

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
January 22, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, January 22, 2009. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Beth Van Duynes	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	Present	
Thomas Spink	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

Phil Smith, 1802 Puritan Drive, announced that the 2ND Annual Irving Homeless Count and Survey will be held on January 29, 2009, at the Salvation Army from 6:30-9:00 p.m. There will be a free dinner served. Teams will send out into areas to count the homeless.

Jennifer Wilson, Arts Center, 3333 N. MacArthur, invited everyone to an Artist Meet and Greet on Monday, January 26, 2009, from 5:00-6:30 p.m. - in honor of sculpture James Surls. The dedication of his sculpture Star Flower will be on January 27, 2009 from 9-10:30 a.m. She also invited the City Council and citizens to join the Irving Arts Center on February 10, 2009 in Austin for Arts Advocacy Day, a bus will be chartered.

INVOCATION

The invocation was delivered by Reverend Norma Cooper, Holy Trinity Lutheran Church, of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

High Spirited Award:

Mayor Gears asked Sandra Guest to come forward and receive a special high spirited award in honor of the late Ike Guest.

Shirley Dobson, representing Congresswoman Linda Harper-Brown, also presented a

proclamation from the State of Texas in honor of Mr. Guest.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez presented a video. Mr. Gonzalez stated that the city continues to focus on the eight areas that are important to the Council. The video gave an overview of the capital improvement areas.

CONSENT AGENDA

The consent agenda, items #2-17, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. There were no items pulled. **Councilman Stopfer moved to approve the consent agenda items 2-17. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 9-0.**

2 Approving Minutes for January 7, 2009

3 Approving Minutes for January 8, 2009

4 Resolution No. RES-2009-40 -- Authorizing Staff to Negotiate a Surveying Services Agreement with Spooner & Associates, Inc., for Annual Surveying and Platting Services

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

5 Resolution No. RES-2009-41 -- Approving a Memorandum Agreement with the Texas Department of Transportation for the Use of the Texas Stadium Site for Construction Staging for the State Highway 114/Loop 12/State Highway 183 Interchange and Surrounding Projects

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

- 6 Resolution No. RES-2009-42 -- Supporting the Texans for the Arts Agenda for the 81st Texas Legislative Session**

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

- 7 Resolution No. RES-2009-43 -- Approving Irving Community Development Corporation Contract Extension #2**

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

- 8 Resolution No. RES-2009-44 -- Approving Irving Arts Center Founders Fund Grants Process**

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

- 9 Resolution No. RES-2009-45 --** Renewing Annual Contract with Resource Rescue, Inc., for the Citizen Drop-Off/Cashless Buyback Program for Recyclables

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

- 10 Resolution No. RES-2009-46 --** Approving and Accepting the Proposal of NRA Group, LLC, dba National Recovery Agency for an Annual Contract to Provide Collection Services for Delinquent Water Bills

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

- 11 Resolution No. RES-2009-47 --** Renewing Annual Contract with Ruiz Protective Service, Inc., for Municipal Court Security Personnel

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

- 12 Resolution No. RES-2009-48 --** Renewing Annual Contract with Graybar for Fiber Optic Cable and Assemblies Utilizing City of Garland Annual Contract through the Interlocal Purchasing CO-OP Entity

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

- 13 Resolution No. RES-2009-49 -- Approving Annual Contract with Home Depot U.S.A. Inc., for Maintenance, Repair, and Operating Supplies Utilizing the U.S. Communities Cooperative Purchasing Program**

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

- 14 Resolution No. RES-2009-50 -- Approving Change Order No. 2 to the Contract with Superior Transport to Add 90 Days to the Annual Contract to Supply Unleaded and Diesel Fuel**

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

- 15 Resolution No. RES-2009-51 -- Approving Change Order No. 1 and Renewing Contract with Grand Prairie Ford for Repair Service for Ford and Body Repair for Ford and Dodge Automobiles and Light Trucks**

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

- 16 **Resolution No. RES-2009-52** -- Renewing Annual Contract with Metro Truck Sales, Inc., for Parts and Repair Service for Ford/Sterling Heavy Trucks and Ambulances

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

- 17 **Ordinance No. ORD-2009-9040** -- Budget Adjustment to the 2008-09 Fiscal Year Budget

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

ZONING CASES AND COMPANION ITEMS

- 18 **Ordinance No. ORD-2009-9041** -- Amending the Comprehensive Plan to Change the Recommended Land Use from High Density Residential to Low Density Residential and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) in Zoning Case #ZC08-0054 - Approximately 5.107 Acres Located on the West Side of Homestead Court, West of Compton Road - James Trinkle, Applicant - Victor Abraham, Owner

Mayor Gears introduced the item and stated that this item would be postponed to the March 5, 2009 City Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 3/5/2009 7:00 PM
MOVER:	Rick Stopfer, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 19 Ordinance No. ORD-2009-9042** -- Amending the Comprehensive Plan to Change the Recommended Land Use from Low Density Residential to Light Commercial and Granting S-P-2 (Generalized Site Plan) for C-OU-2 (Commercial Outdoor) and Warehouse Uses in Zoning Case #ZC08-0071 - Approximately 2.75 Acres Located at 425 South Loop 12 and 1720 Landmark Road - JDJR Engineers, Applicant - Equipment Southwest, Inc., Owner (Postponed from January 22, 2009)

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

Jim Dewey, JDJR Engineers, 2500 Texas Drive presented the case.

The following spoke in opposition of this item.

Robert Schultz, 1721 Landmark
Cathy Kreml, 1109 Portales Ln.
Dr. Richard Bischofhausen, 1809 Williams Rd.
Gordon Sumner, 1617 Landmark Rd.
Rosemary Baker, 1706 Williams Rd.
Sam Baker, 1701 Landmark Rd.
James Schreiber, 1806 Williams Rd.
Van Stevens, 1616 Williams Rd.

The following registered in opposition of this item, but did not wish to speak

Carmela Marlou, 1806 Williams Rd.
Donna Baker, 1701 Landmark Rd.
Hieu Huynh, 411 James Ct.
Thomas P. Guilgoil, 1806 Williams Rd.
Dr. Mark Wall, 1806 Williams Rd.
Claire Bischofhausen, 1809 Williams Rd.

After lengthy Council discussion, Councilwoman Cannaday moved to postpone this item for two weeks, to the February 5, 2009 City Council. Seconded by Councilman Spink, the motion to postpone this item passed by a vote of 8-1, with Councilman Meagher voting in opposition.

RESULT:	POSTPONED [8 TO 1] Next: 2/5/2009 7:00 PM
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Thomas Spink, Councilman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
NAYS:	Allan Meagher

- 20 Ordinance No. ORD-2009-9043** -- Zoning Case #ZC08-0077 - Granting an Exception to the DDD (Downtown Development District) - Pedestrian Subdistrict to Allow First-Floor Residential Uses - Approximately 0.074 Acres Located at 106-110 East Second Street (Southeast Corner of Second Street and Main Street) - Carmen Urias, Applicant/Owner

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

Dan Tankersley, DHT Architects, Inc., 612 N. Story, representing the applicant presented the case.

The following registered in favor of this item:
Clarke Wilcox, 221 S. Jefferson

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

APPOINTMENTS AND REPORTS

- 21 Resolution No. RES-2009-53** -- Authorizing the Mayor to Approve the Appointment of City of Irving Reserve Police Officers

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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 22 Resolution No. RES-2009-54** -- Appointment to the Irving Flood Control District Section III to Fill One Two-Year Term Expiring January 2011

Mayor Gears stated that this item would be pulled and no appointment would be made this evening.

RESULT:	POSTPONED NO VOTE Next: 2/5/2009 7:00 PM
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- 23 Resolution No. RES-2009-55** -- Appointment to the Upper Trinity Regional Water District Board

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

Councilman Stopfer moved that Ramiro Lopez be appointed to the Upper Trinity Regional Water District Board to a term expiring May 2009.

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

- 24 Adjournment**

The meeting adjourned at 8:30 p.m.

Citizens' Forum

Michael Christy, 5906 Whitehaven St. W., Colleyville, Texas, addressed the Mayor and Council about the information retirees received from TMRS stating that the COLA has been discontinued. He asked that a Charter election take place in November to remove this cap.

Jerry W. Wicker, 627 Hood Drive, Coppell, Texas, a retired city employee, also spoke about removing the COLA. He asked that the Council consider a Charter election for the removal of the cap on retiree benefits.

Ed Van Eck, 513 King Richard, also a retired city employee spoke to the same issue.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC