

**REGULAR MEETING OF THE IRVING CITY COUNCIL**  
**March 13, 2008**

The City Council met in regular session in the Council Chambers of the City Hall Complex on March 13, 2008, at 7:00 P.M. The following members were present:

Mayor Herbert A. Gears

**Councilmembers**

Thomas D. Spink

Beth Van Duyne

Allan E. Meagher

Lewis Patrick

Rose Cannaday

Rick Stopfer

Sam Smith

Joe Philipp

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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There were no organizational or service announcements made.

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**INVOCATION**

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The invocation was delivered by Councilman Patrick.

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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 Phil Smith Chairman of the Housing and Human Services Board with a proclamation proclaiming the week of March 24-30, 2008, as National Community Development week in Irving, Texas.

Mayor Gears also recognized three employees: Joseph Soto, from the Code Enforcement Department and David Klap, and Kris Olsen from the Water Utilities Department. Mayor Gears stated that on Friday, January 18, 2008, Irving Animal Services received a call from a concerned citizen, Gene Kraus, about a kitten trapped in an abandoned pipe. After reviewing the situation, Officer Joseph Soto called for assistance from the Water Utilities Department and Mr. Klap and Mr. Olsen came out to assist with the call and rescued the kitten from the pipe.

Ms. Holland from the Veterans of Foreign Wars and the Ladies Auxiliary in Irving stated that every year a day is set aside and dedicated to recognize the Prisoners' of War and those Missing in Action and on behalf of these two organizations she presented a plaque to Mayor Gears for his tireless work and dedication to raising public awareness of the POW and MIS issue.

## CITY COUNCIL AGENDA

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### 1 City Manager's Report

Managing Director Nancy Bartlett gave a presentation on Goal No. 5 Diversity.

Director of Code Enforcement Teresa Adrian presented a power point presentation on code compliance initiatives.

City Manager Tommy Gonzalez also reviewed the following report.

#### **Strategic Goal No. 1: Land Use**

**State Highway 183 Expansion Project** – Two hotel properties have been acquired by the city: Knights Inn and Airport Inn, located at 120 and 128 W. Airport Freeway. The properties were vacated on March 2 and a security fence has been installed around the site. Asbestos surveys and demolition plans are under way. Staff expects the demolition to be completed by September.

#### **Strategic Goal No. 2: Vibrant Neighborhoods**

**Auto Shop Results** – The city has increased enforcement of auto shops that have illegal storage and perform automobile repairs outside of an enclosed building to help enhance Irving's visual appeal. Property owners were provided with notices that required them to come into compliance by Feb. 28. Some of the results are as follows:

- 425 N. Britain Road (Cheap Tires) – Closed business at this location; owner purchased building across the street that has work bays, and the city has requested that the owner repaint the former location.
- 1502 Rock Island Road (Catracho's) – Outside car lift has been removed; owner has filed for a zoning change; no longer working outside.
- 107 N. Story Road (Express Auto) – No longer working outside.
- 1115 W. Pioneer Drive (4M Tires) – No longer working outside.
- 109 N. Story Road (Just Tires) – Owner installed work bays in the building and is no longer working outside.
- 635 S. Belt Line Road (Flea Market) – Owner is surveying and planning for a new building; tires and cargo boxes are to be moved within the next three weeks.

**Expansion of Park Property** – The house located at 1326 Irving Heights Drive has been acquired and demolished to make way for park improvements. The property was purchased for the expansion of the adjacent undeveloped park property located just south of East Grauwlyer Road on Irving Heights Drive.

**Neighborhood Roundtable** – Police Chief Larry Boyd provided 66 attendees with a public safety update at the Neighborhood Roundtable on Feb. 26. He discussed how strong neighborhoods helped contribute to the city's 7 percent reduction in the crime rate. The quarterly Neighborhood Roundtables, hosted by the Corporate Communications Department, allow neighborhood association officers to learn about city initiatives and what other residents are doing to enhance their neighborhoods.

### **Strategic Goal No. 3: Economic Development**

**Department Recognition** – The Planning and Inspections Department was presented the 2007 Award of Excellence for large jurisdictions by the Building Officials Association of Texas (BOAT) at its annual business meeting in College Station. This award is for outstanding contributions to the building profession and the community. Lawrence Crow, field operations manager, was elected to the BOAT board of directors for the coming year, and Gary Miller, planning and inspections director, was selected as Texas Building Official of the year.

**Irving Businesses Recognized** – The U.S. Chamber of Commerce, as part of its annual search for the best small businesses in the country, has selected Mammen Glass and Mirror as a regional finalist for its Small Business of the Year award. In addition, four other Irving small businesses were designated as Blue Ribbon finalists in the competition: Big State Drug Store, FASTSIGNS, Glory House Catering and Joe's Coffee Shop. The companies were selected based upon financial performance, business history, staff training and motivation, community involvement, customer service and business planning. Irving had the most Blue Ribbon winners of any city in the United States. The national Small Business of the Year award will be announced at the Small Business Summit in Washington, D.C. on April 17.

**Best Real Estate Deals of 2007** – Two Irving projects were named the Best Real Estate Deals of 2007 by the *Dallas Business Journal*. Maxim Integrated Products was designated "Best Industrial Deal in Existing Space" for its purchase of the 624,000-square-foot facility in Las Colinas. Maxim will create 1,000 new jobs in Irving. Research in Motion (RIM), the maker of the BlackBerry wireless device, won "Best Headquarters or Corporate Campus Move" for locating its U.S. headquarters in Las Colinas. RIM is expected to grow its employee base to 1,000 over the next few years.

**ICVB Recognized** – The staff of The Hyland Group, one of the premier sales and marketing firms for the hospitality industry, selected the Irving Convention and Visitors Bureau (ICVB) as its 2007 Hyland Group Most Valued Partner. ICVB staff members were recognized for their outstanding dedication, work ethic and compassion toward clients. In announcing the award, Peter Hyland, president of The Hyland Group stated, "The staff at the ICVB consistently demonstrates a level of commitment and professionalism that makes our working relationship mutually productive and gratifying."

**Chamber Hosts Author of Bestselling Business Book** – Keith McFarland, author of the bestselling business book, "Breakthrough Companies, How Everyday Companies Become Extraordinary Performers," is being hosted by the Greater Irving-Las Colinas Chamber of Commerce's Workforce Enrichment Council at its Spring Leadership Conference on March 19. Three companies with a presence in Irving are featured in the book: Express Personnel Services, Fastenal and Paychex. The book was the result of McFarland's research of more than 7,000 high-growth companies over the past 15 years. Since release, the book has been named the "No. 1 National Bestseller" by the *Wall Street Journal* and *USA Today*. U.S. Congressman Pete Sessions is scheduled to introduce McFarland at the breakfast.

**Groups in Irving** – The Irving Convention and Visitors Bureau welcomed the following groups to Irving: U.S. Department of Homeland Security (Feb. 25-28); Zale Outlet Managers (Feb. 25-29); State Farm Insurance Companies-Dallas (Feb. 26-28); National Association of Housing and Redevelopment Officials (Feb. 26-28); Planco Inc. (Feb. 26-29); Frank Glazier Football Clinics Inc. (Feb. 28-March 2); Assemblies of God (Feb. 29-March 2); Hotsos (March 1-7); Swett and Crawford Group (March 3-5); American Heart Association (March 3-6); State Bar of Texas (March 6-7);

National Forensic League (March 6-9); Setzer International (March 7-9); Vintage Chevrolet Car Club of America (March 8-9); Texas Association Against Sexual Assault (March 8-13); Communications Workers of America (March 9-13); U.S. Department of Homeland Security (March 10-21); Jarvis Christian College (March 12-16); Texas Steel Guitar Association (March 12-17); and Dental Laboratory Association of Texas (March 13-16). These groups booked a total of 9,140 hotel room nights.

#### **Strategic Goal No. 4: Safe and Secure City**

**Animal Services** – Since Oct. 1, Irving Animal Services has microchipped 595 animals, processed adoptions for 328 cats and dogs, returned 227 animals to their owners, and transferred 416 animals to adoption partners.

**Aggravated Robbery Update** – Four suspects committed a robbery at the Taquerias Arandas restaurant located on State Highway 183 on Jan. 29. The suspects in this offense demonstrated an excessive amount of violence when they shot a customer and robbed him of his money as they were leaving the restaurant. On Feb. 8, three suspects were arrested in Oklahoma City for a similar robbery. Irving Detective Charles Cavazos, who determined there was a possible connection with the Irving offense, placed the suspects in photo lineups and two of the three men were picked as committing the aggravated robbery in Irving. These suspects had committed approximately 40 similar offenses in the Oklahoma City area. In addition to receiving robbery charges in Oklahoma and Texas, all suspects are Guatemalan nationals who are currently under immigration detainers from Immigration and Customs Enforcement.

**Correctional Officer Certification Pilot Program** – Detention Supervisors Clark Nethers and Kristin Spivey have been invited to attend the National Conference for Corrections Officer Provisional Certification Program Workshop to help compile statewide curriculum and lesson plans for a new education and recruiting program for detention and law enforcement officers. The goal is to implement a program in high schools and colleges to build a pool of recruits interested in law, corrections/detentions and police work. These employees will be involved in developing the pilot program for the State of Texas in conjunction with representatives for the Texas Education Agency.

**Children's Health Insurance Community Drive** – A total of 118 applications, representing 218 Irving children, were completed for the Children's Health Insurance Program (CHIP) during a community drive on Feb. 23. The event was held at area Carnival Food Stores, and the Irving location had 15 volunteers help parents apply for this program. CHIP is a state program that provides health insurance to low-income children. Those hosting the program include the City of Irving Corporate Communications Department, Children's Medical Center, Community Council of Greater Dallas, Early Child Intervention Inc., Irving Independent School District, and Texas Woman's University.

**Physical Agility Exam** – A physical agility exam was given to firefighter candidates on March 1. Sixteen candidates passed the rigorous test wearing 50 pounds of gear. More information about the agility exam is available at [www.cityofirving.org/fire](http://www.cityofirving.org/fire).

**New Firefighters** – The Fire Department has hired four new firefighters in the past two weeks. Erik Parsons, Aaron Pollard, Eric Smith and Aldon Wickliffe have started training prior to being assigned to a neighborhood fire station.

**Citizens' Fire Academy** – A new Citizens' Fire Academy began March 4. Participants receive instruction and hands-on training on the many services that the Irving Fire Department offers. Upon

graduation, class members will be allowed to ride out on a fire engine to experience firsthand what firefighters do every day.

**Municipal Court Warrant Roundup** – More than 200 agencies participated in the 2008 Texas Warrant Roundup during February. During the 24-day period, the Irving Municipal Court reported a total of 2,501 Irving, Class C misdemeanor warrants cleared by arrest, collection and other court dispositions. This represents a 7 percent increase from the 2007 Warrant Roundup with 2,339 warrants cleared during that timeframe.

### **Strategic Goal No. 5: Diversity**

**Black History Month** – Planning and Inspections Department employees Sharon Brown, Jack Rainwater and Sheba Ward, and Financial Services employee Shalonda Oliver worked together to create the Black History Month exhibit on the first floor of City Hall. All of the exhibit items are on loan to the city from the personal collection of Sheba Ward.

**Storytelling Around the World** – The Irving Public Library continues to bring tales from different cultures to Irving with the Storytelling Around the World program. The series is made possible by a grant from Texas Reads, a program administered by the Texas State Library and Archives Commission to promote reading and literacy within local communities. In March, the following events will take place:

- March 14, 4:30 p.m. The Southwest Branch Library, 2216 W. Shady Grove Road, will feature Jyoti and Meena Subramanian as they share stories on the culture of India.
- March 15, 2 p.m. The Northwest Branch Library, 2928 N. Belt Line Road, invites children of all ages to enjoy the storytelling skills of Shelly Kneupper Tucker as she highlights St. Patrick's Day with Irish stories.

**African Stepping** – Children of all ages are encouraged to celebrate African-American history with the Irving Central Library at 2 p.m. March 22 to explore the world of "stepping," an African-American art form of communication and storytelling. Attendees will learn about the origin of stepping, see traditional steps performed and learn a simple step routine. No registration is required. Children under the age of 8 must be accompanied by an adult caregiver.

### **Strategic Goal No. 6: Effective Communications**

**Town Hall Meeting** – Residents can hear firsthand about key City of Irving projects and initiatives during a Town Hall meeting set for April 8 at the Irving Arts Center's Carpenter Performance Hall, 3333 N. MacArthur Blvd. Informational displays will be available from 6 to 7 p.m., followed by a presentation at 7 p.m. The presentation will provide an update on key focus areas such as public safety, code enforcement, non-compliant apartments, neighborhood improvements and economic development initiatives. Attendee questions will be answered following the presentation.

**Information Technology End-User Forum Update** – On Feb. 28, Information Technology hosted the first Training End-User Forum for city staff. Attendees provided helpful input that included recommending different types of needed computer training classes, such as basic file structure, Microsoft Office tips and tricks, and laptop training. Attendees also suggested classes to discuss specific lessons for shorter class times, as well as having step-by-step videos available on the intranet. Twelve staff members attended representing various departments.

**Remote Cameras in Council Chambers** – Remote cameras are being installed in the City Council

Chambers for the airing of City Council and other public meetings on cable television and the Internet. This upgrade allows Irving Community Television Network to discontinue the use of manned cameras and the remote truck for these meetings. The installation of three of the four remote cameras has been completed, and the fourth camera will be installed by the end of March. The remote cameras also will be used for Planning and Zoning Commission, and Building and Standards Commission meetings.

**On Hold Phone Messages** – On hold audio messages have been produced by the Corporate Communications Department and installed on the new phone system by the Information Technology Department. The new system provides callers to the City of Irving with additional information about services, news and events. New messages will be taped on a monthly basis.

**School Involvement** – In February, the Fire Department presented programs to two classes in the Irving Independent School District (IISD) attended by a total of 132 students and one class at a private school for 35 students. David Springob from Public Works/Engineering worked with a group of seven homeschooled high school juniors and seniors who were entering a national debate competition to be held in March. The subject was infrastructure, and the students learned about water mains, wastewater mains, concrete pavement, drainage pipes and channels, and the construction of the Las Colinas Boulevard bridge. In mid-February, John Thorpe and Tommy Hudspeth from the Police Department participated in the Third Annual College Summit for the IISD's Academy.

### **Strategic Goal No. 7: Cultural, Recreational and Educational Environments**

**Underwater Easter Egg Hunt** – The annual Underwater Easter Egg Hunt will take place from 6 to 8 p.m. March 14 at the North Lake Aquatic Center, 5001 N. MacArthur Blvd. The event, hosted by the Parks and Recreation Department, is for children ages 1-11 years old. Activities include a rotation of egg hunts in the aquatic center's teach pool, Easter Bunny photos, games and magic shows. More than 5,000 toy-filled Easter eggs will be distributed.

**Citywide Easter Egg Hunt** – The annual citywide Easter Egg Hunt will be held at 9 a.m. March 22 at Heritage Park, 217 Main St. The event is for children ages 3-10. Approximately 10,000 prize-filled plastic eggs will be distributed. The event is sponsored by the Parks and Recreation Department and the Irving Special Activities Advisory Council. The event schedule is as follows:

- Ages 9-10 – 9 a.m.
- Ages 7-8 – 9:30 a.m.
- Ages 5-6 – 10 a.m.
- Ages 3-4 – 10:30 a.m.

Admission is free. For more information, contact (972) 721-2501.

**Irving Archives Exhibit** – The Irving Archives, a division of the Irving Public Library System, presents an exhibit on the history of Irving at the Old Red Museum of Dallas County History and Culture through April 12. Irving is the first area city selected to exhibit in the restored courthouse. The museum, located at 100 South Houston St. in downtown Dallas, is open from 9 a.m. to 5 p.m. Monday through Saturday, and from noon to 5 p.m. Sunday. For more information call (214) 745-1100 or visit [www.oldred.org](http://www.oldred.org).

**Genealogy Society Program** – Texas State Representative Will Hartnett will be the guest speaker for the next genealogy program, Finding Your Revolutionary War Ancestors, at 7 p.m. March 17 at the Irving Central Library, 801 W. Irving Blvd. The program, which is free and open to the public, is cosponsored by the Irving Public Library and the Irving Genealogical Society. An Irving

Genealogical Society business meeting will follow the program. For more information, call (972) 721-2606.

**Teen College Fair** – The East Branch, 440 S. Nursery Road, offers a day where teens can gather information on colleges and universities in the Dallas/Fort Worth and surrounding areas. The program, cosponsored by DeVry University, will run from 2 p.m. to 5:30 p.m. March 29.

**Spring Fling** – Go wild with art at the Irving Arts Center's annual art adventure festival, Spring Fling, from 10 a.m. to 7 p.m. April 5. This year, the Arts Center expanded the hours of Spring Fling from a three-hour to a nine-hour event. The festival will feature more art activities for children, two performance stages, a visual arts area for adults, festival fare, and a preview of the Arts Center's summer camp projects. The highlight of the event will be three performances by Richard Hight, the featured artist for Spring Fling. Hight will create a large-scale masterpiece in 30 minutes, choreographed to high-energy music.

### **Strategic Goal No. 8: Sound Governance**

**Valley Ranch Library Extends Hours** – Beginning April 4, the Valley Ranch Library, located at 401 Cimarron Trail, will be open on Fridays from 10 a.m. to 6 p.m. This service enhancement has the library open seven days a week.

**GIS Updates** – The Information Technology/Geographical Information Systems team has enhanced its communication with other departments. This includes adding new aerials into current projects that are used by end-users. The team also will hold a cross-departmental meeting on March 21 to discuss current and upcoming projects with other departments. The GIS team provides benefits such as mapping tools and support to assist with economic development, land use, inspections and public safety.

**Language Skills Testing** – The Strategic Resources and Budget Department facilitated an on-site language skills testing session for employees on Feb. 27. All 10 employees who completed the assessment attained a passing score. They began receiving language skills incentive pay beginning with the March 9 pay period.

**On-the-Spot Awards** – During the past month, the following City of Irving employees received On-the-Spot awards for either work that has contributed toward the city's strategic goals or who have provided exemplary internal/external customer service: Teresa Adrian (Code Enforcement), Jason Dix (Police), Ronni Eason (Parks and Recreation), Boyd Hansboro (Code Enforcement), Laurie Kunke (Corporate Communications), Cheryl Lowdermilk (Corporate Communications), Brenda McDonald (City Attorney's Office), Ivonne Mendoza (Code Enforcement), Gary Miller (Planning and Inspections), Vicki Miller (Parks and Recreation), Dana Morris (Police), Jon Plunkett (Police), Jose Romero (Solid Waste), Robert Salinas (Solid Waste), John Thomas (Police), and John Thorpe (Police). In addition, the Planning and Inspections Department was recognized for winning the Building Officials Association of Texas 2007 Award of Excellence.

### **Strategic Goal No. 9: Infrastructure Network**

**Strategic Briefing Room Update** – Information Technology has completed the installation of state-of-the-art audio and video technology equipment, which includes an energy-conserving 57-inch LCD television along with a DVD/VCR combo, document camera, and cable access to the newly renovated Briefing Room on the fourth floor of City Hall. A digital voice recorder also has been added to record public meetings.

## **Strategic Goal No. 10: Environmentally Sustainable Community**

**Earth Day Summit** – Keep Irving Beautiful will sponsor an Earth Day Summit at North Lake College in April. The summit will focus on “getting greener” in the areas of air quality, water and energy conservation, recycling and litter abatement.

**Keep Texas Beautiful Board Appointment** – Bob Horton, the city’s Keep Irving Beautiful administrator, has been re-elected to the Keep Texas Beautiful board of directors. He also has been asked to consult with the Keep America Beautiful national staff on their ongoing research on litter.

**LEED Training** – On March 5, the City of Irving hosted LEED-a-Palooza, a quarterly training program sponsored by Clayco (the development company that built the Fluor headquarters) to train employees, clients, subcontractors, developers, building owners and others on the United States Green Building Council Leadership in Energy and Environmental Design (LEED) Accredited Professional Examination. Representatives from several city departments participated: Planning and Inspections, Fire, City Manager’s Office, Irving Convention and Visitors Bureau, Solid Waste Services, Parks and Recreation, and Contracts and Fuel Administration. Since 2006, the events have trained more than 250 individuals on the procedures for planning, designing and constructing in accordance with the LEED Green Building Rating System requirements. Participation in this training will assist the city in meeting or exceeding its green initiatives.

### **CONSENT AGENDA**

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The consent agenda, items #2 through #22, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. Item 21 was pulled from the Consent agenda and Councilwoman Van Duyne abstained from voting this item. **Councilman Stopfer moved to approve the consent agenda items 2-22, excluding Item 21. Seconded by Councilman Patrick, the motion was approved by a vote of 9-0.**

- 2 Resolution No. 3-13-08-089** -- Approving The City Council Work Session Minutes Of February 20, 2008, And The City Council Meeting Minutes Of February 21, 2008
- 3 Resolution No. 3-13-08-090** -- Authorizing The Destruction Of Obsolete Records In Accordance With The City Of Irving’s Records Management Policy
- 4 Resolution No. 3-13-08-091** -- Authorizing Staff To Negotiate An Engineering Services With Haston Associates For The Annual Compliance Monitoring At The Hunter Ferrell Landfill
- 5 Resolution No. 3-13-08-092** -- Authorizing The Mayor To Execute An Interlocal Agreement Between The City Of Irving And The Trinity River Authority For The Installation And Maintenance Of Plantings In A Wetlands Mitigation Effort Located Within The Twin Wells Golf Course
- 6 Resolution No. 3-13-08-093** -- Approving A Professional Services Contract With Brinkley Sargent Architects For The Architectural, Aquatic And Engineering Design Of The West Irving Aquatic Center



- 7 **Resolution No. 3-13-08-094** -- Approving The Purchase Of Certain Apartment Complexes By Heritage District, LLC
- 8 **Resolution No. 3-13-08-095** -- Authorizing An Increase In The Maximum Amount Of The Line Of Credit Loan Facility Under The First Amendment To Loan Purchase And Sale Agreement With Comerica Bank
- 9 **Resolution No. 3-13-08-096** -- Approving Settlement Of Two Lawsuits With SPT Apartments, LLC
- 10 **Resolution No. 3-13-08-097** -- Authorizing The Mayor To Execute A Right-Of-Entry Agreement With Heritage District LLC To Demolish The City Owned Building Located At 129 West Irving Boulevard
- 11 **Resolution No. 3-13-08-098** -- Approving An Engineering Services Agreement With Lockwood, Andrews And Newnam, Inc. For The Design Of The Delaware Creek Sanitary Sewer Interceptor From Second Street To Grauwlyer Road Project
- 12 **Resolution No. 3-13-08-099** -- Approving A Participation Agreement Between The City Of Irving And Chapel Of Roses Funeral Home, Inc. (Developer) And Mora Construction, Inc. (Contractor) For The Construction Of Oversize Drainage Improvements In The Chapel Of Roses Addition
- 13 **Resolution No. 3-13-08-100** -- Annuling Contract With Superior Gunite/HERC Products, Inc., J.V. For The 2007 Sanitary Sewer Main Replacement, Section I Project
- 14 **Resolution No. 3-13-08-101** -- Authorizing The Mayor To Execute An Agreement With Herzog Contracting Corp. For Installation Of Railroad Crossing Upgrades At Pioneer Drive East Of Wildwood Drive And Wildwood Drive South Of Union Bower Road, And Removal Of The Railroad Crossing On Cascade Drive South Of Pioneer Drive
- 15 **Resolution No. 3-13-08-102** -- Authorizing The Mayor To Execute An Agreement With The Texas Department Of Transportation (TxDOT) In The Form Of A "Local Project Advance Funding Agreement For Voluntary Local Government Contributions To Transportation Improvement Projects With No Required Match" For The Design And Construction Of An Extension To The Eastbound Frontage Road Of Interstate Highway 635 From 0.118 Miles West Of Belt Line Road To Olympus Boulevard
- 16 **Resolution No. 3-13-08-103** -- Approving An Engineering Services Agreement With Nathan D. Maier Consulting Engineers, Inc. For A Water Supply Study
- 17 **Resolution No. 3-13-08-104** -- Approving Addendum No. 5 To Patrick K. Magill, AIA, For 2008 Texas Stadium Facility Report

- 18 Resolution No. 3-13-08-105** -- Cancellation Of Brass Fittings With Techline Pipe And Best Plumbing Specialties, Inc. For Brass Fittings For The Public Works Department
- 19 Resolution No. 3-13-08-106** -- Purchases Funded In The 2007-2008 Budget Or Subject To Funds Being Appropriated In Future Fiscal Years
- (A) Bids -- Annual Bid For Turf Fertilizers To Justin Seed
  - (B) Bids -- Annual Bid For Library Books And AV Materials With Electronic Ordering Interface To Baker & Taylor, Inc.
  - (C) Bids -- Renewal Of Bid With FSG Lighting (Formerly American Light) For Lighting Supplies
  - (D) Bids -- Annual Bid For Mowing, Litter Control And Landscape Maintenance For Water Utilities To American Civil Constructors, Inc.
- 20 Ordinance No. 8924** -- Budget Adjustment To The 2007-2008 Fiscal Year Budget
- I. Non Bond CIP Fund
  - II. Texas Stadium Fund #2
  - III. Irving Arts Center General Fund
- 22 Ordinance 8926** -- Repealing Ordinance No. 8817 And Amending Chapter 8A Entitled "Irving Multi-Family Minimum Housing Code" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Require Current Code Compliance For Fire Protection Systems And Electrical Systems Prior To The Reinstatement Of A Certificate Of Occupancy Under Certain Conditions; Providing For Savings; Providing For Severability; And Providing An Effective Date

This concludes the consent agenda approving items #2 through 22, excluding item no. 21.

- 21 Ordinance No. 8925** – Amending Chapter 6 Entitled “Animal Services” Of the Civil And Criminal Ordinances Of The City Of Irving, Texas, By Adding Definitions; Providing For Registration Of Dogs And Cats; Providing Disposition Of Impounded Animals; Providing For Spaying Or Neutering Of Adopted

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

**Councilman Stopfer moved to approve the ordinance. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0, with Councilwoman Van Duyne abstaining on this item. (A Conflict of Interest Affidavit was file with the City Secretary’s Office)**

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**ZONING CASES**

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- 23 Resolution No. 3-13-08-107** -- Temporary Use Permit #G0702-0035 -- 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 -- Michelle Bird, Applicant

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

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

- 24 Resolution No. 3-13-08-108** -- Preliminary/Final Plat -- Forward Air Addition -- A 36.70 Acre Tract On The South Side Of Cabell Road, West Of Belt Line Road -- Chiang, Patel, And Yerby, Inc., Applicant

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

Dan Green, Developer with D S Green Construction presented the case.

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

- 25 Ordinance No. 8927** -- Special Fence Plan ZC07-0055 -- Approving A Variance To The Screening Fence Requirements Of Ordinance No. 8032 (Zoning Case #5261) -- An Approximately 4.5 Acre Tract Located At The Northwest Corner Of West Country Club Drive And Las Brisas Drive -- Head Construction, Applicant **(Postponed At The February 21, 2008 City Council Meeting)**

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

Mark Wainscott, Head Construction, 3030 LBJ Freeway, Suite 700, Dallas, Texas, presented the case.

The following registered to speak in favor of this item:

Ken Head, 3030 LBJ Freeway, Suite 700 Dallas, Texas  
Matt Ferris, 99 Trophy Club Drive, Trophy Club, Texas

The following registered to speak in opposition:

Joan DeSio, 2507 Tierra, Las Brisas Condominiums

Steve Reed, also gave a presentation on the history of the development of this land adjacent to the Las Colinas Brisas Condominiums.

After lengthy Council discussion regarding fencing options impacted by structural support issues, and safety concerns, **Councilman Patrick moved to approve the ordinance as presented. Councilman Stopfer seconded the motion. Councilman Philipp moved to amend the motion on the floor to require the developer to make a deposit to be held in escrow representing the cost difference between a wooden and masonry fencing, \$27,500.00, to be used for maintaining the wood fencing. Seconded by Councilwoman Van Duyne the motion failed by a vote of 4-5, with the following voting in opposition: Mayor Gears, Councilmen Smith, Patrick, Meagher, and Councilwoman Cannaday.**

Mayor Gears then called for a vote on the original motion on the floor. **The motion failed by a vote of 4-5, with the following voting in opposition: Mayor Gears, Councilmen Meagher, Philipp, Spink, and Councilwoman VanDuyne.**

Mayor Gears asked for a new motion. **Councilman Patrick moved to approve the ordinance with the stipulation that the developer put \$14,000.00 into an escrow account with the Homeowners' Association to be used for the maintenance of the fence. Seconded by Councilman Philipp, the motion was approved by a vote of 5-4, with the following voting in opposition: Mayor Gears, Councilman Meagher, Councilwomen Cannaday, and Van Duyne.**

- 26 Resolution No. 3-13-08-109** -- Zoning Case ZC07-0011 -- Granting S-P-2 (Generalized Site Plan) For C-O (Commercial Office), Assisted Living Facilities, Independent Living Facilities, And Related Uses -- An approximately 7.977 Acre Tract Located At 1101 Kinwest Parkway (Approximately 400 Feet South Of The Kinwest Boulevard And Bradford Pear Intersection) -- TCI Woodmont Group, Applicant

Mayor Gears introduced the item and stated that this item would be postponed.

**Councilwoman Van Duyne moved to postpone this item to the April 17, 2008 City Council meeting. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 9-0.**

- 27 Resolution No. 3-13-08-110** -- Zoning Case ZC07-0068 -- Granting S-P-2 (Generalized Site Plan) For R-MF-2 (Multifamily) Uses And Approving Multifamily Concept Plan #MF08-0002 -- A 26.855 Acre Tract Located On The South Side Of Royal Lane Approximately 1,800 Feet East Of Belt Line Road At The South End Of Ridgepoint Drive -- Sharon Barbosa-Crain, Applicant

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

**Councilman Spink moved to postpone this item indefinitely. Seconded by Councilwoman Van Duyne, the motion was approved by a vote of 9-0.**

- 28 Ordinance 8928** -- Zoning Case ZC07-0069 -- Granting TOD (Transit Oriented Development) District Uses -- An Approximately 3.4 Acre Tract Located On The

West Side Of Lake Carolyn Parkway, Approximately 1,100 Feet South Of O'Connor Road -- Intervest Companies, Applicant

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

Ron Parwick, representing the applicant presented the case.

**Councilman Stopfer moved to approve the ordinance as presented. Seconded by Councilman Patrick the motion was approved by a vote of 8-1, with Councilwoman voting in opposition.**

- 29 Ordinance No. 8929** -- Zoning Case ZC08-0001 -- Granting S-P-1 (Detailed Site Plan) For R-7.5 (Single Family) And Guest Quarters Uses -- An Approximately 1.0944 Acre Tract Located At 1202 North Irving Heights Drive -- Ray Crumby Design Group, Applicant

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

The contractor working for the homeowner, Ray Crumby, Design Group, P.O. Box 815, Terrell, Texas, presented the case.

Ian Fredrickson, Attorney for the owner also presented the case.

The following registered to speak in opposition of this item:

Jim Deatherage, 1204 N. Irving Heights  
Tally Parker, 1106 N. Irving Heights  
Linda Deatherage, 1204 N. Irving Heights  
Robert A. Bettis, 1205 N. Irving Heights  
Sunny Bettis, 1205 N. Irving Heights  
Randy Riggs, 1105 Irving Heights  
Suanne Lovvorn, 1141 Horseshoe Bend  
Anne Wedding, 1226 Ross Drive

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

Barbara Hull, 400 Lavidia Ct.

**Thomas Spink moved to approve this case as an S-P-1 for R-7.5 with the following stipulations to be added:**

- 1. that a detached garage not exceeding 450 square feet be allowed with a front setback of a minimum of 130 feet, a rear setback of a minimum of 5 feet, a side setback of a minimum of 5 feet, and a minimum separation of 10 feet from the house**
- 2. that the detached garage may not exceed a maximum height of one story, or 15 feet, whichever is less.**

3. that if the detached garage is more than 150 square feet, that it be constructed with a masonry exterior that matches or is consistent with the materials and colors of the exterior of the house.
4. that the detached garage may be used only for the parking of motor vehicles or storage of personal belongings of the resident of the house.
5. that additional one-story accessory buildings may be placed upon the property as long as the cumulative footprint of all such building does not exceed 25% of the footprint of the house, or 250 square feet, whichever is greater. Any such accessory buildings may not exceed a maximum height of one story, or 15 feet, whichever is greater. Any such accessory buildings may not exceed a maximum height of one story, or 15 feet, whichever is less, and shall comply with the same setbacks established for a detached garage. Any such accessory buildings over 150 square feet must be constructed with a masonry exterior that matches or is consistent with the materials and colors of the exterior of the house.
6. no accessory building may be used for any type of dwelling accommodation
7. that the fence be replaced, and that the City staff be directed to amend the site plan drawing accordingly.

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

#### INDIVIDUAL CONSIDERATION

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- 30 Resolution No. 3-13-08-111** -- Authorizing Consideration Of And Taking Action On A Resolution Relating To The Giving Of Notice Of Intention To Issue City Of Irving, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2008

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

City Manager Gonzalez gave an update on this item.

Councilman Philipp stated that the Audit/Finance Committee has reviewed this and recommends approval.

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

- 31 Resolution No. 3-13-08-112** -- Authorization To Move Forward On Refinancing Up To \$25,000,000.00 Of Outstanding Waterworks And Sewer System Bonds

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

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

- 32 Ordinance No. 8930** -- Amending Chapter 16A The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, To Levy An Additional 2% Hotel

Occupancy Tax Pursuant To Chapter 334 Of The Texas Local Government Code And Limiting Its Use To Financing A Convention Center And Entertainment Venue Project

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

**Councilman Stopfer moved to approve the ordinance as presented. Seconded by Councilman Philipp, the motion was approved by a vote of 8-1, with Councilwoman Van Duyne voting in opposition.**

- 33 Resolution No. 3-13-08-113** -- Creating The "Venue Project Fund" Required By Chapter 334 Of The Texas Local Government Code And Providing For The Use Of The Proceeds

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 Spink, the motion was approved by a vote of 8-1, with Councilwoman Van Duyne voting in opposition.**

- 34 Ordinance No. 8931** -- Public Hearing -- Proposed Designation Of A Commercial/Industrial Tax Abatement Reinvestment Zone No. 56 Being All that Same 28.794 Acre Tract Of Land In The City Of Irving, Dallas County, Texas, A Part Of The Thomas Armstrong Survey, Abstract No. 21, And The John Armstrong Survey, Abstract No. 22, As Described In Document No. 20080003569, Deed Records Of Dallas County, Texas

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

John Bonnot, Director of Economic Development, Greater Irving-Las Colinas Chamber of Commerce gave a presentation in support of items 34, 35, and 36 as they are companion items.

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

- 35 Resolution No. 3-13-08-114** -- Approving A Real Property Tax Abatement Agreement Between The City Of Irving And J&J Lott Irving, LLC

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

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

- 36 Resolution No. 3-13-08-115** -- Approving A Chapter 380 Economic Development Incentive Agreement With SanMar Corporation On Designated "Freeport" Eligible Inventory

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

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

- 37 Resolution No. 3-13-08-116** -- Public Hearing -- Failure Of Circle Spur Bar And Grille To Meet The Requirements Of Section 52-49 Of Ordinance No. 1144 "Restaurants With Attendant Use Of The Sale Of Alcoholic Beverages For On-Premises Consumption"

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

Chief Financial Officer Max Duplant gave a presentation on this item and stated that the applicants lease would terminate on March 31, 2008.

Alisa Granado, representing the applicants presented the case and stated that they will be out of business on March 31, 2008.

**Councilman Philipp moved to approve the resolution stating that the C-O will be revoked effective March 31, 2008. Seconded by Councilman Patrick, the motion was approved by a vote of 9-0.**

- 38 Resolution No. 3-13-08-117** -- Public Hearing -- Failure Of Webb's Bar And Grille To Meet The Requirements Of Section 52-49 Of Ordinance No. 1144 "Restaurants With Attendant Use Of The Sale Of Alcoholic Beverages For On-Premises Consumption"

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

The owner Don Webb of Webb's Bar and Grille presented his case for continuance of this Certificate of Occupancy.

**Councilman Patrick moved to approve a resolution allowing Webb's Bar and Grille thirty days to prepare a plan to come into compliance, and if the owner is not in compliance by September 30, 2008, this will authorize staff to revoke the Certificate of Occupancy. Seconded by Councilman Philipp, the motion was approved by a vote of 7-2, with the Councilman Meagher and Councilman Smith voting in opposition.**

- 39 Resolution No. 3-13-08-118** -- Public Hearing -- Failure Of Rocky's Bar and Grille To Meet The Requirements Of Section 52-49 Of Ordinance No. 1144 "Restaurants



With Attendant Use Of The Sale Of Alcoholic Beverages For On-Premises Consumption"

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

**Councilman Smith moved to approve the resolution to revoke the Certificate of Occupancy effective immediately. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.**

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## APPOINTMENTS AND REPORTS

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- 40 Resolution No. 3-13-08-119** -- Appointments To Boards, Commissions And Committees To Fill Two Year Terms Expiring November 2009, And To Various Unexpired Terms

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

**Councilman Stopfer moved to appoint Alan Fennill to Place One on the Building and Standards Commission to an unexpired term, expiring November 2009. Seconded by Councilman Meagher, the motion was approved by a vote of 9-0.**

- 41 Resolution No. 3-13-08-120** -- Appointment Of A Chairman To The Irving's Green Advisory Committee

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

**Councilman Stopfer moved to appoint Karen Harmon as the Chair of the Irving's Green Advisory Committee. Seconded by Councilman Smith, the motion was approved by a vote of 9-0.**

- 42 Resolution No. 3-13-08-121** -- Appointments To The Irving Flood Control District Section III To Fill Two Two-Year Terms Expiring January 2009

Mayor Gears stated that this item would be postponed and an audit of the district will be performed by the City with the assistance of an outside firm.

**Councilman Stopfer moved to postpone this item. Seconded by Councilman Meagher, the motion was approved by a vote of 9-0.**

- 43 Committee And Liaison Report/Meetings**

There was no report given.

**44** Mayor's Report

Mayor Gears announced that a Tanger Outlet Mall will be built in the city of Irving.

**45** The meeting adjourned at 10:20 p.m.

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**CITIZEN FORUM**

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Betsy Ann Harris, 4010 Olympia Street, addressed the Mayor and Council about her experience when trying to voting on the March 4, 2008, she never got to vote that evening. She also spoke an issue with her neighbor's dog.

George Stephenson, 2105 Druid Drive, spoke about fence issues and code enforcement in South Irving.

ATTEST:

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Herbert A. Gears, Mayor

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Janice Carroll, TRMC  
City Secretary