

REGULAR MEETING OF THE IRVING CITY COUNCIL
February 22, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on February 22, 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 Pastor Robert Corser, Joy Chapel 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 #20, 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 Item 17 would be pulled and be considered at a later date, and on Item 13, Genie Mitchell, 2220 Spanish Trail, offers her support for the DART resolution. **Councilman Stopfer moved to approve the consent agenda, items #1 through #20, excluding Item 17. Seconded by Councilman Smith, the motion was approved by a vote of 9-0.**

- 1 Resolution No. 2-22-07-070** -- Approving The City Council Work Session Minutes Of February 7, 2007, And The City Council Meeting Minutes Of February 8, 2007

- 2 Resolution No. 2-22-07-071** -- Approving Agreements Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau And SBC Global Services, Inc. dba AT&T Global Services On Behalf Of Southwestern Bell Telephone, L.P. (AT&T) In The Net Amount Of \$38,422.80 For A Period Of Three Years From Date

Of Service Cutover (Estimated To Be No Later Than June 1, 2007) For Integrated Services Digital Network Primary Rate Interface (ISDN PRI), Long Distance Service Block Of Time, And Managed Internet Services

- 3 **Resolution No. 2-22-07-072** -- Approving The Irving Arts Center's Guidelines For Arts Financial Assistance Program Which Is Used For The Irving Arts Center's Grant Program

- 4 **Resolution No. 2-22-07-073** -- Authorizing The Mayor To Enter Into An Agreement With Dallas County Elections Department To Administer The Regular Municipal Election To Be Held On Saturday, May 12, 2007, For The Purpose Of Electing City Council Places One (1), Two (2), And Seven (7), And A Subsequent Run-Off Election, If Necessary

- 5 **Resolution No. 2-22-07-074** -- Authorizing Staff To Award A Contract With Haston Associates For Design And Construction Oversight Of Perimeter Screening Berms For The Hunter Ferrell Landfill

- 6 **Resolution No. 2-22-07-075** -- Awarding A Contract To Landes & Associates, Inc. In The Amount Of \$100,020.00 For Surveying Services For The Hunter Ferrell Landfill

- 7 **Resolution No. 2-22-07-076** -- Awarding A Legal Services Agreement To Lloyd, Gosselink, Blevins, Rochelle & Townsend, P.C. In The Amount Of \$800,000.00 For The Hunter Ferrell Landfill

- 8 **Resolution No. 2-22-07-077** -- Approving Addendum No. 2 To Chiang, Patel & Yerby, Inc. In The Amount Of \$834,500.00 For Permit Amendment And Facilities Design For The Hunter Ferrell Landfill

- 9 **Resolution No. 2-22-07-078** -- Awarding A Bid To North Texas Waterproofing And Restoration, Inc. In The Net Amount Of \$42,582.00 For The Irving Soccer Complex Building Envelope Remediation Project

- 10 **Resolution No. 2-22-07-079** -- Approving Addendum No. 2 To The Consulting Services Agreement Between The City Of Irving And PSA-Dewberry In An Amount Not To Exceed \$143,746.00 For The Architectural And Engineering Services For The Central Library Renovation Project

- 11 **Resolution No. 2-22-07-080** -- Awarding A Contract To SYB Construction Co., Inc. In The Amount Of \$464,128.42 For The 2007 Water Main Replacement, Section IV Project

- 12 **Resolution No. 2-22-07-081** -- Approving Change Order No. 1 To SYB Construction Co., Inc. In The Amount Of \$84,961.01 For The Wildwood Drive Street Improvements Project
- 13 **Resolution 2-22-07-082** -- Supporting The Dallas Area Rapid Transit NW Corridor LRT Alignment From The East City Limit To Belt Line Road
- 14 **Resolution No. 2-22-07-083** -- Approving An Interlocal Agreement Between The City Of Irving And The City Of Arlington To Establish A Cooperative Purchasing Program
- 15 **Resolution No. 2-22-07-084** -- Authorizing The Mayor To Execute An Agreement Between The City Of Irving And American Traffic Solutions For Automated Red Light Program Services And Right-Of-Way Use
- 16 **Resolution No. 2-22-07-085** -- Purchases Funded In The 2006-2007 Budget
 - (A) Bids -- Renewal Of Bid With George-McKenna Electrical Contractors, Inc. For Maintenance Of Jail Electronics In The Net Estimated Amount Of \$28,000.00 For The Period Of May 1, 2007, Through September 30, 2007; \$56,000.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$28,000.00 For The Period Of October 1, 2008, Through April 30, 2009, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Used By The Police Department
 - (B) Award -- Approving Award To Xerox For 36-Month Leases Of Three Copiers Through The Texas Cooperative Purchasing Network (TCPN) For The Police Department In The Net Estimated Amount Of \$6,784.33 For The Period Beginning With A Tentative Installation Date Of March 15, 2007, Through September 30, 2007; \$11,630.28 For The Period Of October 1, 2007, Through September 30, 2008; \$11,630.28 For The Period Of October 1, 2008, Through September 30, 2009; And \$4,845.95 For The Period Of October 1, 2009, Through March 31, 2010, Subject To Funds Being Appropriated In Fiscal Years 2007-2008, 2008-2009, And 2009-2010, To Be Administered By The Finance And Development Department/Purchasing Division
 - (C) Bids -- Renewal Of Bid With Baker & Taylor, Inc. For Library Books And AV Materials With Electronic Ordering Interface In The Net Estimated Amount Of \$146,747.50 For The Period Of April 1, 2007, Through September 30, 2007, And \$146,747.50 For The Period Of October 1, 2007, Through March 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Libraries Department

- (D) Bids -- Renewal Of Bid With Cardinal Home & Lawn Care For Mowing, Litter Control, And Landscape Maintenance For Water Utilities In The Net Estimated Amount Of \$17,589.65 For The Period Of March 1, 2007, Through September 30, 2007, And \$12,564.03 For The Period Of October 1, 2007, Through February 28, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Public Works Department/Water Utilities Division
 - (E) Award -- Approving Award To Holt Cat For One Backhoe Loader Through The State Of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) In The Net Amount Of \$56,560.00 For The Public Works Department/Water Utilities Division
 - (F) Bids -- Renewal Of Bid With Superior Lubricants Inc. DBA Superior Fuels For Unleaded And Diesel Fuel In The Net Estimated Amount Of \$1,250,000.00 For The Period Of February 1, 2007, Through September 30, 2007; \$2,000,000.00 For The Period Of October 1, 2007, Through September 30, 2008; And \$750,000.00 For The Period Of October 1, 2008, Through January 31, 2009, Subject To Funds Being Appropriated In Fiscal Years 2007-2008 And 2008-2009, To Be Administered By The Equipment And Building Services Department/Fleet Maintenance Division
- 17 File No. 2-22-07-086 -- Amending Chapter 18 Entitled "Food And Food Establishments" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Providing Amendments, Modifications, And Deletions To Definitions, Food Handler Requirements, And Permit Compliance And Enforcement Of The Texas Food Establishment Rules, Previously Adopted And Amended; Providing Affirmative Defenses; Providing A Severability Clause; Preserving Pending Actions Under The Existing Ordinance; And Providing An Effective Date (This was not approved at the request of staff.)**
- 18 Ordinance No. 8756 -- Relating To The Authorization, Issuance And Delivery Of Replacement Bonds To Replace Certain Previously Destroyed, Lost Or Stolen Bonds Of The City Entitled "City Of Irving Junior Lien Texas Stadium Revenue Refunding Bonds, First Series" And Other Matters Relating To The Subject And Purposes Hereof**
- 19 Ordinance No. 8757 -- Relating To The Authorization, Issuance And Delivery Of Replacement Bonds To Replace Certain Previously Destroyed, Lost Or Stolen Bonds Of The City Entitled "City Of Irving Junior Lien Texas Stadium Revenue Refunding Bonds, Second Series" And Other Matters Relating To The Subject And Purposes Hereof**

- 20 Ordinance No. 8758** -- Authorizing The Abandonment Of A 30 Foot Privately Maintained Drainage And Public Sanitary Sewer Easement, A 30 Foot Privately Maintained Drainage Easement, A 20 Foot Drainage Easement, And A Variable Width Mutual Access Easement On Lots 1 And 2, Block A, Regent Boulevard Center Addition

This concludes the consent agenda approving Items #1-20.

- 20B Resolution No. 2-22-07-087** -- Street Name Change – No. 85 – Changing The Name Of Frisco Avenue To J.R. Sheppard Avenue – Candi Dunning/Ben Washington Baptist Church, Applicant

Mayor Gears introduced the item and stated that this is a supplemental item added to the agenda on Monday, and posted that day. He and asked if anyone wished to speak in favor or opposition.

Candi Dunning, 2527 Oak Bend Lane, Dallas, Texas, member of the Ben Washington Baptist Church presented the case.

The following registered to speak in opposition of this item:

Agbai K.Ude , 3939 Frisco Avenue,
Rodrigo Ramirez, 3934 Frisco Avenue
James W. Hathron, 3937 Frisco Avenue

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

Karen Hathorn, 3937 Frisco Avenue

The following registered to speak in favor of this item.

Glover McMillan, 4113 Highcrest Drive
Chris Williams, 8471 Winecup Ridge, Dallas, Texas 75249

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

Kenneth Levine, 1007 Deedee Creek Drive, Eules, Texas
Carla Barnett, 1136 Oxford Drive, DeSoto, Texas 75115
Rhonda Mudd, 837 Park Forest Drive, Hurst, Texas 76053
Mildred Mitchell,
Eloise McMillan
Patricia Landry
Vicki Garrett
Chester Jackson
Daman Evans
Charles Neely
Susie Porter
Mary Beck
Arlene Gillery Nora
Anne Brown Caldwell
Lynnette Marsh
Delores Anne Beard

Marcello Robison, 4036 Portland, Irving, Texas
Robert Robinson 4036 Portland, Irving, Texas
Karen Purt
Debra Cotton
Tamikas Walker
Ernestine Meadows
Lanisha Marsh
Roselyn Walker
Sandra Rogers
Lauren Parker Jackson
Robert Purt
Peggy Lampkin
Mike Rogers
Joanne English
Kathryn Lowe
Teresa Payres Sr.
Steven Sippion
Louise Giddons
Betty M. Tatum, 175 Cowboys Parkway
Maliki Clark
Marilyn Jackson
Jeffery Sergeant
LaQueena Rowe
Ontario Rowe
Nessia Bacon
Helen Williams
Jamie Harry
Kavon Moore
Tara Hill
Michelle Ball
Linda Covington
Joe Walker
Ruby Walker
Gerald Williams
Layda Roberts
Rosie Ruffin
Melvin Warren
Carrie Miller
Shanta Ball
Felicia Talbert
Chad Como
Candice Sonders
Jacquelyn Arcady
Debona Hill
Michelle Heard
Zexia Evans
Diamond Rowe

Jeff Porter
Shataria Terry
Ruth Sonders
Debra Wallace
Cornelle Wilson Jr.
Lisa Palmer
Joseph Palmer
Brenda Coleman
Robert Hayes
Sandra McMillan
Joseph Shepard
Madine Shepard
Ed Haymer
Justin Garrett
Benny Warren
Jerome Simmons
Kesha Gibbons Brooks
Urika Williams
Jacary Williams
Rayuna Holmes
Teresa Williams
Terrell Jones
Terrall Capers
Angela Capers
Tia Hatchell
Gwen Armstrong
Nellie Dunbar

A petition was also presented to the Council containing 301 names.

Director of Planning and Development Ed Barry gave a presentation on this street name change. He noted that the residents of Frisco Avenue were opposed to this change.

After discussion, **Councilman Cannaday moved to postpone this item and refer it back to the Parks and Recreation Department to consider renaming West Park Recreation Center that is located adjacent to the church. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.**

ZONING CASES

- 21 Ordinance No. 8759** -- Zoning Case #5665 -- Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) Uses -- A 4.960 Acre Tract Located At 1910-1912 North Britain Road (East Side Of North Britain Road, South Of East Airport Freeway) -- Sharon Barbosa-Crain, Applicant **(Postponed From The January 25, 2007 City Council Meeting)**

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. Ms. Barbosa-Crain noted that handouts were provided to the Mayor and Council agreeing to use a solid screening material.

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

Nancy Wilson, 2911 Bryn Mawr Drive

Doug Harper, 1117 S. Delaware

Sue Harper, 1117 S. Delaware

The following spoke in favor of this item.

Carole Shlipak, 1500 Colony Drive; representing the Housing Human Services Board.

Councilman Dickens moved to approve the ordinance with the stipulations to the site plan. Seconded by Councilman Smith, the motion was approved by a vote of 9-0.

- 22 Resolution No. 2-22-07-088 -- 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 (Returned To The Planning And Zoning Commission At The January 11, 2007 City Council Meeting)**

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

The applicants, Mr. Francis Lambright and Mrs. Sharon Lambright, 2000 Meadow Lark presented the case.

The following registered to speak in opposition:

Sue Harper, 1117 S. Delaware

Maxine Romo, 2112 Meadow Lark

Tonie Calhoun,

Cecile Leatherman, 2021 Meadow Lark

Manuel Trevino, 7120 Skillman Road Suite 1056, Dallas, Texas

Ed Van Eck,

Erin Purdue, 2001 Meadow Lark

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

Elaine Harrington, 2101 Meadow Lark

Doug Harper, 1117 S. Delaware

Nancy Wilson, 2911 Bryn Mawr Drive

Linda Fisher, 1614 Dale Place

Jan Killen, 901 Olde Towne

The following registered in support, but did not wish to speak:
Robert Richardson, 2009 Meadow Lark

The following registered to speak in favor:
Genie Mitchell, 2220 Spanish Trail

After Council discussion, Councilman Patrick moved to approve the ordinance as presented. Seconded by Councilman Dickens, the motion failed by a vote of 4-5, with the following voting in opposition: Councilwoman Van Duyne, Councilman Cannaday, Smith, Philipp and Meagher.

- 23 Ordinance No. 8760** -- Zoning Case #5668 -- Granting S-P-2 (Generalized Site Plan) For C-C (Community Commercial) And Hotel Uses -- An Approximately 6.35 Acre Tract Located At 2280, 2300, And 2304 Valley View Lane -- Thomas Hoover Engineering, Applicant

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

Robert Reeves, 900 Jackson Street, #160, representing the applicant presented the case.

Councilman Patrick moved to approve the ordinance pursuant to the recommendation of Planning and Zoning Commission and inclusion of a pedestrian walk way between the two hotels on this site. Seconded by Councilman Smith, the motion was approved by a vote of 9-0.

- 24 Resolution No. 2-22-07-089** -- Withdrawing Comprehensive Plan Amendment And Zoning Case #5676 Requesting S-P-2 (Generalized Site Plan) For C-O (Commercial Office) District And Hotel Uses In Zoning Case #5676 -- An Approximately 2.7 Acre Tract Located At 451 Decker Drive -- Apex Hospitality, Applicant **(Postponed From The February 8, 2007 City Council Meeting)**

Mayor Gears introduced the item and stated that this item would be withdrawn at the request of the applicant.

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

INDIVIDUAL CONSIDERATION

- 25 Resolution No. 2-22-07-090** -- Authorizing The Mayor To Sign A Memorandum Of Understanding With SMG To Serve As The Facility Operator For The Multi-Purpose Center Project As Unanimously Recommended By The Irving Convention And Visitors Bureau Board Of Directors

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

The following registered in favor, but did not wish to speak.
Clem Lear, 4643 O'Connor Court

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

- 26 File No. 2-22-07-091** -- Approving An Agreement Between The City Of Irving, Texas Spirit And Watermark Hotels With ADMI, Inc. For Their Assistance In The 90 Day Implementation Plan Phase Of The Las Colinas Live! Hotel And Convention Center Program

Mayor Gears stated that this item is being pulled at the request of staff, there was no motion presented.

- 27 Ordinance No. 8761** -- Authorizing The City Of Irving To Participate In The Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, Nominating Owens Corning Roofing And Asphalt, LLC To The Office Of The Governor Economic Development And Tourism Through The Economic Development Bank For Designation As A Qualified Business And An Enterprise Project Under The Act And Designating A Liaison For Overseeing Enterprise Projects And Communicating With Interested Parties

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

Don Williams, Director of Business Retention /Expansion for the Greater Irving Las Colinas Chamber of Commerce, 301 W. Irving Blvd. spoke in favor of this item.

The following registered in support but did not wish to speak.

Genie Mitchell, 2220 Spanish Trail

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

- 28 Resolution No. 2-22-07-092** -- Temporary Use Permit #G0702-0009 To Allow The Outside Storage Of A Crane To Be Used To Display A Vehicle At Toyota Of Irving, 1999 West Airport Freeway -- Vincent Ferrare, Applicant

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

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

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

Doug Harper, 1117 S. Delaware

Nancy Wilson, 2911 Bryn Mawr Drive

Councilman Patrick moved to approve the resolution to allow a thirty day temporary use permit. Seconded by Councilman Meagher, the motion was approved by a vote of 6-3, with the following voting in opposition: Councilwoman Van Duyne, Councilman Cannaday and Philipp.

APPOINTMENTS AND REPORTS

29 City Manager's Report

- Evaluation forms for the City Manager review were approved by a subcommittee and provided to the entire Council.
- City Manager Gonzalez also thanked Attorney Cathy Cunningham and his Assistant Jonathon Bazan for all their hard work on the Legislative Update presented to the Council this evening.

30 Mayor's Report

There was no report given.

31 Committee And Liaison Report/Meetings

There was no report given.

32 The meeting adjourned at 9:40 p.m.

CITIZEN FORUM

Michael McPhail, 815 Dixon Drive, thanked the Mayor and Council for taking the position that the issue of illegal immigration is a Federal issue and not a local one.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary