

REGULAR MEETING OF THE IRVING CITY COUNCIL
April 5, 2007

The City Council met in regular session in the Council Chambers of the City Hall Complex on April 5, 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 Ken Branam, Plymouth Park Baptist Church, of the City Of Irving Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a High Spirited Citizen Award to George Primo.

Mayor Gears also presented a Proclamation for "Rock The Green Day", it was accepted by Randy Boatwright and Bob Horton and other members of Keep Irving Beautiful.

CONSENT AGENDA

The consent agenda, items #1 through #11, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. There were no requests. **Councilman Smith moved to approve the consent agenda, items #1 through #11. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.**

- 1 Resolution No. 4-5-07-134 -- Approving The City Council Work Session Minutes Of March 21, 2007, And The City Council Meeting Minutes Of March 22, 2007**

- 2 **Resolution No. 4-5-07-135** -- Approving Amendment No. 1 To The HOME Investment Partnerships Grant Agreement Between The City Of Irving And Irving Community Development Corporation For The Site Development Of Five Single Family Homes On West Pioneer Drive In Irving, Texas

- 3 **Resolution No. 4-5-07-136** -- Approving Amendment No. 2 To The Community Development Block Grant Agreement Between The City Of Irving And Irving Community Development Corporation For The Site Development And Construction Of Five Single Family Homes On West Pioneer Drive In Irving, Texas

- 4 **Resolution No. 4-5-07-137** -- Authorizing The Mayor To Apply For, Accept, Reject, Alter Or Terminate The Victims Of Crime Act (VOCA) Grant From The Office Of The Governor, Criminal Justice Division, In The Amount Of \$80,000.00

- 5 **Resolution No. 4-5-07-138** -- Approving Addendum No. 1 To The Economic Development Services Contract With The Greater Irving-Las Colinas Chamber Of Commerce In The Amount Of \$55,000.00 To Provide Additional Services Associated With The Preservation And Redevelopment Board And Downtown Redevelopment From April 9, 2007, To September 30, 2007

- 6 **Resolution No. 4-5-07-139** -- Approving A Legal Services Agreement With Brenda McDonald To Provide Legal Consultation On Planning, Economic Development, And Building And Standard Matters

- 7 **Resolution No. 4-5-07-140** -- Authorizing The Mayor To Sign An Escrow Agreement Between The City Of Irving And Bochasanwashi Shree Akshar Purushottam Swaminarayan Sanstha - Southwest In The Amount Of \$59,286.00 For The Construction Of A 24-Inch Water Line Along State Highway 161 Between Walnut Hill Lane And Carbon Road

- 8 **Resolution No. 4-5-07-141** -- Authorizing The Mayor To Sign An Escrow Agreement Between The City Of Irving And Cross Development, LLC, To Construct A Freeway Frontage Road On The South Side Of Interstate Highway 635 Between Belt Line Road And Olympus Boulevard

- 9 **Resolution No. 4-5-07-142** -- Rejection Of Bid For The Purchase Of A Trailer Mounted Mudjack Machine For The Public Works Department/Streets Division

- 10 **Resolution No. 4-5-07-143** -- Purchases Funded In The 2006-2007 Budget
 - (A) Bids -- Renewal Of Bid With Buckeye Public Safety And GST Public Safety Supply, LLC For Fire Department Uniforms In The Net Estimated Amount Of \$93,404.00 For The Period Of May 31, 2007, Through September 30, 2007, And \$46,702.00 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 Fire Department

- (B) Bids -- Renewal Of Bid With Continental Equipment Company, LP; Future Equipment Co.; And Conley Lott Nichols Of Texas, Inc. For Heavy Equipment Maintenance - Part 2 In The Net Estimated Amount Of \$9,000.00 For The Period Of June 1, 2007, Through September 30, 2007, And \$51,000.00 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

11 Ordinance No. 8779 -- Budget Adjustment To The 2006-2007 Fiscal Year Budget

- I. General Fund
- II. General Fund Non Bond Capital Improvement Program Fund
- III. Park Improvement Bond Fund
- IV. Economic Development Fund
- V. Self Insurance Casualty Fund
- VI. Cimarron Recreation Center Fund
- VII. Lee Park Recreation Center Fund
- VIII. Heritage Senior Center Fund
- IX. Mustang Park Recreation Center Fund
- X. Northwest Park Recreation Center Fund
- XI. Senter Park Recreation Center Fund
- XII. West Park Recreation Center Fund
- XIII. Youth Development/Community Center Bond Fund
- XIV. Texas Highway Safety Grant Fund
- XV. Local Law Enforcement Block Grant Fund
- XVI. Miscellaneous Grant Fund
- XVII. Transportation Grant Fund
- XVIII. Library Grant Fund
- XIX. Red Light Camera Enforcement Program Fund
- XX. Irving Convention And Visitors Bureau Building Fund

ZONING CASES

12 Resolution No. 4-5-07-144 -- Special Fence Project Plan #235 -- An Approximately 0.26 Acre Tract Located At 1125 Bowman Street -- Tobin Collard, Applicant

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

The applicant Tobin Collard, 1125 Bowman Street, gave a brief presentation.

There were no speakers.

Manager of Urban Development Steve Reed gave a presentation on staff's recommended compromise to placing the fence along the property line, and explained why the installation of a wooden fence is not allowed by City ordinance.

The following registered to speak in opposition.
Hazel Shockley, 1707 Shady Grove Road

After Council discussion, **Councilman Meagher moved to approve the resolution denying the requested fence variance. Seconded by Councilwoman Van Dyne, the motion was approved by a vote of 9-0.**

- 13 Ordinance No. 8780** -- Approving An Amendment To The Master Thoroughfare Plan To Modify The Extension Of Stardust Drive

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

- 14 Resolution No. 4-5-07-145** -- Preliminary/Final Plat -- BAPS Southwest Addition -- A 17.589 Acre Tract Located At 4601 North President George Bush Turnpike (West Side Of State Highway 161, North Of Walnut Hill) -- JDJR Engineers & Consultants, Inc., Applicant

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.

- 15 Ordinance No. 8781** -- Zoning Case #5675 -- Granting S-P-1 (Detailed Site Plan) For Wireless Telecommunications Tower -- An Approximately 0.014 Acre Tract Located At 1451 East Northgate Drive -- T-Mobile USA, Applicant

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

Dave Kirk, representing T-Mobile, 7668 Warren Parkway, Frisco, Texas, presented the case.

There were no speakers.

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

- 16 Resolution No. 4-5-07-146** -- Amending The Comprehensive Plan To Change The Recommended Land Use From Parks And Open Space To Single Family Detached - Low Density Residential And Granting R-6 (Single Family) District Uses In Zoning Case #5678 -- An Approximately 0.635 Acre Tract Located At The Southwest Corner Of Bolden Road And Nursery Road -- Ash Abraham, Applicant

Mayor Gears introduced the item and stated that the applicant wished to postpone this item to the May 24, 2007, City Council meeting

Councilman Smith moved to postpone this item to the May 24, 2007 City Council meeting. Seconded by Councilman Patrick, the motion was approved by a vote of 9-0.

- 17 Resolution No. 4-5-07-147** -- Zoning Case #5681 -- Granting S-P-1 (Detailed Site Plan) For ML-20a (Light Industrial) And Outside Storage Uses -- An Approximately 0.713 Acre Tract Located At 1513 Maryland Drive -- C.T. and S., Inc. Applicant

Mayor Gears stated that this item would be postponed to the May 24, 2007, City Council meeting.

Councilman Cannaday moved to postpone this item to the May 24, 2007, City Council meeting. Seconded by Councilman Dickens, the motion was approved by a vote of 9-0.

- 18 Ordinance No. 8782** -- 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 **(Postponed From The March 22, 2007 City Council Meeting)**

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

Mary Ellen Adcock, General Manager of American Beverage, presented the case. Ms. Adcock stated that NCH has withdrawn their opposition and have done so in writing.

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

- 19 Ordinance No.8783** -- Zoning Case #5685 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 0.14 Acre Tract Located At 2416 Harbor Trail (South Side Of Harbor Trail, West Of Story Road) -- James Boyd, Applicant

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

The applicant Debra F. Boyd, 2416 Harbor Trail, presented the case.

Councilman Patrick moved to approve the ordinance. Seconded by Councilman Philipp, the motion was approved by a vote of 7-2, with the following Councilmember's voting in opposition: Councilwoman Van Duyne and Councilman Cannaday.

INDIVIDUAL CONSIDERATION

- 20 Ordinance No. 8784** -- First Reading -- Granting A Franchise To Allied Waste Industries, Inc. For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 21 Ordinance No. 8785** -- First Reading -- Granting A Franchise Renewal To Bluebonnet Waste Control, Inc. For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 22 Ordinance No. 8786** -- First Reading -- Granting A Franchise Renewal To Champion Waste Services, LTD For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 23 Ordinance No. 8787** -- First Reading -- Granting A Franchise Renewal To Community Waste Disposal, L.P. For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 24 Ordinance No. 8788** -- First Reading -- Granting A Franchise Renewal To Empire Disposal LTD For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 25 Ordinance No. 8789** -- First Reading -- Granting A Franchise Renewal To Hurricane Waste Systems For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 26 Ordinance No. 8790** -- First Reading -- Granting A Franchise Renewal To IESI Corporation For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 27 Ordinance No. 8791** -- First Reading -- Granting A Franchise Renewal To Moore Disposal, Inc. For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 28 Ordinance No. 8792** -- First Reading -- Granting A Franchise Renewal To Republic Waste Services Of TX., LTD For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 29 Ordinance No. 8793** -- First Reading -- Granting A Franchise Renewal To S & H Waste Disposal Service For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 30 Ordinance No. 8794** -- First Reading -- Granting A Franchise Renewal To Standard Waste Systems, LTD For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

- 31 Ordinance No. 8795** -- First Reading -- Granting A Franchise Renewal To Waste Management For Solid Waste Collection Services Pursuant To Chapter 33 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas

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

APPOINTMENTS AND REPORTS

- 32 Resolution No. 4-5-07-148** -- Appointments To The Board Of Directors Of The Irving Flood Control District, Section I And Section III

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

Councilman Smith asked that appointments for Section III be postponed.

Councilman Dickens moved that the following appointments to the Irving Flood Control District, Section I be made – term expiring January 2008.

**Appointments of:
Rick Lindsey
Gary Weinberger**

And the following appointments - term expiring January 2009

**Re-Appointment of:
Bob Galecke
Appointments of:
Patrick Daly
Tony Antone**

Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.

The following registered to speak in opposition of appointments to Section III at this time.

Doug Nash, 833 Canyon Crest Drive

Councilman Smith moved to postpone the appointments of Section III of the Irving Flood Control District appointments for four weeks to the May 3, 2007, City Council meeting. Seconded by Councilman Philipp, the motion was approved by a vote of 9-0.

33 City Manager's Report

There was no report given.

34 Mayor's Report

There was no report given.

35 Committee And Liaison Report/Meetings

- Community Services Committee Meeting will be held on April 9, 2007, at 10:30 a.m.
- Legislative Committee Meeting will be held on April 16, 2007, at 9:30 a.m.

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

CITIZEN FORUM

There were no comments made at the Citizen Forum.

ATTEST:

Herbert A. Gears, Mayor

Janice Carroll, TRMC
City Secretary