

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
August 6, 2015**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, August 6, 2015 at approximately 7:00 p.m. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Beth Van Duyne	Irving City Council	Mayor	Present	
John C. Danish	Irving City Council	Councilman	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Dennis Webb	Irving City Council	Councilman	Present	
Phil Riddle	Irving City Council	Councilman	Present	
Oscar Ward	Irving City Council	Councilman	Present	
Brad M. LaMorgese	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Wm David Palmer	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

There was no organizational service announcement at tonight's meeting.

INVOCATION

The invocation was delivered by Reverend Keith Bateman, Irving First Church of the Nazarene, Irving, Texas.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was given by Marissa Mercado, Abigail Brown and Mikayla Douglas, members of the Rebel Yell cheerleading squad.

PROCLAMATIONS

Mayor Van Duyne presented a proclamation to Barbara Doyle, president of the League of Women Voters, to recognize Women's Equality Day.

CITIZENS' FORUM

Citizens are invited to speak for three (3) minutes on matters relating to City government and on items not listed on the regular agenda.

Lewis Hoppen, 3102 Maple Ave., Dallas, TX – Mr. Hoppen is representing Metroplex Plaza and spoke regarding Zoning Case #ZC15-0035 which was approved by Council on July 16, 2015. Mr. Hoppen reports that Metroplex Plaza is located across the street from the property in this zoning case, however they did not receive proper notice of the zoning hearing. He is working with the Planning and Community Development Department regarding this issue and is asking the City Council to repeal this zoning case and grant a new hearing.

David Cole, 1202 N. Irving Heights, Irving, TX – On behalf of the Convention and Visitors Bureau Board of Directors, Mr. Cole acknowledged the Council and the city staff for the excellent job in the grand opening of the Texas Musicians Museum.

Patrick Davis, 1943 Winthrop St., Irving, TX – Mr. Davis spoke regarding noise and the smell of chickens in residential neighborhoods and referenced the 2006 and 2014 Strategic Plan, Goal 2, Neighborhood Integrity and property conditions. The city has an ordinance that allows for chickens and other farm animals to be raised in residential neighborhoods. He is asking that the council readdress this rural ordinance as it relates to animal control.

JoAnn Walker, 1512 Ben Dr., Irving, TX – Ms. Walker spoke about justice, drugs, facts and not attacks.

David Bennett, 3577 N. Belt Line Rd. #1010, Irving, TX – Mr. Bennett spoke regarding ball room dance and the Olympics.

Bruce Burns, 421 W. Pioneer, Irving, TX – Mr. Burns thanked various members of city staff, police department and city council for showing up to the circle of prayer event. He stated it was a wonderful celebration and couldn't have been as successful but for everyone's support.

CITY COUNCIL AGENDA

1 City Operations Update

There was no Operations Update at tonight's meeting.

2 Heritage Crossing Update

There was no Heritage Crossing Update at tonight's meeting.

CONSENT AGENDA

Motioned by Councilman Ward, seconded by Councilman Riddle to approve consent agenda items 3-26.

Motion approved 9-0.

3 Approving Minutes for Wednesday, July 15, 2015

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

4 Approving Minutes for Thursday, July 16, 2015

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

5 Resolution No. RES-2015-254 -- Authorizing the Mayor to Accept Grant Funds through the Fiscal Year 2015 Emergency Management Performance Grant (EMPG) Offered by the Governor's Division of Emergency Management

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 6 Resolution No. RES-2015-255 -- Approving a Professional Services Agreement with Haston Associates in the Amount of \$286,554.00 for the Annual Compliance Monitoring at the Hunter Ferrell Landfill and Authorizing the Mayor to Execute the Contract**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 7 Resolution No. RES-2015-256 -- Approving Memorandum of Understanding Between the City of Irving and the University of North Texas Applied Gerontology Program for Internship Placements at the Heritage Senior Center**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 8 Resolution No. RES-2015-257 -- Approving the Amended City of Irving Investment Policy**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 9 **Resolution No. RES-2015-258** -- Approving Amendments to the City of Irving Group Health Benefit Plan Documents and Authorizing the Mayor to Execute Any Necessary Documents Related to the Amendments

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 10 **Resolution No. RES-2015-259** -- Approving Amendments to the City of Irving 401(A) Plan and Authorizing the Mayor to Execute Any Necessary Documents Related to the Amendments

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 11 **Resolution No. RES-2015-260** -- Approving a Memorandum of Understanding with Literacy Instruction for Texas for ESL Classes at the South Irving Library

The following individual(s) signed up to speak in support of this item:
Kyle Taylor, 904 Lane St., Irving, TX

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 12 Resolution No. RES-2015-261 -- Authorizing Funding to Bracewell & Giuliani LLP in the Amount of \$200,000.00 For Legal Services in Connection with the Entertainment Venue**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 13 Resolution No. RES-2015-262 -- Approving Amendment to the Restated Articles of Incorporation of the Metropolitan Higher Education Authority, Inc., and Appointing Directors and a New Registered Agent**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 14 Resolution No. RES-2015-263 -- Approving a Memorandum of Understanding Between the City of Irving and SouthGate Mobility Partners, LLC, for the Drainage Improvement Coordination for Embassy Channel, MacArthur Boulevard and Brockbank Channel**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 15 Resolution No. RES-2015-264** -- Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Motorola Solutions, Inc., to Support the Purchase of Test Equipment in the Amount of \$191,909.75, through an Interlocal Agreement with the Houston-Galveston Area Council (H-GAC) and Authorizing the Mayor to Execute the Contract

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 16 Resolution No. RES-2015-265** -- Approving a Local Project Advance Funding Agreement (LPAFA) in the Amount of \$1,975,902 with Texas Department of Transportation (TxDOT) for Construction of Westbound State Highway 114 Frontage Road Between Esters Road and Freeport Parkway

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 17 Resolution No. RES-2015-266** -- Approving First Amendment to the Lease Agreement for Satellite Office Space

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 18 Resolution No. RES-2015-267 -- Authorizing the Taking of Bids for the Sale of Land Banked Property Located at 400 South MacArthur Boulevard**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 19 Resolution No. RES-2015-268 -- Ratification of Expenditure to S. J. Louis Construction of Texas, Ltd., in the Amount of \$189,360.00 for the Emergency Replacement of 8-Inch Sewer Siphon at Maple Street and Delaware Creek**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 20 Resolution No. RES-2015-269 -- Approving a Master Intergovernmental Cooperative Purchasing Agreement between the City of Irving and the National Intergovernmental Purchasing Alliance Company (National IPA) and Authorizing the Mayor to Execute the Agreement and Amendment No. 1**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 21 Resolution No. RES-2015-270 --** Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and W. W. Grainger, Inc., in an Amount Not to Exceed \$150,000.00 Annually for As-Needed Purchases of Maintenance, Repair and Operations (MRO) Items through the National Intergovernmental Purchasing Alliance Company (National IPA) and Authorizing the Mayor to Execute the Contract

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 22 Resolution No. RES-2015-271 --** Approving and Accepting the Proposal of Morris & McDaniel, Inc., in an Amount Not to Exceed \$92,235.00 Annually for Police and Fire Promotional and Entrance Examinations

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 23 Resolution No. RES-2015-272 --** Approving and Accepting the Bid of Glass Doctor of North Texas, in an Amount Not to Exceed \$125,000.00 for Glass Replacement Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 24 Resolution No. RES-2015-273 -- Ratification of Expenditure to American Water Damage of DFW in the Total Amount of \$62,656.03 for Emergency Water Remediation at the Irving Arts Center Facility**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 25 Ordinance No. ORD-2015-9711 -- Approving a Sales Contract Between the City of Irving and David and Carla Davis for the Sale of Property Located at 403 S. Britain Street in the Amount of \$220,000.00 and Authorizing the Mayor to Execute a Special Warranty Deed Upon Receipt of the Consideration for the Grant, Sale, and Conveyance of the Property**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 26 Ordinance No. ORD-2015-9712 -- Authorizing the Abandonment of a Portion of Ranch Trail (Hackberry Road) Right of Way**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Phil Riddle, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

ZONING CASES AND COMPANION ITEMS

- 27 Ordinance No. ORD-2015-9713** -- Zoning Case #ZC15-0022 - Amending the Comprehensive Plan to Change the Recommended Land Use from "Low Density Residential" to "Commercial", and Granting S-P-1 (Detailed Site Plan) for Mini-warehouse Uses - Approximately 4.07 Acres Located at the Northeast Corner of Esters Boulevard and Cabell Road - Hines Interests, Applicant - Park Side Land West, L.P., Owner

Mayor Van Duyne opened the public hearing at approximately 7:26 p.m.

The following individual(s) signed up to speak in support of this item:
Danny Opitz, 6546 Barcelona, Irving, TX

The following individual(s) signed up in support of this item but did not want to speak:
Nick Jarke, 2200 Ross Avenue, Dallas, TX

Mayor Van Duyne closed the public hearing at approximately 7:28 p.m.

Motioned by Councilman Farris, seconded by Councilman Webb to Approve an Ordinance -- Zoning Case #ZC15-0022 - Amending the Comprehensive Plan to Change the Recommended Land Use from "Low Density Residential" to "Commercial", and Granting S-P-1 (Detailed Site Plan) for Mini-warehouse Uses - Approximately 4.07 Acres Located at the Northeast Corner of Esters Boulevard and Cabell Road - Hines Interests, Applicant - Park Side Land West, L.P., Owner

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Farris, Councilman
SECONDER:	Dennis Webb, Councilman
AYES: Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer	

- 28 Ordinance No. ORD-2015-9704 -- Zoning Case #ZC15-0028 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption), Hotel and Related Uses - Approximately 3.54 Acres Located at 4940 Regent Boulevard - DFW Resorts, LLC., Applicant/Owner (Postponed at the July 2, 2015 City Council Meeting)**

Mayor Van Duyne opened the public hearing at approximately 7:28 p.m.

The following individual(s) signed up to speak in opposition of this item:

Mike Dunkle, 4949 Regent Blvd, Irving, TX
Robert Bula, 8440 Freeport Parkway, Irving, TX

Jim Drake, 6600 Sapphire Circle, Colleyville, TX - Mr. Drake represents the applicant and responded to questions from opposition and council.

Mayor Van Duyne closed the public hearing at approximately 7:36 p.m.

Motioned by Councilman Webb, seconded by Councilman Danish to Approve an Ordinance -- Zoning Case #ZC15-0028 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption), Hotel and Related Uses - Approximately 3.54 Acres Located at 4940 Regent Boulevard - DFW Resorts, LLC., Applicant/Owner (Postponed at the July 2, 2015 City Council Meeting)

The opposition represents 52.05% of the land within 200 feet of the subject property; since this exceeds 20%, per state law a $\frac{3}{4}$ vote is required to approve this case, which is a minimum of seven council members.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Webb, Councilman
SECONDER:	John C. Danish, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 29 Ordinance No. ORD-2015-9714 -- Zoning Case #ZC15-0029 - Granting PUD (Planned Unit Development) for S-P-1 (Detailed Site Plan) for R-AB (Restaurant With the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses - Approximately 1.14 Acres Located at 6741 N. MacArthur Boulevard - WFM Beverage Corporation, Applicant - LG MacArthur 161, LLC., Owner**

Mayor Van Duyne opened the public hearing at approximately 7:48 p.m.

The following individual(s) signed up to speak in support of this item:
Calli Turner, 1601 Elm St., Dallas, TX

Mayor Van Duyne closed the public hearing at approximately 7:48 p.m.

Motioned by Councilman LaMorgese, seconded by Councilman Danish to Approve an Ordinance -- Zoning Case #ZC15-0029 - Granting PUD (Planned Unit Development) for S-P-1 (Detailed Site Plan) for R-AB (Restaurant With the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses - Approximately 1.14 Acres Located at 6741 N. MacArthur Boulevard - WFM Beverage Corporation, Applicant - LG MacArthur 161, LLC., Owner

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad M. LaMorgese, Councilman
SECONDER:	John C. Danish, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

- 30 Ordinance No. ORD-2015-9715 -- Zoning Case #ZC15-0043 - Granting S-P-2 (Generalized Site Plan) for C-OU-2 (Commercial Outdoor) Uses - Approximately 6.5 Acres Located at 1500 E. Airport Freeway - Multatech, Applicant - Bankston Nissan of Irving, Owner**

Mayor Van Duyne opened the public hearing at approximately 7:48 p.m.

No one signed up to speak on this item at tonight's meeting.

Mayor Van Duyne closed the public hearing at approximately 7:48 p.m.

Motioned by Councilman Ward, seconded by Councilman Webb to Approve an Ordinance -- Zoning Case #ZC15-0043 - Granting S-P-2 (Generalized Site Plan) for C-OU-2 (Commercial Outdoor) Uses - Approximately 6.5 Acres Located at 1500 E. Airport Freeway - Multatech, Applicant - Bankston Nissan of Irving, Owner

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Oscar Ward, Councilman
SECONDER:	Dennis Webb, Councilman
AYES:	Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Farris, Palmer

APPOINTMENTS AND REPORTS

31 Mayor's Report

There was no mayor's report at tonight's meeting.

Adjournment

The meeting adjourned at approximately 7:50 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary