

REGULAR MEETING OF THE IRVING CITY COUNCIL
March 8, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on March 8, 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 Travis Stanley, Plymouth Park Church of Christ, of the City Of Irving Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears recognized the two special groups of people who represent the talented and dedicated people who live and work in Irving. These two groups of people are highly deserving of recognition, and Mayor Gears stated that he is honored to have them in attendance tonight.

The Nimitz High School Academic Decathletes:

He introduced and presented Certificates of Appreciation to the Academic Decathlon Team from Nimitz High School. Shehznan BaquiJeremiah Glenn, Matthew Granado, Jared Hindman, Jerry Jacob, Alex Masterson, Joseph Mathew, Austin Christenberry and Murtaza Jafferji. Their dedicated coaches are: Jeremy Chumley, Diona Dahl, Joanna Easton, Julia Friedl and Greg Jackson were also recognized.

Irving Firefighters:

Mayor Gears recognized an incredible group of men who place their lives on the line everyday to protect the citizens of Irving. He also read the following: On February 24, 2007, at 2:24 p.m. a group of firefighters on Engine 6 were dispatched to a structure fire at an apartment complex. Once the men arrived, they were alerted that an occupant was trapped in an upstairs apartment. Captain Riddle and Firefighter Lancaster pulled a hose

line to the second floor to gain access to the apartment and to rescue the occupant. The firefighters involved with this rescue were:

Engine 6: Captain Paramedic Phil Riddle
Driver Paramedic Ray Henry
Firefighter EMT Andy Lancaster

Truck 2: Acting Captain Paramedic Ken Kruszynski
Acting Drive EMT Dave Austin
Firefighter EMT David Jennings

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. Councilwoman Van Duyne signed a Conflict Of Interest Affidavit for Item #7 and will abstain from voting on this item, and this was noted. Acting City Attorney Charles Anderson gave an explanation on Item 9 as Doug Harper, 1117 S. Delaware asked for an explanation. **Councilman Smith moved to approve the consent agenda, items #1 through #20. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0, with Councilwoman Van Duyne abstaining from voting on Item 7.**

- 1 **Resolution No. 3-8-07-093** -- Approving The City Council Work Session Minutes Of February 21, 2007, The Special City Council Meeting Minutes Of February 22, 2007, And The City Council Meeting Minutes Of February 22, 2007
- 2 **Resolution No 3-8-07-094** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving's Records Management Policy
- 3 **Resolution No. 3-8-07-095** -- Authorizing The Mayor To Sign A Sponsorship Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau (ICVB) And The Salesmanship Club Charitable Golf Of Dallas In The Amount Of \$165,000.00 For A Host City Sponsorship, Media Center Co-Sponsorship, And Media Guide Sponsorship For The 2007 EDS Byron Nelson Championship
- 4 **Resolution No. 3-8-07-096** -- Authorizing The Mayor To Sign An Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau (ICVB) And The Four Seasons Resort And Club To Provide Food/Beverage/Entertainment Services For Customers/Clients During The EDS Byron Nelson Championship, April 22-29, 2007, In An Amount Not To Exceed \$40,000.00
- 5 **Resolution No. 3-8-07-097** -- Authorizing The Mayor To Sign A Host City Sponsorship Agreement Between The City Of Irving On Behalf Of The Irving Convention And Visitors Bureau (ICVB) And Professional Convention Management Association (PCMA) Education Foundation In The Amount Of \$100,000.00 For The Partnership Summit, May 31-June 3, 2007, At The Four Seasons Resort And Club

- 6 **Resolution No. 3-8-07-098** -- Approving A Service Agreement Between The City Of Irving And The Irving Housing Finance Corporation For The Provision Of Housing Services In An Amount Not To Exceed \$3,000,000.00
- 7 **Resolution No. 3-8-07-099** -- Approving A Letter Of Agreement Between The City Of Irving And The Las Colinas Association In The Amount Of \$250,000.00 For The Carpenter Memorial Plaza (**Councilwoman Van Duynes abstained from this item.**)
- 8 **Resolution No. 3-8-07-100** -- Approving An Interlocal Reimbursement Agreement Between The City Of Irving And The Dallas County Utility And Reclamation District (DCURD) For The Desiltation Of DCURD Waterways As It Relates To The Tax Increment Finance (TIF) Project Plan Section 2.4 - One Time Desiltation Of DCURD Waterways, In An Amount Not To Exceed \$471,768.00
- 9 **Resolution No. 3-8-07-101** -- Approving A Legal Services Engagement Agreement With Fulbright & Jaworski L.L.P. For Advice And Representation In Connection With Real Estate Matters And Such Other Legal Matters As Deemed Necessary By The City Attorney
- 10 **Resolution No. 3-8-0-102** -- Awarding A Contract To Ed Bell Construction, Inc. In The Amount Of \$4,669,107.97 For The Las Colinas Boulevard Extension, Phase I From North Of Spur 348 To Colwell Boulevard Project
- 11 **Resolution No. 3-8-07-103** -- Awarding An Engineering Contract To Terracon Consultants, Inc. For The Annual Geotechnical Engineering And Construction Materials Testing And Inspection Contract
- 12 **Resolution No. 3-8-07-104** -- Approving Property Acquisition -- Lot 1, Block N, Of The Nichols Park 3 Addition Located At 454 Hughes Drive, In The Amount Of \$95,000.00 Plus Closing Costs And Relocation Costs Not To Exceed \$16,150.00 For The O'Connor Road Improvement Project, State Highway 183 To Rochelle Boulevard -- Paul G. And Barbara Ann Hamel, Property Owners
- 13 **Resolution No. 3-8-07-105** -- Approving Addendum No. 1 To The Engineering Design Services Agreement With Glenn Engineering Corporation In The Amount Of \$42,200.00 For The Las Colinas Boulevard Paving Project From Lake Carolyn Boulevard To Colwell Boulevard
- 14 **Resolution No. 3-8-07-106** -- Approving Change Order No. 3 To S. J. Louis Construction Of Texas In The Amount Of \$27,259.57 For The Dry Branch Creek Interceptor Sanitary Sewer Improvements, Stage II Project
- 15 **Resolution No. 3-8-07-107** -- Authorizing Staff To Negotiate An Engineering Services Agreement With Corpro Companies Inc. To Evaluate The Status Of The Cathodic Protection System For The Lake Chapman Raw Water Supply Line
- 16 **Resolution No. 3-8-07-108** -- Approving The First Amendment To The Advanced Funding Agreement With The Sulphur River Basin Authority For The Development

Of Water Resources In The Sulphur River Basin In An Amount Not To Exceed \$150,000.00

- 17 Resolution No. 3-8-07-109** -- Awarding A Professional Services Contract To Arcus Public, A Division Of Arcus, LLC For The Assistant City Manager And The Financial Services Director Recruitment Process In The Net Amount Not To Exceed \$50,000.00
- 18 Resolution No. 3-8-07-110** -- Purchases Funded In The 2006-2007 Budget
- (A) Award -- Approving Award To Dallas Mack Sales, LP And B & C Body Co. For The Purchase Of A Roll-Off Truck Through The Interlocal Agreements For Cooperative Purchasing With BuyBoard And Houston-Galveston Area Council Of Governments In The Net Amount Of \$161,564.63 To Be Used By The Solid Waste Services Department
 - (B) Proposals -- Renewal Of Proposal With Allied Waste Services For Processing Of Recyclables Collected In Irving's Curbside Collection Program In The Net Estimated Revenue Amount Of \$14,514.48 For The Period Of April 1, 2007, Through September 30, 2007, And \$14,514.48 For The Period Of October 1, 2007, Through March 31, 2008, Based On 80% Net Profit Of Collected Recyclables, To Be Administered By The Solid Waste Services Department
 - (C) Award -- Approving Award To Hanson Pipe & Precast, Inc. To Provide Material And Labor To Add Manway Accesses To Dallas Water Supply Line #3 In The Net Amount Of 176,830.00 To Be Used By The Public Works Department/Water Utilities Division
- 19 Ordinance 8762** -- Authorizing The Abandonment Of Five Feet Of A Ten Foot Public Utility Easement On Lot 12, Block B, University Park No. 1, Located At 3405 University Park
- 20 Ordinance No. 8763** -- Authorizing The Abandonment Of A 15-Foot Utility Easement In The Las Colinas Business Park Sectors XIII And XV - Phase 2, Located Along State Highway 114 At Longhorn Drive

This concludes the consent agenda items 1-20.

ZONING CASES

- 21 Resolution No. 3-8-07-111** -- Preliminary/Final Plat -- Preston Hollow -- A 5.411 Acre Tract Located On The Southeast Corner Of Northgate Drive And Rochelle Boulevard -- Mark T. Owens, Applicant

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

The applicant Mark T. Owen, 6230 Indian Point Rad, Aubrey, Texas, presented the case.

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

- 22 Resolution No. 3-8-07-112** -- Zoning Case #5658 -- Granting S-P-1 (Detailed Site Plan) For Drive-In Restaurant Uses -- A 1.189 Acre Tract Located On The North Side Of Corporate Drive, Approximately 400 Feet East Of MacArthur Boulevard -- N3 Capital LLC, Applicant

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

Jeff Bren, N3 Capital LLC, 301 Commerce Street #3131, Fort Worth, Texas, representing the applicant presented the case.

After Council discussion, **Councilman Dickens moved to approve the ordinance as presented. Seconded by Councilman Patrick, the motion failed by a vote of 3-6, with the following Councilmembers voting in opposition: Mayor Gears, Councilwoman Van Duyne, Councilman Philipp, Councilman Smith, Councilman Stopfer and Councilman Meagher.**

- 23 Ordinance No. 8764** -- Zoning Case #5677 -- Granting PUD (Planned Unit Development) For S-P-1 (Detailed Site Plan) For R-AB (Restaurant Including The Sale Of Alcoholic Beverages For On-Premises Consumption) Uses -- An Approximately 2,945 Square Foot Tract Located At 6420 North MacArthur Boulevard, Suite 140 -- Dong Kyu Pyon (Sushi Tokyo), Applicant

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

The applicant Don Kyu Pyon, 557 Ranch Trail #209, Irving, Texas, presented the case.

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

INDIVIDUAL CONSIDERATION

- 24 Resolution No. 3-8-07-113** -- Requesting Sign Variance Case No. S0701-0042 Located At 5400 Whitehall Street -- Steve Benson, Representing Benihana, Applicant

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

Steve Benson, representing Benihana, 5400 Whitehall Street, Irving, Texas, presented the case.

Councilman Philipp asked for a briefing from staff.

Director of Gary Miller explained that the sign was installed in the wrong location.

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

- 25 Resolution No. 3-8-07-114** -- Requesting Sign Variance Case No. S0702-0022 Located At 1717 North Story Road -- Greg Turner, Representing Kentucky Fried Chicken, Applicant

Mayor Gears introduced the item and stated that the applicant has asked that this item be postponed to the March 22, 2007 City Council meeting.

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

Councilman Philipp moved to approve the postponement of this item to the March 22, 2007 City Council meeting. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.

- 26 Resolution No 3-8-07-115** -- Temporary Use Permit #G0702-0019 -- To Allow The Extension Of The S-P-1 (R-AB) Service Area Into The Parking Lot At Bennigan's Restaurant Located At 4300 West Airport Freeway -- Doug Ducant, Applicant

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

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

- 26B Ordinance No. 8765** – Calling A Special Municipal Election To Be Held On May 12, 2007, To Fill The Unexpired Term Of City Council Place Five (5) Through May 2008 Due To The Resignation Of Lowell Cannaday

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

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

APPOINTMENTS AND REPORTS

- 27** City Manager's Report

- Neighborhood Enhancement Program Community Awareness Meeting was held March 3, 2007,
- Work Session will be aired live starting on March 21, 2007,
- Legislative Program Agenda is on the City's website,

- The City Manager's report and the redistricting information are also on the website.

28 Mayor's Report

There was no report given.

29 Committee And Liaison Report/Meetings

- Legislative Committee, 11:00 a.m., March 19, 2007;
- Audit And Finance Committee, 10:00 a.m., March 27, 2007;
- Public Works Committee, 11:30 a.m., March 27, 2007;
- Councilman Meagher stated that that the US Department of Urban Development HUD performed an audit on the Housing and Human Services Department and praised the department for all their hard work.
- Councilman Philipp stated that the Housing and Finance Corporation agreement was passed on the agenda this evening. He also mentioned that on March 29, 2007, the Police Banquet will be held at the DFW Westin.
- Councilwoman Van Duyne gave an update on the Cypress Water case.

30 The meeting adjourned at 8:00 p.m.

CITIZEN FORUM

Carol Wood, 613 Shalamar Place, addressed the Mayor and Council regarding the items that are placed on the Consent Agenda and asked that the Councilmembers' read the materials that are giving to them in their packets before voting on items. Ms. Wood also asked that when Mr. McDougal comes to speak to the citizens of Irving on March 13, 2007, regarding the development in Irving, that a larger space be provided for the citizens of Irving to attend this meeting.

George Stephenson, 2105 Druid Drive, spoke to the Mayor and Council about the "South Irving Neglect."

Jerald Cannon, 1522 Live Oak, stated that he is on the Board for the Texas Specialty Hospital Association; and he wants to advise all senior citizens that this is a rehab service and is covered by Medicare for up to twenty seven days.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary