

REGULAR MEETING OF THE IRVING CITY COUNCIL
March 22, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on March 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

Jennifer Hall, Irving Arts Center, invited everyone to the Art Wave at the Irving Arts Center's Free Family Festival to be held on March 31, 2007, from 2-5 p.m. at 3333 N. MacArthur Boulevard.

Elvia Martinez, 4528 Knight Crossing, announced the non-profit corporation DCET Believe in Yourself, is an organization that is now offering citizenship classes on-line and with tutors.

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

Mayor Gears presented a proclamation for Severe Weather Awareness Week to Emergency Management Coordinator Pat McMacken and Assistant Management Coordinator Jason Carriere.

Mayor Gears also recognized and presented Recognition certificates to the following Firefighters and Medics: Tim Donham, Shawn Hood, Ken Caudle, David McAbee and Lance Fellers.

CONSENT AGENDA

The consent agenda, items #1 through #26, 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 #8 would be pulled for a special presentation.

Councilman Cannaday moved to approve the consent agenda, items #1 through #26, excluding item #8. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0.

- 1 **Resolution No. 3-22-07-116** -- Approving The City Council Work Session Minutes Of March 7, 2007, And The City Council Meeting Minutes Of March 8, 2007
- 2 **Resolution No. 3-22-07-117** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving's Records Management Policy
- 3 **Resolution No. 3-22-07-118** -- Authorizing The City Of Irving To Support The North Texas Region In Hosting Super Bowl XLV And Its Related Super Bowl Activities
- 4 **Resolution No. 3-22-07-119** -- Approving A Venue Reservation Agreement Between The City Of Irving And The North Texas Super Bowl XLV Bidding Committee, Inc. To Provide Locations Or Facilities For Use In Various Super Bowl Related Activities
- 5 **Resolution No. 3-22-07-120** -- Approving An Event Production Agreement Between The City Of Irving And The Irving Symphony Orchestra Association In The Amount Of \$85,000.00 For The Fourth Of July Concert And Fireworks At Williams Square
- 6 **Resolution No. 3-22-07-121** -- Approving An Agreement Between The City Of Irving, Texas Spirit LLC, And Watermark Hotels With ADMI, Inc. For Their Assistance In The 90 Day Implementation Plan Phase
- 7 **Resolution No. 3-22-07-122** -- Approving Amendment No. 1 To The Agreement Between The City Of Irving And Bear Creek Development Corporation For The Site Development Of Eight Single Family Homes And The Construction Of One Single Family Home On Conflans Road In Irving, Texas
- 9 **Resolution No. 3-22-07-124** -- Authorizing Staff To Negotiate An Engineering Design Services Agreement With GSWW, Inc. For The Design Of The 2007 Concrete Sanitary Sewer Interceptor Replacement Project
- 10 **Resolution No. 3-22-07-125** -- Authorizing Solicitation Of Proposals To Lease Approximately 439.6531 Acres Of City Owned Land For Mineral Leases
- 11 **Resolution No. 3-22-07-126** -- Approving Addendum No. 1 To The Engineering Service Agreement With A.N.A. Consultants, L.L.C. In The Amount Of \$111,500.00 For The Design Of The 2006 Miscellaneous Drainage Improvements Project

- 12 **Resolution No. 3-22-07-127** -- Approving An Agreement With The Texas Commission On Environmental Quality For The Sanitary Sewer Overflow Initiative Program
- 13 **Resolution No. 3-22-07-128** -- Approving Change Order No. 3 To Archer Western Contractors, Ltd. For The Construction Of The Northgate Pump Station
- 14 **Resolution No. 3-22-07-129** -- Approving An Interlocal Agreement Between The City Of Irving And The City Of Richardson To Establish A Cooperative Purchasing Program
- 15 **Resolution No. 3-22-07-130** -- Rejection Of Proposal To Provide Compressed Natural Gas And Fueling Facility Maintenance For Fleet Vehicles For The Equipment And Building Services Department/Fleet Maintenance Division
- 16 **Resolution No. 3-22-07-131** -- Purchases Funded In The 2006-2007 Budget
 - (A) Bids -- Renewal Of Bid With Graff Chevrolet For Parts And Repair For GM Autos And Light Trucks In The Net Estimated Amount Of \$9,000.00 For The Period Of June 1, 2007, Through September 30, 2007, And \$21,000.00 For The Period Of October 1, 2007, Through May 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Equipment And Building Services Department/Fleet Maintenance Division
 - (B) Bids -- Renewal Of Bid With Stewart & Stevenson For Equipment Maintenance-Heavy Type-Part 2 In The Net Estimated Amount Of \$15,000.00 For The Period Of June 1, 2007, Through September 30, 2007, And \$35,000.00 For The Period Of October 1, 2007, Through May 31, 2008, Subject To Funds Being Appropriated In Fiscal Year 2007-2008, To Be Used By The Equipment And Building Services Department/Fleet Maintenance Division
 - (C) Award -- Approving Award To Fisher Safety For The Purchase Of A Shower And Toilet Trailer Through The Interlocal Agreement For Cooperative Purchasing With Houston-Galveston Area Council Of Governments In The Net Amount Of \$82,400.00 To Be Used By The Parks And Recreation Department
 - (D) Award -- Approving Award To Philpott Motor Company For The Purchase Of Two Half Ton Pickups Through The Interlocal Agreement For Cooperative Purchasing With Houston-Galveston Area Council Of Governments In The Net Amount Of \$33,224.62 To Be Used By The Public Health Services Department

- (E) Award -- Approving Award To Landmark Equipment Company Inc. For The Purchase Of A Tractor Loader Through The Interlocal Agreement For Cooperative Purchasing With Houston-Galveston Area Council Of Governments In The Net Amount Of \$47,562.90 To Be Used By The Parks And Recreation Department
 - (F) Award -- Approving Award To Professional Turf Products And Luber Bros., Inc. For Lawn Equipment Through The State Of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) In The Net Amount Of \$59,274.00 To Be Used By The Parks And Recreation Department
 - (G) Proposals -- Award Of Proposal To INX Inc. For The Purchase And Installation Of Network Edge Equipment In The Net Amount Of \$1,112,813.70, As Recommended By The Information Technology Department
 - (H) Proposals -- Award Of Proposal To Black Box Network Services For The Purchase And Installation Of Telecommunications Equipment In The Net Amount Of \$1,028,233.37, As Recommended By The Information Technology Department
 - (I) Proposals -- Award Of Proposal To Sprint/Nextel Communications, Inc. And Verizon Wireless For The Cell Phone Replacement Plan In The Net Estimated Amount Of \$156,114.00 For The Period Of April 1, 2007, Through September 30, 2007, And \$156,114.00 For The Period Of October 1, 2007, Through March 31, 2008, To Be Administered By The Information Technology Department
- 17 Ordinance No. 8766** -- Approving Contract Of Sale With Woodmont TCI Group XII, L. P. For The Sale Of 1.24 Acres Of Land Owned By The City Of Irving Located At The Northeast Corner Of Lake Carolyn Parkway And Las Colinas Boulevard
- 18 Ordinance No. 8767** -- Adopting The City Of Irving Emergency Water Management Plan (Drought Contingency Plan And The Water Conservation Plan) And Amending Section 41-14 Of Chapter 41 Entitled "Water And Sewer Systems" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Provide For The Duration, Change, Or Extension Of An Emergency Order
- 19 Ordinance No. 8768** -- Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Repealing Section 8-25 And Adding Section 8-25.1 Adopting The 2003 Edition Of The International Building Code, With Amendments

- 20 **Ordinance No. 8769** -- Repealing Chapter 28 "Plumbing" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, And Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Section 8-25.2 Adopting The 2003 Edition Of The International Plumbing Code, With Amendments
- 21 **Ordinance No. 8770** -- Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Section 8-25.3 Adopting The 2003 Edition Of The International Fuel Gas Code, With Amendments
- 22 **Ordinance No. 8771** -- Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Section 8-25.4 Adopting The 2003 Edition Of The International Energy Conservation Code, With Amendments
- 23 **Ordinance No. 8772** -- Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Section 8-25.5 Adopting The 2003 Edition Of The International Residential Code, With Amendments
- 24 **Ordinance No. 8773** -- Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Repealing Section 8-26 "Mechanical Code" And Adding Section 8-25.6 Adopting The 2003 Edition Of The International Mechanical Code, With Amendments
- 25 **Ordinance No. 8774** -- Repealing Chapter 14 "Electricity" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, And Amending Article III "Building Codes" Of Chapter 8 "Buildings" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Section 8-25.7 Adopting The 2005 Edition Of The National Electrical Code, With Amendments
- 26 **Ordinance No. 8775** -- Amending Subsection (b) Of Section 17-4 Of Chapter 16 "Fire Protection" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adopting An Amendment To "Opening Protectives" In Section 703 "Fire-resistance-Rated Construction" Of The 2003 Edition Of The International Fire Code

This concludes the consent agenda items 1-26, excluding item #8.

- 8 **Resolution No. 3-22-07-123** -- Postponing To April 19, 2007 The Consideration Of Street Name Change No. 85. A Request To Change The Name Of Frisco Avenue To

J.R. Sheppard Avenue -- Candi Dunning/Ben Washington Baptist Church, Applicant
(Postponed From The February 22, 2007 City Council Meeting)

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

Glover McMillan, 4113 Highcrest Drive, representing the applicant stated that they would like to withdraw the request for further consideration of the street name change.

Councilman Dickens moved to withdraw the item at the request of the applicant. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.

ZONING CASES

- 27 Ordinance No. 8776** -- Zoning Case #5679 -- Granting C-W (Commercial Warehouse) Uses -- An Approximately 0.42 Acre Tract Located At 2622 And 2626 Maupin Lane And 1139 North Union Bower Road -- Darlene Walker Hoffman, Applicant

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

The applicant, Darlene Hoffman, 2617 Maupin Lane, presented the case.

Planning and Development Manager Steven Reed, gave a brief presentation to the Council and stated that the applicant is requesting for a commercial rezone for warehouse use. Mr. Reid stated that city staff and the Planning and Zoning Commission both recommend approval.

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

- 28 Resolution No. 3-22-07-132** -- Zoning Case #5682 -- Granting S-P-2 (Generalized Site Plan) For ML-20 (Light Industrial) Uses -- An Approximately 50.6198 Acre Tract Located At 1331 East Airport Freeway (North Side Of State Highway 183, East Of Carl Road) -- Stahlman Group, Applicant

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

Economic & Financial Services Managing Director David Leininger noted that the applicant is requesting that this item be postponed for two weeks.

The applicant, Mary Ellen Adcock, 1331 Airport Freeway, asked for a two week postponement.

Councilman Philipp moved to postpone this item for two weeks. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0.

- 29 Ordinance No. 8777** -- Zoning Case #5683 -- Granting S-P-2 (Generalized Site Plan) For ML-20 (Light Industrial) Uses -- An Approximately 11.53 Acre Tract Located At 2800 East Grauwlyer Road -- Perry And Louise Marker (Texas Dirt Contractors), Applicant

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

The applicant, Perry Marker, 28080 East Grauwlyer Road, presented the case.

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

- 30 Ordinance No. 8778** -- Zoning Case #5684 -- Granting C-O (Commercial Office) Uses -- An Approximately 3,145 Square Foot Tract Located At 300 East John Carpenter Freeway, Suite 190 -- C.B. Richard Ellis, Applicant

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

The applicant, Julie Young, 300 E. John Carpenter Freeway, Irving, Texas, presented the case.

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

INDIVIDUAL CONSIDERATION

- 31 Resolution No. 3-22-07-133** -- Public Hearing -- Failure Of Chopin Restaurant & Karaoke (Hereafter Referred To As "Chopin") To Meet The Requirements Of Section 52-49 Of Ordinance No. 1144 "Restaurant With Attendant Accessory Use Of The Sale Of Alcoholic Beverages For On-Premises Consumption"

Mayor Gears introduced the item and asked for a presentation by city staff.

Senior Assistant City Attorney Cathy Cunningham presented the case. Investment Analyst Brad Duff and Supervisor Health Specialist David Mallet also presented information regarding this case.

Councilman Philipp moved to cancel the Certificate of Occupancy. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.

APPOINTMENTS AND REPORTS

32 City Manager's Report

- Code Enforcement Activity - almost 2,000 violations have been closed out;
- Neighborhood Enhancement Program – gave update on how several departments are working together to meet the needs of the Austin Heights neighborhood;
- Police Awards Banquet will be held on March 29, 2007 at the Westin Hotel;
- Election Coverage will be aired on ICTN;
- Item No. 18 adopting the city of Irving Emergency Management Water Management Plan - the city is still at stage 3 – twice a week watering of lawns. This will continue to be monitored;
- DVD from Work Session – recording of Work Session began March 21, 2007.

33 Mayor's Report

There was no report given.

34 Committee And Liaison Report/Meetings

- Audit Finance Committee Meeting will be held at 10:00 a.m. on March 27, 2007;
- Irving Schools Foundation Breakfast will be held on April 6, 2007, senior students in the Irving Independent School District will be awarded scholarships at the breakfast;
- Public Works Committee Meeting will be held at 11:30 on March 27, 2007;
- Community Services Committee meeting will be held at 10:00 a.m. on April 9, 2007.

35 The meeting adjourned at 8:10 p.m.

CITIZEN FORUM

Sue Richardson, 1521 Belmead Lane, addressed the Mayor and Council about “work sites”. She also asked that the City work with the ICE organization regarding illegal aliens.

Nancy Wilson, 2911 Bryn Mawr Drive, spoke to the Mayor and Council regarding a petition for Federal 287(g) program.

Tom Madrzykowski, 2220 Spanish Trail, spoke to the Mayor and Council regarding his name being on a petition for the 287(g) program, he stated that he did not sign the petition.

Mireya Davidson, 7410 Prim Rose, spoke against the petition to support the continued removal of criminal alien in the city of Irving.

Adriana Davidson, 7410 Prim Rose, spoke about the diversity in the city of Irving and stated that all should be united and that there should not be any discrimination against any culture.

Juan Baldor, 919 Lane Street, also spoke about illegal immigration issues.

Madeline States, 633 Beatly Drive, Grand Prairie, Texas, also spoke against the negative talk regarding illegal immigrants.

Anthony Bond, 4109 W. Northgate #824, spoke against the 287(g) program.

Elaine Walters, 2525 Trinity Street, also spoke about the 287(g) program and turned in signatures against the 287g program.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary