- 13 **Resolution No. 1-11-07-013** -- Approving An Annual Contract With Terracon Consultants, Inc. For Phase I and Phase II Environmental Assessments, Comprehensive Asbestos Surveys, Abatement Specification Development And Project Management Services, Property Condition Surveys, Wetlands Surveys,

Underground Storage Tanks, And Other Property Acquisition Related Environmental Services

- 14 **Resolution No. 1-11-07-014** -- Approving Property Acquisition -- Lot 1, Block L, Of The Nichols Park 3 Addition Located At 455 Goodyear Street In The Amount Of \$88,000.00 Plus Closing Costs And Relocation Costs Not To Exceed \$11,110.41 For The O'Connor Road Improvement Project, State Highway 183 To Rochelle Boulevard -- Ronnie L. D. Conley And Deborah H. Conley, Property Owners
- 15 **Resolution No.1-11-07-015** -- Approving Property Acquisition -- Lot 14, Block M, Of The Nichols Park 3 Addition Located At 455 Hughes Drive In The Amount Of \$95,000.00 Plus Closing Costs And Relocation Costs Not To Exceed \$9,850.00 For The O'Connor Road Improvement Project, State Highway 183 To Rochelle Boulevard -- Robert Wayne Weems, Property Owner
- 16 **Resolution No. 1-11-07-016** -- Approving Renewal Of A Contract With V. A. Construction For The Annual Concrete Repair Of Sidewalks, Utility Cuts, Streets And Alleys In The Net Estimated Amount Of \$298,750.00 For The Period Of January 12, 2007 Through September 30, 2007 And The Net Estimated Amount Of \$75,000.00 For The Period Of October 1, 2007, Through January 11, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008
- 17 **Resolution No. 1-11-07-017** -- Awarding A Contract To Humphrey & Morton Construction Company, Inc. In The Amount Of \$70,016.00 For The Centennial Park Retaining Wall Project
- 18 **Resolution No. 1-11-07-018** -- Awarding A Contract To Linder Construction Company, Ltd. In The Amount Of \$318,097.00 For The Cottonwood Creek Park Retention Ponds Project
- 19 **Resolution No. 1-11-07-019** -- Awarding A Contract In The Amount Of \$1,474,870.00 To Texas Sterling Construction, L. P. For The Nursery/Railroad Sanitary Sewer Interceptor, Phase I Project
- 20 **Resolution No. 1-11-07-020** -- Approving Change Order No. 1 To Earth Builders, L. P. In The Amount Of \$116,524.00 For The Markwood Park Grading, Channelization And 36-Inch Sanitary Sewer Improvements Project
- 21 **Resolution No. 1-11-07-021** -- Adopting A Policy Statement Related To Minority And Women-Owned Business Enterprises (M/WBE) And The Purchasing Of Basic Goods And Services, Construction, And Professional Services
- 22 **Resolution No. 1-11-07-022** -- Purchases Funded In The 2006-2007 Budget
 - (A) Bids -- Annual Bid For Police Ammunition To GT Distributors, Inc. In The Net Estimated Amount Of \$32,650.72 For The Period Of January 11, 2007, Through September 30, 2007, And \$19,207.00 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

- (B) Bids -- Annual Bid For Turf Fertilizers To UAP; Estes, Inc.; And BWI Companies, Inc. In The Net Estimated Amount Of \$28,784.75 For The Period Of February 1, 2007, Through January 31, 2008, To Be Used By The Parks And Recreation Department
- (C) Bids -- Annual Bid For Grass Sod And Seeds Awarded To Turfgrass America L.P. And Innovative Turf Supply In The Net Estimated Amount Of \$32,296.50 For The Period Of February 1, 2007, Through September 30, 2007, And \$9,475.00 For The Period Of October 1, 2007 Through January 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Parks And Recreation Department And The Public Works Department/Water Utilities Division
- (D) Award -- Approving Award To Holt Cat For One Wheel Loader Through The State Of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) In The Net Amount Of \$89,797.00 For The Public Works Department/Streets Division
- (E) Award -- Approving Award To Holt Cat For Two Asphalt Rollers Through The State Of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) In The Net Amount Of \$61,218.00 For The Public Works Department/Streets Division
- (F) Bids – Renewal Of Bid With DFW Group, Inc. For Mowing And Litter Control For Code Enforcement And Landfill In The Net Estimated Amount Of \$27,273.00 For The Period Of March 1, 2007, Through September 30, 2007; \$42,950.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$15,677.00 For The Period Of October 1, 2008, Through February 28, 2009, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Inspections Department And The Public Health And Environmental Services Department
- (G) Proposals -- Award Of Proposal To Motorola, Inc. For The Purchase Of Cityworks Software Maintenance In The Net Amount Of \$70,610.00 To Be Used By The Public Works Department As Recommended By The Information Technology Department
- (H) Award -- Approving Award To Philpott Ford, Inc. And Caldwell Country Chevrolet For The Purchase Of Five Police Vehicles Through The Tarrant County Cooperative Purchasing Interlocal Agreement In The Net Amount Of \$97,403.00 To Be Used By The Police Department

23 Ordinance No. 8741 -- First Reading -- Granting A Franchise To Irving Holdings, Inc. dba Yellow Cab Company To Operate A Taxicab Service In The City Of Irving, Texas

- 24 **Ordinance No. 8742** -- Authorizing The Abandonment Of A Six Foot Public Utility Easement Located At 2800 East Grauwylers Road -- Proposed Marker Addition
- 25 **Ordinance No. 8743** -- Authorizing The Abandonment Of Two Variable Width Public Utility Easements In Lots 1-3, Las Colinas Area II, Revised Twelfth Installment Located At 114 And 118 John Carpenter Freeway -- Proposed Greenway Addition

This concludes the consent agenda approving Items #1-25.

ZONING CASES

- 26 **Resolution No. 1-11-07-023** -- Requesting Sign Variance Case No. S0611-0010 Located At 2810 North Belt Line Road -- Barkat Jiwani, Owner of Lucky Food Store, Applicant

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

The applicant, Barkat Jiwani, 2810 North Beltline Road, presented the case.

Director of Building Inspections Gary Miller gave an explanation of this item.

The following registered in opposition, but did not wish to speak:
Doug Harper, 1117 S. Delaware

Councilman Dickens moved to approve the resolution but reducing the monument sign to fifteen feet with a ten foot setback. Seconded by Councilman Patrick, the motion was approved by a vote of 5-3, with the following Councilmember's voting in opposition: Councilwoman Van Duyne, Councilman Stopfer, and Councilman Meagher.

- 27 **Ordinance No. 8744** -- Amending Section 33A-2 Of Chapter 33A, Entitled Landscape And Setback, Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Delete Certain Properties Adjoining The South Right-Of-Way Line Of State Highway 183 At 1800 East Airport Freeway From The Thirty Foot Setback Provisions Of Section 33A-3 -- Freeman Mazda-Hyundai, Applicant

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

The applicant, Mike McFarland, 1800 E. Airport Freeway, presented the case.

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

- 28 Resolution No. 1-11-07-024** -- Requesting Sign Variance Case No. 0612-0067 Located At 1800 East Airport Freeway -- Jerry Freeman, Owner of Freeman Mazda Hyundai, Applicant

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.
Doug Harper, 1117 S. Delaware

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

- 29 Resolution No. 1-11-07-025** -- Requesting An Exception To The Masonry Requirements For Property Located At 4201 North State Highway 161 (The Offices At State Highway 161 And Walnut Hill Lane) -- Hardy McCullah/MLM Architects, Applicant

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

Kyle McCullah, Hardy McCullah/MLH Architects, 12221 Merit Drive, #20, presented the case.

Councilman Dickens moved to postpone this item to the January 25, 2007, City Council Meeting at the request of the applicant. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.

- 30 Resolution No. 1-11-07-026** -- Zoning Case #5666 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An 0.165 Acre Tract Located At 2000 Meadow Lark (South Side Of Meadow Lark, East Of South Story Road) -- Francis E. Lambright, Applicant

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

The applicant, Francis Lambright, 2000 Meadow Lark, presented the case.

Manager of Urban Development Steve Reed gave an explanation on this item and stated that Planning and Zoning Commission recommended denial; however, the new proposal is in compliance with the carport ordinance. It is staff's recommendation that it be referred back to the Planning and Zoning Commission.

The following registered to speak in opposition of this item.

Cecile Leatherman, 2021 Meadow Lark
Erin Perdue, 2001 Meadow Lark
Maxine Romo, 2112 Meadow Lark
Nancy Wilson, Bryn Mawr Drive

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

Linda Fisher, 1619 Dale Place
Doug Harper, 1117 S. Delaware
Sue Harper, 1117 S. Delaware

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

Robert Richardson, 2009 Meadow Lark

After Council discussion, **Councilwoman Van Duyne moved that this item be referred back to Planning and Zoning. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.**

INDIVIDUAL CONSIDERATION

- 31 Resolution No. 1-11-07-027** -- Employment Of Kathy Cleveland To Provide Services In Regard To Human Resources Matters

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

APPOINTMENTS AND REPORTS

- 32 Resolution No. 1-11-07-028** -- Appointment Of Larry Boyd, Police Chief, To The Tarrant County 911 Board Of Managers To Replace Assistant City Manager Gilbert Perales With Term To Expire April 2008

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

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

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

There were no appointments made.

- 34 City Manager's Report**

- Lake Chapman Water Level – The recent rains have increased the level of Lake Chapman to 426.45 feet. In all, the lake has risen more than four feet in

the past few weeks. More rain is anticipated this weekend, and the city is optimistic the level will rise further;

- Minimum Development Standards for Hotels – On January 2, 2007, the Planning and Zoning Commission recommended approval of amendments to the city’s minimum development standards for new hotels as proposed by the Irving Convention and Visitors Bureau;
- Animal Shelter supervisor has been hired.

35 Mayor’s Report

- Press release was issued this afternoon stating that the City Of Irving will enter into exclusive negotiations with Cleveland based Forrest City Enterprises for the Texas Stadium site.

36 Committee And Liaison Report/Meetings

Councilman Philipp announced that on March 1, 2007, a Celebration of Education Excellence will be held at MacArthur High School at 7:00 p.m. Councilman Philipp also highlighted Adrian Gallegos, he is a senior at Irving High School, and he will receive a four-year scholarship to Princeton University.

Councilman Patrick also stated that when Adrian Gallegos started first grade at J.R. Good Elementary School, he could not speak English.

37 The meeting adjourned at 8:35 p.m.

CITIZEN FORUM

George Stephenson, 2105 Druid Drive, addressed the Mayor and Council regarding neglect in South Irving.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary