

**REGULAR MEETING OF THE IRVING CITY COUNCIL**  
**April 19, 2007**

The City Council met in regular session in the Council Chambers of the City Hall Complex on April 19, 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

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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There were no organizational service announcements made.

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**INVOCATION**

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The invocation was delivered by Associate Pastor Seigel Bartley, Calvary Church of the City Of Irving, Texas.

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**PLEDGE OF ALLEGIANCE**

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Councilman Patrick led those present in the pledge.

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**PROCLAMATIONS AND ANNOUNCEMENTS**

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Mayor Gears presented a Proclamation for the "American Heart Association's Walk at Work Day": It was accepted by Sara Kite, representing the American Heart Association.

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**CONSENT AGENDA**

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The consent agenda, items #1 through #22, 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 Philipp moved to approve the consent agenda, items #1 through #22. Seconded by Councilman Cannaday, the motion was approved by a vote of 9-0.**

- 1     **Resolution 4-19-07-149** -- Approving The City Council Work Session Minutes Of April 4, 2007, And The City Council Meeting Minutes Of April 5, 2007
  
- 2     **Resolution No. 4-19-07-150** -- Authorizing The Mayor To Apply For, Accept, Reject, Alter Or Terminate A Violence Against Women Act (VAWA) Grant Through The Office Of The Governor, Criminal Justice Division, To Continue Funding Of The Irving Police Department's Domestic Violence Unit

- 3 **Resolution No. 4-19-07-151** -- Approving A Professional Services Contract With Halff Associates, Inc. In An Amount Not To Exceed \$64,200.00 For The Engineering Design Associated With Sam Houston Trails Park
- 4 **Resolution No. 4-19-07-152** -- Authorizing The Mayor To Execute An Agreement Granting A License To Fox Glen Homeowner's Association To Use The City's O'Connor Boulevard Street Right-Of-Way For A Term Of 30 years And Providing An Effective Date
- 5 **Resolution No. 4-19-07-153** -- Approving Property Acquisition -- Lot 37, Block P, Of The Nichols Park 3 Addition, Located At 2300 Brockbank Drive, In The Amount Of \$92,500.00 Plus Closing Costs And Relocation Allowance Not To Exceed \$11,750.00, For The O'Connor Road Improvement Project, State Highway 183 To Rochelle Boulevard -- Tarek B. Adra, Property Owner
- 6 **Resolution No. 4-19-07-154** -- Approving Property Acquisition -- Lot 11, Block N, Of The Nichols Park 3 Addition, Located At 455 Scotland Drive, In The Amount Of \$86,500.00 Plus Closing Costs And Relocation Allowance Not To Exceed \$14,350.00, For The O'Connor Road Improvement Project, State Highway 183 To Rochelle Boulevard -- Alma Gomez And Moises De Jesus Duran, Property Owners
- 7 **Resolution No. 4-19-07-155** -- Awarding A Contract To Gra-Tex Utilities, Inc. In The Amount Of \$106,951.35 For The 24-Inch Water Line Extension Along State Highway 161 Between Walnut Hill Lane And Carbon Road Project
- 8 **Resolution No. 4-19-07-156** -- Purchases Funded In The 2006-2007 Budget
  - (A) Award -- Approving Award To Casco Industries, Inc. For The Purchase Of 15 Thermal Imaging Camera Packages Through The Tarrant County Cooperative Purchasing Interlocal Agreement In The Net Amount Of \$124,500.00 To Be Used By The Fire Department
  - (B) Bids -- Award Of Bid To Armstrong Office Concepts LLC; Cultural Surroundings; Libra-Tech Corporation; Intelligent Interiors, Inc.; And Business Interiors For Furniture For The Valley Ranch Public Library In The Net Amount Of \$295,781.83 To Be Used By The Department Of Libraries
  - (C) Bids -- Award Of Bid To Ford Audio Video And Visual Interactive Dynamics For Audio/Video Equipment In The Net Amount Of \$99,463.81 To Be Used By The Corporate Communications Department

- (D) Bids -- Annual Bid For Printing Of Resident Newsletter To DFW Printing Co., Inc. In The Net Estimated Amount Of \$23,922.90 For The Period Of June 1, 2007, Through September 30, 2007, And \$50,769.90 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 Corporate Communications Department
- (E) Proposals -- Award Of Proposal To Dell Marketing LP; Choice Solutions, LLC; And Symmetrex Solutions, Inc. For Network Resources Consolidation In The Net Amount Of \$569,285.40, As Recommended By The Information Technology Department
- (F) 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
- (G) Bids -- Annual Bid For Lighting Supplies Awarded To American Light And EVS Supply In The Net Estimated Amount Of \$30,466.88 For The Period Of April 1, 2007, Through September 30, 2007, And \$37,978.42 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 Equipment And Building Services And Parks And Recreation Departments
- (H) Bids -- Award Of Bid To Prestige Ford, Planet Ford 6, And Caldwell Country For One Sedan, Twenty One Pickup Trucks, And Two Vans In The Net Amount Of \$482,178.00 To Be Placed In The City's Fleet And Administered By The Equipment And Building Services/Fleet Maintenance Division

- 9 Ordinance 8796** -- Amending Chapter 52 Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Substituting Public Works Director For Water Utilities Director And Deputy City Manager In Regard To Computing Data And Water Meter Matters In Sections 52-3, 52-5, 52-6 And 52-7 Of Said Chapter; Substituting Public Works Department's Water Utilities Division For Water Utilities Department Where Used In Section 52-8 Of Said Chapter; Limiting Waiver Of Deposits To Applicants Who Have Not Had Payments Returned Due To Insufficient Funds In Section 52-7 Of Said Chapter; Extending Waiver Of Deposit For New Single-Family Residential Customers Sixty Five (65) Years Of Age And Over To Those Not Delinquent With Other Utility Companies In Section 52-7 Of Said Chapter; Providing For An Adjustment To The Deposit To Four Times The Average Utility Bill For Master-Metered Service Locations Discontinued Due To Nonpayment In Section 52-7 Of Said Chapter; Providing Clarification Of Fees Charged For The Discontinuation Of Services Due To Nonpayment In Section 52-8 Of Said Chapter; Providing For Additional Charges Related To The Collection Of Outstanding Charges And

Penalties In Section 52-8 Of Said Chapter; And Providing For Interest On Payment Agreements In Section 52-15 Of Said Chapter

- 10 **Ordinance No. 8797** -- First Reading -- Granting A Franchise To Maredi Corporation, dba United Cab Company, To Operate A Taxicab Service In The City of Irving, Texas
- 11 **Ordinance No. 8784** -- Second 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
- 12 **Ordinance No. 8785** -- Second 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
- 13 **Ordinance No. 8786** -- Second 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
- 14 **Ordinance No. 8787** -- Second 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
- 15 **Ordinance No. 8788** -- Second 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
- 16 **Ordinance No. 8789** -- Second 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
- 17 **Ordinance No. 8790** -- Second 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
- 18 **Ordinance No. 8791** -- Second 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
- 19 **Ordinance No. 8792** -- Second 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

- 20 **Ordinance No. 8793** -- Second 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
- 21 **Ordinance No. 8794** -- Second 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
- 22 **Ordinance No. 8795** -- Second 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

This concludes the consent agenda approving items 1-22.

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### ZONING CASES

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- 23 **Resolution No. 4-19-07-157--** Street Name Change -- No. 86 -- Changing The Name Of Arbor Street To Arbor Court -- Cheryl Head/Head Construction, Applicant

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

Manager of Urban Development Steven Reed stated that this request only changes the name from street to court. When the property was platted, the engineer mistakenly put Arbor Street instead of Arbor Court.

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

- 24 **Ordinance No. 8798** -- Zoning Case #5689 -- Granting S-P-2 (Generalized Site Plan) For ML-20a (Light Industrial) Uses -- An Approximately 54.30 Acre Tract Located East Of 500 Valley View Lane (Approximately 1,700 Feet East Of Valley View Lane And 1,400 Feet North Of Rock Island Road) -- Ben McGahey/Sharon Barbosa-Crain, Applicant

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

Sharon Barbosa-Crain, 2601 Alan-a-Dale, representing the applicant presented the case.

The following registered to speak in favor of this item:

Bob Nelson, 2417 Garden Oaks, representing the Dallas Flood Control District

Councilwoman Van Duyne asked for clarification on the opposition which will mandate a  $\frac{3}{4}$  vote of Council to approve this case.

Manager of Urban Development Steve Reed stated that there are two separate properties represented by the two letters but the property owner is the same for both properties.

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

- 25 Ordinance No. 8799** -- Zoning Case #5691 -- Granting C-C (Community Commercial) District Uses -- An Approximately 5,232 Square Foot Tract Located At 3733 North Belt Line Road (West Side Of Belt Line Road, South Of Walnut Hill Lane) -- Atlantic Oil & Gas, Inc., Applicant

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

Manager of Urban Development Steve Reed gave a brief presentation on this item.

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

- 26 Ordinance No. 8800** -- Zoning Case #5692 -- Granting S-P-1 (Detailed Site Plan) For Hotel And R-AB (Restaurant Including The Sale Of Alcoholic Beverages For On-Premises Consumption), And Related Uses -- An Approximately 34.866 Acre Tract Located At 4150 North MacArthur Boulevard (East Side Of MacArthur Boulevard, North Of Byron Nelson Way) -- BF Las Colinas, LP dba Four Seasons Resort & Club At Las Colinas, Applicant

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

Kenneth Aple, HKS Architects, representing the Four Seasons Hotel, presented the case.

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

- 27 Ordinance No. 8801** -- Zoning Case #5693 -- Granting S-P-2 (Generalized Site Plan) For R-6 (Single Family) Uses -- An Approximately 1.147 Acre Tract Located On The Northwest Corner Of Grauwlyer Road And Oak Lea Road -- JDJR Engineers And Consultants, Applicant

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

Manager of Urban Development Steve Reed gave a brief presentation on this item.

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

- 28 Ordinance No. 8802** -- Zoning Case #5696 -- Granting R-6 (Single Family) Uses -- An Approximately 1.604 Acre Tract Located at 1222 Hilltop Drive (East Side Of Hilltop Drive, North Of 16th Street) -- Cruz L. Dominguez, Applicant

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

Cruz L. Dominguez, 209 South Jefferson, representing the applicant presented the case.

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

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### INDIVIDUAL CONSIDERATION

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- 29 Resolution No. 4-19-07-158** -- Temporary Use Permit #G0703-0258 -- To Allow The Extension Of Alcoholic Beverage Service Area Into A Tent On The Parking Lot At On The Border Restaurant Located At 2400 North Belt Line Road -- Mike Kapelowitz, Applicant

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

Director of Inspections Gary Miller gave a presentation on this item.

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

- 30 Resolution No. 4-19-07-159** -- Requesting Sign Variance Case No. S0702-0020 Located At 2501 West Airport Freeway -- Tom Walker, Representing The Woodmont Company, Applicant

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

Director of Inspections Gary Miller gave a presentation on this item. He advised that they are willing to move the sign at their cost when SH 183 is widened.

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

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### APPOINTMENTS AND REPORTS

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- 31** City Manager's Report

- RAB Task Force has been formed and will be investigating a number of restaurants for failing to file reports; this effort will be led by Supervisor of Code Enforcement Teresa Adrian.
- Neighborhood Enhancement Program – highlighted the work that is being done by Chief Boyd and several departments throughout the city; a partnership has been formed with the neighborhood.
- City Spectrum Extra in Local Papers - The Corporate Communication Department will enhance resident communication through the use of a one-page paid advertisement in two local newspapers. The advertising, which is being produced as “City Spectrum Extra,” will run twice a month in The Irving Journal and Irving Rambler papers.
- Reorganization and some of the combining of departments have resulted in a cost savings for the city.

**32** Mayor’s Report

Mayor Gears spoke words of support for the Esparza family and city staff for the loss of fallen Officer Andrew Esparza; he expressed his support to all who knew him.

**33** Committee And Liaison Report/Meetings

There was no report given.

**34** The meeting adjourned at p.m.

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**CITIZEN FORUM**

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George Stephenson, 2105 Druid Drive, addressed the Mayor and Council regarding the neglect in South Irving, he asked that an ordinance be put in place regarding shopping carts being left outside of the property the carts belong to.

ATTEST:

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Herbert A. Gears, Mayor

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Janice Carroll, TRMC  
City Secretary