

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
February 5, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, February 5, 2009. 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	Absent	
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

Teddie Story, Executive Director of Irving Cares invited everyone to the 3rd Annual Poverty and Homeless Coalition; it will be held on Friday, February 27, 2009 from 8:00 a.m. until 3:00 p.m. The conference will be held at South MacArthur Church of Christ. There will be several guest speakers.

INVOCATION

The invocation was delivered by Pastor Ken Branam, Plymouth Park Baptist Church in the City of Irving.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

High Spirited Award:

Mayor Gears presented a High Spirited Award to Pat and Meredith Bolger.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez announced that a video will be presented updating everyone on the progress that is being made to support the Strategic Goals.

CONSENT AGENDA

The consent agenda, items #2 through #26 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. However, Mayor Gears stated that Councilwoman Van Duyne will be voting “nay” against Item #13. He asked that the minutes reflect this vote against Item #13, the Entertainment lease with Las Colinas Group. The Council agreed this to this motion format. **Councilman Stopfer moved to approve the consent agenda items #2 through #26. Seconded by Councilman Philipp, the motion was approved by a vote of 8-0, with Councilwoman Van Duyne abstaining from voting on item 13.**

2 Approving Minutes for Wednesday, January 21, 2009

3 Approving Minutes for Thursday, January 22, 2009

4 Resolution No. RES-2009-56 -- Authorizing the Destruction of Obsolete Records in Accordance with the City of Irving’s Records Management Policy

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

5 Resolution No. RES-2009-57 -- Adopting the North Texas Crime Commission Legislative Program for the 2009 81st Session of the Texas Legislature

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

- 6 **Resolution No. RES-2009-58** -- Amending Consulting Agreement with Clarion Associates LLC to reduce scope and cost of Development Ordinances Rewrite

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

- 7 **Resolution No. RES-2009-59** -- Assignment of Consulting Agreement with Clarion Associates LLC for Development Ordinances Rewrite to the Greater Irving Las Colinas Chamber of Commerce

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

- 8 **Resolution No. RES-2009-60** -- Approving Addendum No. 2 to the Agreement Between the City of Irving and the Greater Irving - Las Colinas Chamber of Commerce to Provide Economic Development Services for the City of Irving, Texas

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

- 9 **Resolution No. RES-2009-61** -- Approving a Surveying Services Agreement with Spooner and Associates, Inc., for Annual Surveying and Platting Services

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

- 10 **Resolution No. RES-2009-62** -- Awarding a Contract to Ken-Do Contracting, LP, for the 2008 Sidewalk Improvements Project

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

- 11 **Resolution No. RES-2009-63** -- Awarding a Contract to Patco Utilities, Inc., for the 2008 Sanitary Sewer Main Replacement, Section II Project

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

- 12 **Resolution No. RES-2009-64** -- Approving Amendment No. 3 to Maloney Strategic Communications for Services Related to the Design of Marketing Materials for the 2009 Transportation and Infrastructure Summit

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

- 13 **Resolution No. RES-2009-65** -- Authorizing the Mayor to Execute an Entertainment Center Lease Agreement with Las Colinas Group, LP

RESULT:	ADOPTED [7 TO 1]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
NAYS:	Beth Van Duyne
ABSENT:	Allan Meagher

- 14 **Resolution No. RES-2009-66** -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of Commercial Property Located at 524 South Rogers Road - Sierra Plateau, LTD., Assignor

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

- 15 **Resolution No. RES-2009-67** -- Approving Amendment No. 5 to the Construction Management at Risk Contract Between Austin Commercial, L.P., and the City of Irving, Texas, for the Irving Convention Center; and Authorizes Austin Commercial, L.P., to Award Bid Package 05 for Core and Shell - Curtainwall, MEP, Elevators

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

Pam Brown, 1410 Irvin Rd.

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

- 16 **Resolution No. RES-2009-68** -- Authorizing the Mayor to Approve an Extension of the Current Two (2) Year Electric Service Contract with Gexa Energy for an Additional Three (3) Years for the Purchase of Electrical Services

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

- 17 **Resolution No. RES-2009-69** -- Approving Awards to Verizon Wireless through General Services Administration (GSA) and Sprint through the State of Texas Department of Information Resources (DIR) for Cell Services

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

- 18 **Resolution No. RES-2009-70** -- Awarding Single Source Agreement to ACS Government Systems, Inc., for Software Maintenance for Banner

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

- 19 **Resolution No. RES-2009-71** -- Approving Single Source Agreement to Siemens Energy & Automation, Inc., for Preventive Maintenance Services for Variable Frequency Drive Pumps at Lake Chapman and Hackberry Pump Stations

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

- 20 **Resolution No. RES-2009-72** -- Approving and Accepting the Bids of Municipal Water Works Supply, L.P., and Metro Valve & Pipe for Couplings, Clamps, and Service Saddles

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

- 21 **Resolution No. RES-2009-73** -- Renewing Annual Contract with American Civil Constructors, Inc., for Mowing, Litter Control, and Landscape Maintenance for Water Utilities

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

- 22 Resolution No. RES-2009-74 -- Approving and Accepting the Proposal from The Hyland Corporation dba The Hyland Group for Destination Representation for the Irving Convention & Visitors Bureau**

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

Pam Brown, 1410 Irvin Rd.

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

- 23 Ordinance No. ORD-2009-9044 -- Calling a Regular Municipal Election to be Held on Saturday, May 9, 2009, for the Purpose of Electing City Council Places Four (4), Six (6), and Eight (8), and Calling a Subsequent Run-Off Election, If Necessary**

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

- 24 Ordinance No. ORD-2009-9045 -- Amendment to Chapter 11 of the Code of Civil and Criminal Ordinances: Long Term Care Facilities**

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

- 25 **Ordinance No. ORD-2009-9046** -- Authorizing the Abandonment of an 0.21 Acre 15-Foot Sidewalk and Utility Easement and an 0.814 Acre 25-Foot Underground Public Utility Easement Along Lake Carolyn Parkway

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

- 26 **Ordinance No. ORD-2009-9047** -- Authorizing the Abandonment of a 0.42 Acre and a 0.11 Acre Portion of Lake Carolyn Parkway Right-Of-Way and a 0.18 Acre 15-Foot Sidewalk and Utility Easement Subject to the Reservation of Underground Public Utility Easements Along Lake Carolyn Parkway

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

ZONING CASES AND COMPANION ITEMS

- 27 **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 at January 22, 2009 City Council Meeting)

RESULT:

WITHDRAWN NO VOTE

APPOINTMENTS AND REPORTS

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

Councilman Stopfer moved to appoint Rakesh Patel to the Irving Flood Control District Section III to a term expiring 2011.

RESULT:

ADOPTED [UNANIMOUS]

MOVER:

Rick Stopfer, Councilman

SECONDER:

Lewis Patrick, Councilman

AYES:

Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 29 Adjournment**

The meeting adjourned at 7:30 p.m.

Citizens' Forum

There were no speakers for Citizen Forum.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC