

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
September 18, 2008**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, September 18, 2008. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Beth Van Duyne	Irving City Council	Councilwoman	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Present	
Sam Smith	Irving City Council	Councilman	Present	
Joe Philipp	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Absent	
Thomas Spink	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

There were no organizational or service announcements made.

INVOCATION

The invocation was delivered by Pastor William H. Few of Memorial Baptist Church, of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented the following proclamations:

Mayor Gears presented "The Big Read" proclamation to Director of Library Services Patty Landers, Jan Bodnar, Community Relations Supervisor and Amanda Hipp, Senior Librarian.

Mayor Gears also presented a proclamation for Disability Employment Awareness Month to Cathy Packard, Executive Director of Special Care & Career Services. Mayor Gears stated that the month of October is also a time that the city recognizes "Disabilities Employment Month".

CITY COUNCIL AGENDA

- 1 Ordinance No. ORD-2008-8986** -- Public Hearing and Adoption of the 2008-09 City of Irving Fiscal Year Budget

Mayor Gears introduced the item and stated that City Manager Tommy Gonzalez is presenting a video regarding the budget.

The following registered to speak in favor of this item.

Zac Penn, 2416 North Lake Court, representing Lakeside Landing Homeowners Association, thanked the Council for the City's participation in correcting their drainage issue.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 2 Resolution No. RES-2008-418** -- Ratifying the Approval of the 2008-09 Fiscal Year Budget that Raises More Property Tax Revenue Than the 2007-08 Fiscal Year Budget

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 3 Ordinance No. ORD-2008-8987** -- Setting the 2008 Tax Rate and Levying the Tax As Required by the State of Texas Property Tax Code

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

The motion was said as follows: "I move that property taxes be increased by adoption of the tax rate of \$0.5406."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

4 Ordinance No. ORD-2008-8988 -- Adopting the 2008 City of Irving Tax Roll As Required by the State of Texas Property Tax Code

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

5 City Manager's Report

Managing Director Nancy Bartlett presented a report on the strategic goals.

Strategic Goal No. 1: Land Use

Construction of Entry Gateways – Work is under way on the new entry gateway being constructed at the northwest corner of MacArthur Boulevard and Weathered Street. The contractor is beginning the grading and preparing to install the foundation for the gateway arch structure. In the next week, work will begin on a second entry gateway on the northeast corner of MacArthur Boulevard and Shady Grove Road. Both entry gateway developments are projected to be completed in December. These projects are the second phase of improvements for the MacArthur corridor. Additional enhancements will begin later this fall.

Construction Code Hearings – Lawrence Crow, field operations manager for the Planning and Inspections Department, represented the City of Irving at the International Code Council Annual Conference and Final Action Hearing in Minneapolis, held the week of Sept. 14. Building officials and other voting members concluded the three-year cycle of code changes that will be incorporated into the 2009 edition of the International Building Code.

Strategic Goal No. 2: Vibrant Neighborhoods

Vista Del Lago Update – City Manager Tommy Gonzalez and representatives from several city departments—Police, Code Enforcement, Housing and Human Services, Fire and Corporate Communications—met with displaced residents of Vista Del Lago on Sept. 8 to discuss additional needs. City employees are conducting a school supply and clothing drive to assist the children who were relocated from the closing of the apartment complex. Following the meeting, staff discussed opportunities for improvement that will be incorporated into procedures for future planned and emergency evacuations.

Strategic Goal No. 4: Safe and Secure City

Hurricane Ike Assistance – To prepare and provide for better response to natural and manmade disasters, two Irving paramedics and an ambulance assisted with evacuating the Gulf Coast in response to Hurricane Ike. Irving paramedics met with other EMS units in San Antonio and provided immediate care for persons with serious health problems and safely removed them from the storm's path. In addition, three Irving dispatchers have been sent to the Galveston area to assist with communications at the state's Command Center. The dispatchers will stay for a three-day rotation.

Fire Training – Firefighters will soon attend realistic fire training using state-of-the-art simulators at DFW International Airport. The gas-fed simulators provide realistic scenarios to give firefighters a chance to study their tactics in a controlled format.

Star of Texas Award – Fallen officer Andrew Esparza was selected to receive a Star of Texas Award from Governor Rick Perry on Sept. 11. The Texas Legislature created the award to honor peace officers, firefighters and emergency medical first responders who have been killed or sustained serious injuries in the line of duty on or after Sept. 1, 2003. Officer Esparza's family accepted the award in his honor.

Officer Recognition – Officer Jonathan Plunkett was selected as the National Police Officer of the Year by the Military Order of the World Wars. Officer Plunkett, who also was selected earlier this year as the Irving Police Officer of the Year, was chosen from a group of nominees from across the nation.

Injury Accidents Decrease – Since Oct. 1, personal injury accidents in Irving have declined by 20 percent as compared to the same time period last year. This success is due to state grant initiatives, directed traffic enforcement and automated red light enforcement programs.

Strategic Goal No. 6: Effective Communications

New City Web Site Design – The city Web site has a new design that went live this month. The updated design features a video on demand player on the home page, which showcases a city video. Other recent enhancements include Google searches, public input opportunities, traffic updates and key focus area information.

Water Utilities Partnership with Irving ISD – The Water Utilities Department is working with Irving ISD to teach students the process of delivering safe drinking water to the public and preparing students for a state water exam. Irving ISD is building a new applied technology center for students at the Union Bower Learning Center, 101 E. Union Bower Road. The 20-

hour basic water utility course takes about three months to complete. Students finishing the course are eligible to take the state exam. After passing the state exam and graduating from high school, students will be issued a Level D water license, making them marketable in the water industry. In conjunction with this partnership, Water Utilities provided a course overview for 29 students and five teachers on Sept. 12. The group toured City Hall, the Valley View Municipal Complex and the Northgate Pump Station.

Health Information Distributed – The Corporate Communications Department distributed health services information to more than 500 people at the Austin Middle School parent-teacher night on Sept. 8. As part of the parent education process, local nonprofit and governmental agencies were invited to share their services and programs with Irving families. Information concerning local childhood obesity also was distributed.

“Irving: Game of the Week” – Time Warner Cable will be replaying all of the “Irving: Game of the Week” football games produced by Irving Community Television Network (ICTN) on its On Demand channel. The first game featured Irving and Mansfield high schools on Aug. 29. A schedule of fall football games that will air on ICTN and Time Warner On Demand is available at www.ictn.tv.

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

West Irving Aquatic Center – Planning for the development of the new West Irving Aquatic Center began with the first community input meeting on Sept. 16. A second community input meeting will be held at 7 p.m. Sept. 25 at Georgia Farrow Recreation Center, 530 Davis St. Interested residents are invited to participate in the meeting and provide input on the design of the aquatic center. In addition, a survey is available on the city Web site to allow residents to provide their preferences for various aquatic features. Plans are to have the new aquatic park open for summer 2010.

Family Picnic and Concert – Northwest Park Recreation Center will host a family picnic and concert in the park from 5:30 to 7:30 p.m. Sept. 20. The event will consist of food, music provided by a disc jockey, and games for the entire family. Northwest Park Recreation Center is located at 2800 Cheyenne St.

Bioblitz Invitational – The Parks and Recreation Department, Solid Waste Services and the ecotourism team will host the Bioblitz Invitational on Sept. 20 at Campión Trails. Bioblitz will kick off the city’s new ecotourism program. Groups representing recreation centers, home schools, youth services and scouts will explore various trails to identify and document plants, birds and other wildlife species. Participants will receive T-shirts and other giveaway items. Professional nature specialists will lead the groups. Approximately 100 children between the ages of 10-12 have registered to participate. Lunch will be provided. In the event of rain, the program will shift to the University of Dallas campus.

African-American Authors Book Circle – The African-American Authors Book Circle will meet at 10:30 a.m. Sept. 20 at Northwest Branch Library, 2928 N. Belt Line Road, to discuss Pearl Cleage’s *What Looks Like Crazy on an Ordinary Day*. The book circle meets at 10:30 a.m. on the third Saturday of each month. For more information, call (972) 721-2691.

Box Car Drive-In – Senter Park Recreation Center will host the Box Car Drive-In event from 7 to 9 p.m. Sept. 26. Participants will construct box cars out of cardboard and other materials, and then compete for awards. Following the contest, participants will enjoy a movie on the big screen. Senter Park Recreation Center is located at 901 S. Senter Road.

Home School Fair – The Lee Park Recreation Center will host a Home School Fair from 11 a.m. to 4 p.m. Sept. 27 at 3000 Pamela Drive. The event will feature Olympic games, demonstrations, vendors and competitions in categories including photography, fine arts, hobbies/crafts, sewing, baking and other talents by homeschooled students. The cost is \$5 per family and includes food and drinks.

Family Camping and Fishing Event – Northwest Park Recreation Center will host a family camping and fishing event beginning at 8 p.m. Sept. 26 and continuing overnight to 9 a.m. Sept. 27. Families will bring sleeping bags and tents to camp out in the Northwest Park Recreation Center gym at 901 S. Senter Road. Early Saturday morning, participants will fish in the pond.

Irving Main Street Event – Irving residents are invited to attend the Irving Main Street Event from 3 to 8 p.m. Sept. 27 in the Irving Heritage District. The theme will be Music and Magic on Main, and the event will feature a car show, artists, music, magic, food and children's activities. The schedule of events includes:

- Manifolds on Main car show, with on-site registration beginning at 1 p.m. Visit the car show Web site at www.manifoldsonmain.com.
 - Jazz performance by Fingerprints from 3 to 4 p.m.
 - High School Caesar Band from 4:30 to 5:30 p.m.
 - Dave Thomas World of Magic Show from 6 to 7 p.m.
 - Cavalcade of Stars presented by Tapley Entertainment from 7 to 8 p.m.
- The new event is being organized by the Parks and Recreation Department. For details, call (972) 721-2501.

Annual Ms. Mature Irving Pageant – The 26th annual Ms. Mature Irving Pageant will be held at 7 p.m. Oct. 3 at the Irving Arts Center, 3333 N. MacArthur Blvd. The award-winning program features senior ladies vying for the title of Ms. Mature Irving. Contestants compete in categories including personality, talent and evening wear. The winner will represent Irving in the state Ms. Mature Pageant, which could lead to the national Ms. Mature Pageant.

Summer Camp Summary – The Irving Arts Center completed another successful summer of art and theater camps. Of the 11 camps offered for children ages 6-18, four camps reached 97 percent enrollment capacity, with one selling out. The average enrollment capacity for the summer was 85 percent, compared to 88 percent in 2007 and 80 percent in 2006. A total of 554 registrations were sold throughout the summer, with 29 percent of families returning from 2007. In addition, 20 scholarships covering the cost of one camp were presented to local children at the beginning of the summer.

Strategic Goal No. 8: Sound Governance

Internal Customer Service Survey Results – Thirteen internal city departments/divisions were rated

by 551 employees in the areas of responsiveness, accuracy, courteousness, timeliness and overall customer service in an internal customer service survey. The five departments/divisions receiving the highest overall customer service ratings are as follows: Print Shop (99.4%), Warehouse (99.1%), City Secretary's Office (97.0%), Financial Services (97.0%) and Risk Management (95.7%). While overall results from the survey were positive, management in individual departments will use the survey findings to identify areas for improved customer service delivery.

Service Desk Training – A 14-part training series, Telephone Doctor, was put in place three months ago in the Information Technology Service Desk Division as part of its internal customer service improvement program. Ten personnel within the division have received training on how to recognize and handle different situations, how to respond to each effectively, how to take an active lead, and actions to help solve customer problems.

Child Support Payments – Financial Services is now submitting child support payments to the State of Texas via Automated Clearing House, an electronic network for financial transactions. Before this service, approximately 260 checks were being generated, sorted, folded and mailed monthly.

American Heart Association Start! Heart Walk – Even with the threat of high winds and rain from Hurricane Ike, more than 50 employees, friends and family members braved the weather to participate in the American Heart Association (AHA) Start! Heart Walk in downtown Dallas on Sept. 13. Members of 14 city teams (which included three canine participants this year) walked the three-mile course and raised close to \$6,000 to support the AHA's research and educational efforts. Although the walk is a fundraising event for the AHA, city employees also walk as a celebration of the city's continuing participation in the AHA's Start! program, an ongoing wellness initiative.

On-the-Spot Awards – The following employees have received On-the-Spot Award recognition for either exhibiting exemplary customer service or performing in a manner resulting in an extraordinary contribution toward the city's strategic goals: Steve Dirx (Corporate Communications), Todd Everheart (Corporate Communications), Raul Garcia (Corporate Communications), Courtney Mason (Corporate Communications), Bart Nester (Corporate Communications), Kenn North (Corporate Communications), Mike Poston (Corporate Communications), Jose Rivera (Animal Services), Stephan Silvey (Corporate Communications), Scott Snyder (Corporate Communications), Paul Wahlstrom (Corporate Communications), Cathy Whiteman (Corporate Communications) and Robert Wright (Animal Services).

Strategic Goal No. 10: Environmentally Sustainable Community

New Roll-off Containers – The Solid Waste Services roll-off container program has been popular since it began in August, with customers indicating that the containers are an easy and efficient way to handle the disposal of large amounts of debris. In the first month of operation, Solid Waste Services rented approximately 50 roll-off containers to customers.

CONSENT AGENDA

The consent agenda, items 6-43, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda. The following items were pulled from the consent agenda #9, #14, #15, #24, #42 and #43. Mayor Gears also stated that items #35 and #36 were being postponed indefinitely. **Councilman Stopfer moved to approve the consent agenda items 6-43, excluding items #9, #14, #15, #24, #42, and #43. Seconded by Councilwoman Van Duyne, the motion was approved by a vote of 8-0.**

6. **Motion To:** Approving August 22-23, 2008 Budget Retreat Minutes

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 7 **Approving Minutes for Wednesday, September 03, 2008**

- 8 **Approving Minutes for Thursday, September 04, 2008**

- 9 **Resolution No. RES-2008-419 -- Approving the Purchase of Certain Properties by Heritage District, LLC**

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

Real Estate & Development Director Brenda McDonald, gave a presentation on this item.

The following registered to speak in opposition:
Jacqualea Cooley, 1633 Drexel
Joyce Howard, 1401 Colony

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Philipp, Councilman
SECONDER:	Allan Meagher, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 10 **Resolution No. RES-2008-420** -- Approving an Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce in the Amount of \$1,360,000.00 to Provide Economic Development Services for the City of Irving, Texas

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 11 **Resolution No. RES-2008-421** -- Approving an Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce in the Amount of \$160,000.00 to Provide Sister Cities/ International Trade Development and Assistance Center Services for the City of Irving, Texas

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 12 **Resolution No. RES-2008-422** -- Approving a Texas Traffic Safety Program Grant Agreement Between the City of Irving and the State of Texas, Acting by and Through the Texas Department of Transportation, for a Selective Traffic Enforcement Program (STEP) Grant

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 13 **Resolution No. RES-2008-423** -- Approving the Hazardous Waste Interlocal Agreement Between the City of Irving and Dallas County to Provide a Program in Which Residents Can Properly Dispose of Household Chemicals

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 14 **Resolution No. RES-2008-368** -- 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

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

The following registered to speak in opposition:

Joyce Howard, 1401 Colony
Jacqualea Cooley, 1633 Drexel

Councilwoman Van Duyne asked who is getting paid commission.

Real Estate & Development Director Brenda McDonald stated that Mr. McDougal is not receiving commission on the sale of properties.

There followed additional Council discussion.

RESULT:	ADOPTED [6 TO 2]
MOVER:	Joe Philipp, Councilman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Philipp
NAYS:	Beth Van Duyne, Thomas Spink
ABSENT:	Rose Cannaday

- 15 **Resolution No. RES-2008-424** -- Authorizing Staff to Negotiate an Engineering Design Services Agreement with Jacobs for the Undergrounding of Existing Aerial Utilities

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

The following registered to speak in opposition:

Jacqualea Cooley, 1633 Drexel

Joyce Howard, 1401 Colony

Director of Engineering Mike Walter stated that this is not a specific location it is dealing with the installation of underground utilities throughout the City.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Philipp, Councilman
SECONDER:	Allan Meagher, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 16 **Resolution No. RES-2008-425** -- Awarding a Contract to Barson Utilities, Inc., for the French Street/Grauwyler Road Sanitary Sewer Basin Inflow/Infiltration Phase II Improvements Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 17 **Resolution No. RES-2008-426** -- Awarding a Contract to RKM Utility Services, Inc., for the 2008 Water Main Replacement, Section V Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 18 Resolution No. RES-2008-427 -- Awarding a Contract to RKM Utility Services, Inc., for the 2008 Sanitary Sewer Main Replacement, Section I and Redbud Lane Water Main Replacement Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 19 Resolution No. RES-2008-428 -- Awarding a Contract to S. J. Louis Construction of Texas, Ltd., for the Lake Carolyn Parkway Sanitary Sewer Interceptor Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 20 Resolution No. RES-2008-429 -- Awarding a Contract to Summit Concrete, LLC, for the 2007 Sidewalk Improvements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 21 Resolution No. RES-2008-430 -- Approving an Agreement with Artisan Management, Inc., for the Transfer of Off-Site Mitigation Obligations with the Purchase of 0.7 Acres of Jurisdictional Waters of the United States to Mitigate the Filling of 0.35 Acres of Cottonwood Creek that Were Filled During the Construction of the Cottonwood Creek Siltation Pond Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 22** **Resolution No. RES-2008-431** -- Approving Change Order No. 3 to SYB Construction Co., Inc., for the French Street/Grauwyler Road Sanitary Sewer Basin Inflow/Infiltration Phase I Improvements Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 23** **Resolution No. RES-2008-432** -- Approving Assignment of Contract of Sale to the City of Irving for the Acquisition of 1.118 Acres of Land Located at 3739 Conflans Road - L. A. Garcia, Assignor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 24** **Resolution No. RES-2008-433** -- Approving Assignment of Contract of Sale for the Acquisition of Property Located at 1211/1213 and 1215/1217 Senter Road - Heritage District, LLC, Assignor

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

Brenda McDonald gave an explanation on this item and stated that this project is a part of the Gateway intersection at Shady Grove Road and Senter Street and the city will purchase this property with street bond funds.

The following registered in opposition of this item:
Joyce Howard, 1401 Colony (did not speak)
Jacqualea Cooley, 1633 Drexel

Managing Director Paul Gooch gave a presentation on this item.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Philipp, Councilman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 25 Resolution No. RES-2008-434 -- Authorizing Change Order No. 2 to Agreement Between the City of Irving/Irving Convention and Visitors Bureau and the Hillier Group Architecture New Jersey, Inc. to Serve As the Architect for the Irving Convention Center**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 26 Resolution No. RES-2008-435 -- Approving Irving Housing Finance Corporation Service Agreement Extension**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 27 Resolution No. RES-2008-436 -- Approving Irving Community Development Corporation Contract Extension**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 28 Resolution No. RES-2008-437 -- Approving Metrocare Services Contract Extension**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 29 Resolution No. RES-2008-438 -- Approving Amendment No. 1 to Agreement with National Reimbursement Services/Texas Medical Data Systems, Inc., for Billing and Collection Services for Emergency Medical Services (EMS)**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 30 Resolution No. RES-2008-439 -- Authorizing Staff to Negotiate a Contract with SafirRosetti for Professional Services for Physical Security Work at City Facilities**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 31 Resolution No. RES-2008-440 -- Approving Purchase From Dallas Dodge for Dodge Charger Police Vehicles Through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 32 Resolution No. RES-2008-441 -- Approving Purchase From Grande Truck Center for a 33,000 GVW Truck with Crane Through the State of Texas Local Government Statewide Cooperative Purchasing Program Administered by the Texas Association of School Boards (The BuyBoard Program)**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 33 Resolution No. RES-2008-442 -- Approving and Accepting the Proposals of Texas Municipal League Intergovernmental Risk Pool and McGriff, Seibels and Williams, Inc., for Property and Casualty Insurance Services**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 34 Resolution No. RES-2008-443 -- Approving and Accepting the Bid of Western Paper Co., for an Annual Contract to Supply Paper (Office, Copier, and Print Shop)**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 35 Ordinance No. ORD-2008-8989 -- Establishing an Irrevocable Trust to Fund the City's Post-Employment Benefits**

RESULT:	POSTPONED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 36 Resolution No. RES-2008-444 -- Awarding a Contract to Public Agency Retirement Services (PARS) to be the Trust Administrator for the City's Post-Retirement Health Care Plan Trust**

RESULT:	POSTPONED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 37 Resolution No. RES-2008-445 -- Adopting a Fee Schedule for Planning and Zoning Fees for Fiscal Year 2008-09, Effective As of October 1, 2008**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 38 Ordinance No. ORD-2008-8976 -- Final Reading - Amending Chapter 52 Entitled "Water and Sewer Rates" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Providing for New Monthly Water and Sewer Rates; Providing for New Minimum Deposits; Providing for New Fees Related to Field Contact for Nonpayment and Service Activation And/Or Transfer; Providing a Labor Fee Associated with Customer Damage to the System; Providing a New Fee for Meter Inspection and Meter Testing; and Providing a Connection Charge for New Service**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 39 Ordinance No. ORD-2008-8978** -- Final Reading -- Amending Chapter 33 Entitled "Refuse, Garbage and Weeds" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Establishing an Energy Charge for Solid Waste Customers

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 40 Ordinance No. ORD-2008-8979** -- Final Reading -- Approval of Atmos Energy Corporation, Mid-Tex Division, Rate Increase Request

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 41 Ordinance No. ORD-2008-8990** -- Amending Chapter 9 Entitled "Alarm Systems" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Providing for a Reduced Fee for Persons Receiving Social Security Disability Benefits

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

42 Ordinance No. ORD-2008-8991 -- Amending the Pet Registration Provisions; Establishing an Optional Three Year Registration Period; Waiving Registration Fees for Animal Owners Over 65, Persons on Social Security Disability, and Police Service

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

Sheila Hupp, gave a power point presentation on this item.

The following registered in opposition of this item:
Patricia Owen, 1506 Ross Drive

RESULT:	ADOPTED [7 TO 0]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSTAIN:	Beth Van Duyne
ABSENT:	Rose Cannaday

43 Ordinance No. ORD-2008-8992 -- An Ordinance Amending Chapter 33 Entitled "Refuse, Garbage and Weeds" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Providing for the Definition of "Commercial Container"; Amending the Duty to Provide Refuse Bags or Mechanical Garbage Containers; Providing for the Location and Screening of Commercial Containers; Amending Monthly Charges for All Other Customers Besides Residential; Providing Restrictions on Removal of Solid Waste; Providing a Severability Clause; and Providing a Penalty Clause

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

Sharon Barbosa - Crain, 2608 Alan-A-Dale, asked that this item be postponed due to the deficiencies in the ordinance.

Brenda McDonald, addressed the provisions in the ordinance.

RESULT:	POSTPONED [UNANIMOUS] Next: 11/6/2008 7:00 PM
MOVER:	Joe Philipp, Councilman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

INDIVIDUAL CONSIDERATION

44 Ordinance No. ORD-2008-8993 -- Appointing Judges to the Irving Municipal Court

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 Rodney Adams as Municipal Judge and reappoint the Presiding Municipal Judge and all alternate judges.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

45 Resolution No. RES-2008-446 -- Requesting Sign Variance Case No. S00805-0019 Located at 2706 West Irving Boulevard, City of Irving, Applicant - Bank of America, Owner

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

There were no speakers.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

ZONING CASES AND COMPANION ITEMS

- 46 Ordinance No. ORD-2008-8994** -- Zoning Case #ZC08-0029 - Granting S-P-1 (Detailed Site Plan) for Convenience Store and Gasoline Sales Uses - Approximately 0.7425 Acres Located at 1101 West Airport Freeway - Quick-Way Retail Associates II, Ltd., Owner - Winstead PC, Applicant

Mayor Gears introduced the item and stated that this item would be postponed to the October 16, 2008 City Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 10/16/2008 7:00 PM
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 47 Ordinance No. ORD-2008-8995** -- Zoning Case #ZC08-0051 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses - Approximately 0.7185 Acres Located at 1025 W. Airport Freeway - 7-Eleven, Inc., Owner - City of Irving, Applicant

Mayor Gears introduced the item and stated that this item would be postponed to the October 16, 2008 City Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 10/16/2008 7:00 PM
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

- 48 Ordinance No. ORD-2008-8996 -- Zoning Case #ZC08-0047 - Granting S-P-2 (Generalized Site Plan) for C-O (Commercial Office) District, Convention Center, and Related Uses - Approximately 16.06 Acres Located at the Southwest Corner of Las Colinas Boulevard and Spur 348 - City of Irving, Owner/Applicant**

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Beth Van Duyne, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Spink
ABSENT:	Rose Cannaday

APPOINTMENTS AND REPORTS

49 Committee And Liaison Reports/Meetings

Councilman Stopfer spoke about the Chamber of Commerce's efforts to work with the residential community realtors. He stated that he was a part of a residential tour today.

50 Mayor's Report

There was no report given.

51 Adjournment

The meeting adjourned at 9:00 p.m.

Citizens' Forum

George Stephens, 2105 Druid Drive, spoke about Citizen Forum, he spoke about the disruption that occurred at the last Council meeting; he asked that the safeguard of the citizens come first.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary