

**REGULAR MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
April 6, 2017**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, April 6, 2017 at approximately 7:00 p.m. The following members were present / absent:

| <b>Attendee Name</b> | <b>Organization</b> | <b>Title</b> | <b>Status</b> | <b>Arrived</b> |
|----------------------|---------------------|--------------|---------------|----------------|
| 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       |                |
| Kyle Taylor          | Irving City Council | Councilman   | Present       |                |
| Wm David Palmer      | Irving City Council | Councilman   | Present       |                |

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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

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**INVOCATION**

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The invocation was delivered by Reverend Father Joseph Wargacki, St. Basil the Great Byzantine Catholic Church, Irving, Texas.

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**PLEDGE OF ALLEGIANCE**

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The pledge of allegiance was led by the following 5th grade students from Farine Elementary School; all students are Farine Safety Patrol members:

- Ashley Alvarez
- Tylen Brooks
- Navaeh Hardin
- Shaun Hollins
- Jose Rodriguez

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**PROCLAMATIONS**

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Mayor Van Duyne presented a High Spirited Citizen Award to Elaine and Dan Niemeier.

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### CITIZENS' FORUM

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

JoAnn Walker, 506 Columbia Circle, Irving, TX – Ms. Walker spoke regarding the last two council meetings.

Fredericka Ogbazi, 4008 N. Story Rd, #1231A, Irving, TX – Ms. Ogbazi spoke in favor of the “Imagine Irving” Comprehensive Plan.

Bruce Burns, 421 W. Pioneer, Irving, TX – Mr. Burns spoke regarding Delaware Crossing.

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### CITY COUNCIL AGENDA

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- 1 City Operations Update**  
Music Factory Update - Time Lapse Video  
There was no City Operations Update at tonight’s meeting.

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### CONSENT AGENDA

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Motioned by Councilman Ward, seconded by Councilman Riddle to approve consent agenda items 2-27 and pull item(s) 15, 17, 18 and 25 for individual consideration.

Motion approved 9-0.

- 2 Approving Minutes for Wednesday, March 22, 2017**

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

**3 Approving Minutes for Thursday, March 23, 2017**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman   |
| <b>SECONDER:</b> | Phil Riddle, Councilman  |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese,<br>Taylor, Palmer |

**4 Resolution No. RES-2017-134 -- Suspending the Effective Date of a Proposed Rate Change by Oncor Electric Delivery Company**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Oscar Ward, Councilman   |
| <b>SECONDER:</b> | Phil Riddle, Councilman  |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese,<br>Taylor, Palmer |

**5 Resolution No. RES-2017-135 -- Reallocate \$1,200,000 in General Obligation Bond Proceeds for Public Street Improvements, Including Parking Facilities and Other Public Infrastructure Related to the Construction of the City Facilities and Parking Facilities of the Convention Center Hotel Project**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Oscar Ward, Councilman   |
| <b>SECONDER:</b> | Phil Riddle, Councilman  |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese,<br>Taylor, Palmer |

- 6 Resolution No. RES-2017-136 --** Approving Amendment No. 1 Establishing the Initial Guaranteed Maximum Price Within the Design-Build Agreement Among the City of Irving, Garfield Public/Private LLC and Austin Commercial, L.P. for the City Facilities and Parking Garage Components of the Convention Center Hotel Project

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|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 7 Resolution No. RES-2017-137 --** Approving Amendment No. 1 Establishing the Initial GMP (Guaranteed Maximum Price) for the Design-Build Agreement Between Garfield Public/Private LLC, Austin Commercial, LP and Provident Group-Irving Properties LLC for the Hotel Component of the Convention Center Headquarter Hotel Project

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 8 Resolution No. RES-2017-138 --** Designating the Mayor as the Authorized Official, Authorizing the Mayor to Apply for Funding, and Approving Submission of an Application to the Office of the Attorney General for the Victim Coordinator Liaison Grant (VCLG) for a Two-Year Period for Fiscal Years 2017-2019

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 9 Resolution No. RES-2017-139** -- Appointing Dr. Keith A. Lepak, M.D., to Serve as the Local Health Authority for the City of Irving and Approving a Professional Services Consulting Agreement Between the City of Irving and Dr. Keith A. Lepak for Health Authority Services for a Two-Year Period in the Annual Amount of \$24,000.00

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 10 Resolution No. RES-2017-140** -- Renewing the Contract with Allied Waste Services of Fort Worth, LLC, dba Republic Services, for the Curbside Recycling Program

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 11 Resolution No. RES-2017-141** -- Approving the Marco Polo World Foundation's Special Event Permit Application for the 2017 DFW Dragon Boat, Kite and Lantern Festival

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 12 Resolution No. RES-2017-142 -- Approving a Deposit Agreement Between the City of Irving and the ARK Group of Irving, Inc. for the Construction of Off-Site Infrastructure Related to the Entertainment Center**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 13 Resolution No. RES-2017-143 -- Awarding a Contract to Tiseo Paving Company, in the Amount of \$369,049.25 for the Northbound Left Turn Lane - Las Colinas Boulevard Into Irving Music Factory Project**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 14 Resolution No. RES-2017-144 -- Approving an Amended and Restated Economic Incentive Agreement with Avion Management Company, LLC, Successor and Assign of Royal Lane Holdings, LP, for the Construction of the State Highway 114 Westbound Frontage Road**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 15 Resolution No. RES-2017-145 -- Approving an Economic Incentive Agreement Between the City of Irving and Allstate Insurance Company in an Amount Not to Exceed \$550,000 Dependent Upon Annual Qualification**

Motioned by Councilman Ward, seconded by Councilman Riddle to postpone a Resolution -- Approving an Economic Incentive Agreement Between the City of Irving and Allstate Insurance Company in an Amount Not to Exceed \$550,000 Dependent Upon Annual Qualification.

Motion Approved 9-0.

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| <b>RESULT:</b>   | <b>POSTPONED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 16 Resolution No. RES-2017-146 -- Approving a License Agreement Between the City of Irving and Trinity Railway Express for the Installation of One 10.5-Inch PVC Sanitary Wastewater Line at Mile Post 636.77 Related to the East Pioneer Wastewater Improvements Project**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 17 Resolution No. RES-2017-147** -- Approving Amendment No. 1 to the Telecommunications License Agreement Between the City of Irving and PCPI UT Owner, LP, Assignee of AG-PCPI Urban Towers Owner, L.P.

Motioned by Councilman Ward, seconded by Councilman Riddle Approving Amendment No. 1 to the Telecommunications License Agreement Between the City of Irving and PCPI UT Owner, LP, Assignee of AG-PCPI Urban Towers Owner, L.P.

Motion approved 8-1.

Councilmember(s) voting in opposition of this motion include: Mayor Van Duyne

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| <b>RESULT:</b>   | <b>ADOPTED [8 TO 1]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman   |
| <b>SECONDER:</b> | Phil Riddle, Councilman  |
| <b>AYES:</b>     | Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |
| <b>NAYS:</b>     | Beth Van Duyne   |

- 18 Resolution No. RES-2017-148** -- Authorizing Funding in the Amount of \$20,288.10 for Insurance Renewal Coverage from McGriff, Seibels and Williams for the City of Irving's Parking Lease at the Urban Towers

Motioned by Councilman Danish, seconded by Councilman Ward to Approve a resolution authorizing Funding in the Amount of \$20,288.10 for Insurance Renewal Coverage from McGriff, Seibels and Williams for the City of Irving's Parking Lease at the Urban Towers.

Motion approved 7-2.

Councilmember(s) voting in opposition of this motion include: Mayor Van Duyne and Councilman LaMorgese

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| <b>RESULT:</b>   | <b>ADOPTED [7 TO 2]</b>                             |
| <b>MOVER:</b>    | John C. Danish, Councilman                          |
| <b>SECONDER:</b> | Oscar Ward, Councilman                              |
| <b>AYES:</b>     | Danish, Meagher, Webb, Riddle, Ward, Taylor, Palmer |
| <b>NAYS:</b>     | Beth Van Duyne, Brad M. LaMorgese                   |



- 19 Resolution No. RES-2017-149 -- Approving a Purchase and Sale Agreement in the Amount of \$650,000.00 Plus Closing Costs Not to Exceed \$5,000.00 for the Acquisition of Property Located at 800 and 802 Metker Street Related to the Relocation of Fire Station No. 4 - ZKB Properties - Property Owner**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 20 Resolution No. RES-2017-150 -- Approving a Special Event Permit Application for the 2017 AT&T Byron Nelson to be Held May 15-21, 2017, at the Four Seasons Resort & Club Located at 4150 N. MacArthur Boulevard, Irving, Texas**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 21 Resolution No. RES-2017-151 -- Approving a Parking License and Access Agreement Between the City of Irving/Irving Convention and Visitors Bureau, Dallas Area Rapid Transit ("DART") and Salesmanship Club Charitable Golf of Dallas, Inc. D/B/A AT&T Byron Nelson for Use of 500 Parking Spaces and Shuttle Pick-Up and Drop-Off Services on DART-Owned Property Known as the North Irving Transit Center, Located at 5601 Riverside Drive, Irving, TX 75039 May 17-21, 2017**

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|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 22 Resolution No. RES-2017-152 --** Approving an Agreement Between the City of Irving on Behalf of the Irving Convention and Visitors Bureau (ICVB) and the Four Seasons Resort and Club to Provide Food/Beverage/ Entertainment Services in the Amount of \$85,000.00 for Customers/Clients During the AT&T Byron Nelson, May 17-21, 2017

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 23 Resolution No. RES-2017-153 --** Approving a Sponsorship Agreement Between the City of Irving on Behalf of the Irving Convention and Visitors Bureau (ICVB) and the Salesmanship Club Charitable Golf of Dallas, Inc. D/B/A AT&T Byron Nelson in the Amount of \$226,500 for the 2017 AT&T Byron Nelson

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 24 Resolution No. RES-2017-154 --** Approving Event Support Agreement with United States of America Wrestling Associations, Inc., and Texas USA Wrestling, Inc., in the Amount of \$1,328.00 for the USA Wrestling Women's National Championship 2017

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|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 25 Resolution No. RES-2017-155 -- Approving a Professional Services Agreement Between the City of Irving and Colligan Golf Design in the Total Amount of \$200,000.00 for Twin Wells Golf Course Renovation Design**

Motioned by Councilman Danish, seconded by Councilman Ward to Approve an Ordinance for a Professional Services Agreement Between the City of Irving and Colligan Golf Design in the Total Amount of \$200,000.00 for Twin Wells Golf Course Renovation Design.

Motion approved 7-2.

Councilmember(s) voting in opposition of this motion include: Mayor Van Duyne and Councilman LaMorgese

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [7 TO 2]</b>                             |
| <b>MOVER:</b>    | John C. Danish, Councilman                          |
| <b>SECONDER:</b> | Oscar Ward, Councilman                              |
| <b>AYES:</b>     | Danish, Meagher, Webb, Riddle, Ward, Taylor, Palmer |
| <b>NAYS:</b>     | Beth Van Duyne, Brad M. LaMorgese                   |

- 26 Resolution No. RES-2017-156 -- Ratification of Payment Made to RKM Utility Services, Inc., in the Total Amount of \$239,125.64 for Emergency Water Main Replacement on Iris Drive**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

- 27 Ordinance No. ORD-2017-9934 -- Budget Adjustment #4 to the 2016-17 Fiscal Year Budget**

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Oscar Ward, Councilman  |
| <b>SECONDER:</b> | Phil Riddle, Councilman   |
| <b>AYES:</b>     | Van Duyne, Danish, Meagher, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |

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### INDIVIDUAL CONSIDERATION

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- 28 Ordinance No. ORD-2017-9935 -- Amending Chapter 6 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Providing Definitions, and Providing Regulations for the Keeping of Chickens**

Mayor Van Duyne opened the public hearing at approximately 7:31 p.m.

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

Jo Kirkbride, 1610 Betsy Lane, Irving, TX  
Christy Lane, 2004 Glenwick, Irving, TX  
Patrick Davis, 1943 Winthrop St., Irving, TX  
Martin Victorino, 2118 Pebblebrook Trail, Irving, TX  
Michael McPhail, 815 Dixon St., Irving, TX  
Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX  
Maria Contreras, 1305 Ronne Dr., Irving, TX  
Yanira Martinez, 2109 Meadow Lark, Irving, TX  
Oscar Contreras, 1305 Ronne Dr., Irving, TX  
Fredy Guevara, 2109 Meadow Lark, Irving, TX

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

Preston Lynch, 1629 Glenwick, Irving, TX  
Benita Soward, 1020 Mitchell Rd., Irving, TX  
Jim Widener, 900 Turtle Lake Blvd, Irving, TX  
Crystal Main, 1913 Marvel Dr., Irving, TX  
Janet Harrison, 1109 Westbrook, Irving, TX  
Angela Roach, 1306 Broadmoor Lane, Irving, TX  
Katherine (Katarzyna) Kus, 706 Ridgecrest Dr., Irving, TX  
Sonny San, 1916 Emerald Dr., Irving, TX  
Nancy Starnes, 1832 Emerald Dr., Irving, TX  
Marie Moore, 1406 Etain, Irving, TX

The following individual(s) signed up in support of this item but did not want to speak:

Kelly Paulsen, 3002 Cheyenne, Irving, TX  
Jan Goodgame, 851 Lake Carolyn Pkwy #328, Irving, TX

The following individual(s) signed up in opposition of this item but did not want to speak:

Katherine Aurbakken, 1629 Glenwick, Irving, TX  
Carl Soward, 1020 Mitchell Rd., Irving, TX  
Larry Roach, 1306 Broadmoor Lane, Irving, TX

Mayor Van Duyne closed the public hearing at approximately 8:04 p.m.

Motioned by Councilman Riddle, seconded by Councilman Danish to Approve an Ordinance Amending Chapter 6 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Providing Definitions, and Providing Regulations for the Keeping of Chickens with the following amendments:

On one acre or less, a minimum of six hens to have one rooster; with a maximum of 24 hens permitted [with one rooster], making the total number of chickens allowed 25.

On more than one acre, there is no limit to the number of hens but there is the required ratio to have a minimum of six hens per one rooster.

Motion approved 7-2.

Councilmember(s) voting in favor of this motion include: Councilmen Danish, Riddle, Ward, Webb, Palmer, LaMorgese and Taylor

Councilmember(s) voting in opposition of this motion include: Mayor Van Duyne and Councilman Meagher

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [7 TO 2]</b>                               |
| <b>MOVER:</b>    | Phil Riddle, Councilman                               |
| <b>SECONDER:</b> | John C. Danish, Councilman                            |
| <b>AYES:</b>     | Danish, Webb, Riddle, Ward, LaMorgese, Taylor, Palmer |
| <b>NAYS:</b>     | Beth Van Duyne, Allan Meagher                         |

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**APPOINTMENTS AND REPORTS**

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**29 Mayor's Report**

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

**Adjournment**

The meeting was adjourned at approximately 8:17 p.m.

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Beth Van Duyne, Mayor

ATTEST:

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Shanae Jennings, TRMC  
City Secretary