

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
February 19, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, February 19, 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	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

There were no organizational or service announcements made

INVOCATION

The invocation was delivered by Pastor Linda Witworth, Bahai Faith, of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears made the following presentations.

Certificate of Recognitions from the Fire Department

Mayor Gears asked the following to come forward: Fire Chief Mario Molina, Assistant Fire Chief Rusty Wilson and William and Darcy Neal. Chief Molina recognized the Neal's as two very special citizens for their heroic actions in extreme conditions. William Neal is a graduate of Class 3 of the Citizens Fire Academy and his wife Darcy is a graduate of Class 12.

On May 21, 2008 they were able to put their training to the test. William and Darcy were at the bank when they witnessed an accident on Irving Blvd. They observed the other witnesses leaving the scene so William called 911 to report the accident. They proceeded to check on the injured and a fire started in one vehicle and they were able

to pull open the car door and helped the victims to safety. Fire Chief Molina presented William and Darcy with certificates of recognition for their heroic efforts.

Special Recognition - Richard Huff

Mayor Gears asked for Executive Director of the Irving Arts Center Richard Huff and Lorriane Taylor, Chairperson to the Irving Arts Board to come forward. Mayor Gears recognized Mr. Richard Huff for receiving the "Texans for the Arts, Champion for the Arts". Mayor Gears presented the special plaque received by Mr. Huff in Austin, Texas.

Special Recognition - Irving Mall

Mayor Gears asked the following to come forward: Suzanne Paul, Area Mall Manager, Holly Conner, Director of Marketing and Business Development. Mayor Gears recognized the Irving Mall for completing a multimillion dollar renovation in November 2008 Mayor Gears presented them with a Special Recognition Certificate.

Proclamation for National AMBUCS Month

Mayor Gears asked the following to come forward Doug Davis AMBUCS Chapter and Charlotte Waldrum, Yellow Rose Chapter; he presented them each with a proclamation in honor of their respective chapters and declaring February as National Ambucs Month in Irving.

Public Hearing

- 1 **Ordinance No. ORD-2009-9048** -- Public Hearing - First Reading - Amending the Franchise with Oncor Electric Delivery Company, LLC, to Allow Quarterly Payment of Franchise Fees and to Extend the Franchise Term for an Additional Five Years to the Year 2022

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

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

CITY COUNCIL AGENDA

2 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that there are two videos to show this evening. The first one of them is the City Manager's report updating the operational aspects in various departments. The second video is on key focus areas within in the city; and highlights the apartment complexes in the city of Irving.

CONSENT AGENDA

The consent agenda items 3-26 were presented for approval. Mayor Gears asked if anyone wished to pull and item from the consent agenda. There were no items pulled. Mayor Gears stated that Councilwoman Van Duyne would be voting against Item #25. **Councilman Stopfer moved to approve the consent agenda Items #3 through #26. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 9-0.**

3 Approving Minutes for Wednesday, February 04, 2009

4 Approving Minutes for Thursday, February 05, 2009

5 Resolution No. RES-2009-75 -- Authorizing the Mayor to Enter into an Agreement with Dallas County Elections Department to Administer the Regular Municipal Election to be Held on Saturday, May 9, 2009, for the Purpose of Electing City Council Places Four, Six, and Eight, and Calling a Subsequent Run-Off Election, If Necessary

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-2009-76 -- Authorizing the Mayor to Enter Into An Agreement with the Governor's Division of Emergency Management to Receive and Participate in the Fiscal Year 2008 Homeland Security Grant Program

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-2009-77** -- Approving an Agreement Between the City of Irving and Dallas County Utility and Reclamation District for Usage of a Boathouse Slip on Lake Carolyn

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-2009-78** -- Approving the Agreement Between The Las Colinas Association and the City of Irving for the Maintenance of the State Highway 114 Corridor within the Las Colinas Area of Irving

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-2009-79** -- Nominating Frito-Lay, Inc. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for Designation as a Qualified Business and an Enterprise Project Under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code

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-2009-80** -- Approving an Amendment to the Revenue Sharing Agreement between the Cities of Irving, Dallas, and Fort Worth, and the Dallas/Fort Worth International Airport Board

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-2009-81** -- Approving a Chapter 380 Economic Incentive Agreement with FlightSafety, International on Eligible Personal Property

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-2009-82** -- Approving the Renewal of an Annual Contract with Mid-America of Texas, Inc., for the Annual Sub-Surface Utility Exploration (Potholing) Contract

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-2009-83** -- Approving Change Order No. 1 to Austin Bridge and Road, L.P., for the Las Colinas Boulevard Extension, Phase 2 from Lake Carolyn Boulevard to Colwell Boulevard Project

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-2009-84** -- Approving a Joint Use Agreement and a Right of Entry and Construction Agreement Between the City of Irving and the Dallas County Community College District (DCCCD) to Provide Joint Use of North Lake College Property for Public Mass Transit Facilities, Including the DART Light Rail Orange Line

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-2009-85** -- Approving the Acquisition by Dallas Area Rapid Transit (DART) of Specific Properties Within the City of Irving for the Construction of the DART Light Rail Transit (LRT) Orange Line

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-2009-86** -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 750 Hidden Ridge Drive for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project

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

- 17 **Resolution No. RES-2009-87** -- Approving Purchase Contract for the Acquisition of a Fourplex Located at 3025 Tudor Lane - Fannie Mae, Property Owner

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

- 18 **Resolution No. RES-2009-88** -- Approving an Agreement with Dallas Morning News for Purchase of Display Advertising for the Irving Arts Center from February 13, 2009, through December 31, 2009

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

- 19 **Resolution No. RES-2009-89** -- Approving and Accepting the Bid of Jacobs Iron & Metal for an Annual Contract to Provide Recycling of White Goods at the Hunter Ferrell Landfill

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

- 20 **Resolution No. RES-2009-90** -- Approving and Accepting the Bid of Standard Waste Systems, Ltd., for an Annual Contract to Provide Collection of Containerized Refuse from City Facilities

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

- 21 **Resolution No. RES-2009-91** -- Approving and Accepting the Bids of Landmark Earth Services, LLC., and SprayMAX, Inc., for Chemical Weed and Pest Control for Park Areas and Drainage Channels

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-2009-92** -- Approving and Accepting the Bid of Quality Tractor Mowing Corp., for an Annual Contract for Mowing and Litter Control on Public Rights of Way and Special Maintenance Properties and Mowing of TXDOT Rights of Way

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

- 23 Resolution No. RES-2009-93** -- Approving and Accepting the Bid from Supreme Systems, Inc., for Roof Replacement at the Irving Arts Center

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

- 24 Resolution No. RES-2009-94** -- Approving and Accepting the Proposal of Blue Phoenix Ventures, Inc., dba The Enilon Group for Web Site Redevelopment, Licensing, and Content Management for the Irving Arts Center

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

- 25 Ordinance No. ORD-2009-9049** -- Providing for the Issuance and Sale of City of Irving, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2009 (Entertainment Center Project), in the Approximate Aggregate Principal Amount of \$8,000,000; Approving and Authorizing the Execution and Delivery of a Bond Installment Purchase Agreement and a Paying Agent/Registrar Agreement; and Prescribing Other Matters with Respect Thereto

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
NAYS:	Beth Van Duyne

- 26 Ordinance No. ORD-2009-9050** -- Amend Chapter 7 Section 7-15 "Advertising Structure-Sports Facilities" Relating to Digital Display

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

- 27 Ordinance No. ORD-2009-9051** -- Amending Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas by Establishing Regulations for Establishments Providing Drive-Through Sales of Pre-Packaged Food and Beverages - City of Irving, Applicant

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

Councilman Philipp asked for a presentation on this item.

Planning and Inspections Manager Steve Reed gave an explanation and stated that this proposed amendment and is prohibiting retail establishments from providing drive-through sales of pre-packaged food and beverages in certain zoning districts for food and dairy market uses. This use was not included in the previous ordinance.

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

- 28 Ordinance No. ORD-2009-9052 -- Zoning Case #ZC08-0045 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Alcoholic Beverage Sales) Uses - Approximately 4,274 Square Feet Located at 3225 West Airport Freeway - Marisol Kuilan, Applicant - Imperial Airport, L.P., Owner**

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:	Joe Philipp, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 29 Ordinance No. ORD-2009-9053 -- Zoning Case #ZC08-0070 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.34 Acres Located at 709 Bowman Street - JKLM, Applicant - Charles Mach, Owner**

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

The Chris Massengill the owner gave a presentation on this item.

Councilwoman Van Duyne asked to see the pictures of the surrounding homes in the neighborhood.

Councilman Philipp asked for a map on the nine neighbors that were in favor of this case being passed.

Manager of Planning and Inspections Steve Reed addressed the Council's questions on the surrounding homes.

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

- 30 Ordinance No. ORD-2009-9054 -- Zoning Case #ZC08-0078 - Granting S-P-2 (Generalized Site Plan) for R-10 (Single Family) District Uses - Approximately 0.57 Acres Located at 3226 St. Lo Drive - Jason and Angela Farley, Owner/Applicant**

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

Sharon Barbosa Crain, 2608 Alan A Dale representing the applicant presented the case.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Allan Meagher, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
NAYS:	Beth Van Duyne

APPOINTMENTS AND REPORTS

- 31 Adjournment**

The meeting adjourned at 8:04 p.m.

Citizens' Forum

Joyce Eckles, 1827 Dory Lane, stated that Texas Independence Day is March 2, and she would like the city to remember this day and honor it. She would also like the city to acquire a Texas Revolutionary Flag and fly it on this day.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC