

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
June 11, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, June 11, 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

There were no organizational or service announcements made.

INVOCATION

The invocation was delivered by Pastor George Jurecka, Cornerstone Church in the City Of Irving.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

High Spirited Citizen Award:

Mayor Gears asked Karen Harmon to come forward; he presented Ms. Harmon with a High Spirited Citizen Award.

Special Recognition of Six Small Businesses in Irving

Mayor Gears asked Don William and the representatives of these businesses to come forward.

- Big State Drug Store - Don Williams accepted for Brian Smith
- Glory House Catering - JoAnn Glin, owner of Glory House
- Rick's Independent Car Kare - Ricky and Sherry Stephenson, owners
- Mart Inc. - Vernon and Linda Proctor, owners of Mart Inc.
- Mammen Glass and Mirror - Andy Roeltgen - Director of Operations

- Kerri Miene, State Farm Insurance - Carlos Villa representing Kerri Miene

Mayor Gears stated that Irving is home to six of the 56 best Small Businesses in America - which is more than any other city in the nation. Mayor Gears recognized each of them and presented to them a special recognition certificate and declared June 11, 2009 as their day in the City of Irving.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez announced that a video would now be shown on the Strategic Plan Update.

CONSENT AGENDA

The consent agenda items item 2 through 27 were considered for approval. Mayor Gears stated that Councilwoman Beth Van Duyne would be voting against items #5, #9 and #10 and that there has been a request to pull item 26.

Councilman Stopfer moved to approve item 2-27, excluding Item 26 and noting that Councilwoman Van Duyne's nay votes on items #5, #9 and #10. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 8-0.

2 Approving Minutes for Wednesday, May 27, 2009

3 Approving Minutes for Thursday, May 28, 2009

4 Resolution No. RES-2009-241 -- Temporary Use Permit #G0905-0269 - to Allow the Outside Storage of a Crane to be Used to Display a Vehicle at Toyota of Irving, 1999 West Airport Freeway - Cecil Wood, Applicant

The following registered in favor of this item:

Cecil Wood, 1999 W. Airport Freeway

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

- 5 **Resolution No. RES-2009-242** -- Approving an Employment Agreement with the City Manager

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

- 6 **Resolution No. RES-2009-202** -- Approving a Completion Agreement with Liberty Mutual Surety to Complete Construction of the City of Irving Animal Shelter and Dog Park Project Under the Performance Bond

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

- 7 **Resolution No. RES-2009-243** -- Awarding a Contract to SYB Construction Company, Inc., for the Dunning Street Alley Drainage Improvements Project

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

- 8 **Resolution No. RES-2009-244** -- Approving the Memorandum of Understanding Between the City of Irving and the North Central Texas Council of Governments for Participation in the Law Enforcement Analysis Portal (LEAP)

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

- 9 Resolution No. RES-2009-245** -- Authorizing the Mayor to Execute an Amended and Restated Entertainment Center Development Agreement with Las Colinas Group, LP

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

- 10 Resolution No. RES-2009-246** -- Authorizing the Mayor to Sign an Amended and Restated Entertainment Center Lease Agreement with Las Colinas Group, LP

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

- 11 Resolution No. RES-2009-247** -- Supporting an Application for a Municipal Setting Designation and the Filing of a Restrictive Covenant by Minyard Food Stores, Inc., for 2200-2314 and 2326 W. Shady Grove Road.

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

- 12 **Resolution No. RES-2009-248** -- Approving Application Submittal for Energy Efficiency and Conservation Block Grant Funds by the Intergovernmental Services Department

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

- 13 **Resolution No. RES-2009-249** -- Approving and Accepting the Bids of Bound Tree Medical, LLC; Midwest Medical Supply Co., LLC; Quadmed Inc.; Henry Schein Matrx Medical; and Kentron Health Care, Inc., for Annual Contracts to Supply Medical Supplies

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

- 14 **Resolution No. RES-2009-250** -- Approving and Accepting the Bids of Aqua-Rec, Inc., and Simply Aquatics Inc., for Annual Contracts to Supply Swimming Pool Chemicals

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

- 15 **Resolution No. RES-2009-251** -- Approving and Accepting the Proposal from LifeProtection Maintenance & Consulting, Inc., for an Annual Contract for Monitoring, Maintenance, and Annual Inspection of Alarm Systems

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

- 16 **Resolution No. RES-2009-252** -- Approving and Accepting the Proposal from Bank of America, N.A., for an Annual Contract for Bank Depository Services

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

- 17 **Resolution No. RES-2009-253** -- Approving Annual Contract with PlateScan, Inc., for Automated License Plate Reader Hardware and Software utilizing the City of Mesquite Interlocal Cooperative Purchasing Agreement

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

- 18 Resolution No. RES-2009-254 -- Awarding Agreement to Cipher Business Solutions, LLC, for Professional Technical Services Relating to the Upgrade of PilotWorks, the City's Strategy Management Software**

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

- 19 Resolution No. RES-2009-255 -- Renewing the Annual Contract with M/A-COM Inc., for Radio Replacement Parts and Equipment**

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

- 20 Resolution No. RES-2009-256 -- Awarding Maintenance Agreement to Covetrix LTD, dba Covetrix IT Security Group for Websense Software through General Services Administration (GSA)**

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

- 21 Resolution No. RES-2009-257** -- Approving Purchase from Austin Ribbon & Computer Supplies, Inc., for Panasonic Toughbook Mobile Data Computers through the State of Texas Department of Information Resources (DIR)

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-2009-258** -- Approving Purchase from Austin Ribbon & Computer Supplies, Inc., for Panasonic Toughbook Mobile Data Computers through the State of Texas Department of Information Resources (DIR)

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

- 23 Resolution No. RES-2009-259** -- Approving Purchase from Holt Cat for a Track Loader 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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 24 Resolution No. RES-2009-260 -- Approving Single Source Annual Contracts to Equipment Support Services and RDO Equipment Co., for Heavy Equipment Maintenance and Repairs**

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

- 25 Resolution No. RES-2009-261 -- Approving and Accepting the Bid of Cummins Southern Plains LLC, for an Annual Contract to Provide Heavy Equipment Maintenance for Cummins Engines**

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

- 26 Ordinance No. ORD-2009-9081 -- Amending Chapter 8 Entitled "Irving Building Standards Code" of the Code of Civil and Criminal Ordinances of the City of Irving by Adding Article X. "Vacant Building Registration"**

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

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

Senior Assistant City Attorney Jennifer Richie and Chief of Police Larry Boyd reviewed the content of this ordinance.

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

- 27 **Ordinance No. ORD-2009-9082** -- Authorizing the Abandonment of Apple Valley Lane and 5' Public Utility Easement from West Sixth Street to West Seventh Street

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

ZONING CASES AND COMPANION ITEMS

- 28 **Resolution No. RES-2009-262** -- Approving Preliminary/Final Plat - Sixth and Seventh Addition - Approximately 0.3291 Acres Located on the West Side of South Rogers Road, Between West Sixth Street and West Seventh Street - ZKB Properties, Applicant - ZKB Properties, Marvin Randle and City of Irving, Owners

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, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 29 Resolution No. RES-2009-263** -- Approving Final Plat - Hinton Heights Addition - Approximately 0.142 Acres Located at 2407, 2409, 2417 Hinton Drive - JDJR Engineers, Surveyor - Billy W. Junnell, 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:	Thomas Spink, Councilman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 30 Resolution No. RES-2009-264** -- Approving Final Plat - Navarro Addition - Approximately 0.591 Acres Located at 4509 and 4513 Windsor Ridge Drive - Dennis Doiron, Applicant - Marco Navarro, 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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 31 Ordinance No. ORD-2009-9083** -- Zoning Case #ZC09-0026 - Granting Downtown Development District-Single Family Sub-District - Approximately 0.632 Acres Located at 403 South Britain Road - Heritage District LLC, Applicant/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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 32 Ordinance No. ORD-2009-9084 -- Zoning Case #ZC09-0031 - Granting S-P-1 (Detailed Site Plan) for Meeting and Banquet Hall Uses - Approximately 9,623 Square Feet Located at 3225 West Airport Freeway, #200 - As Needed Party Rentals, Applicant - Brashears Realty Services, 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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
ABSENT:	Allan Meagher

- 33 Ordinance No. ORD-2009-9085 -- Zoning Case #ZC09-0003 - Amending the Comprehensive Zoning Ordinance No. 1144 by Adding Section 52-32h. Heritage Crossing Redevelopment District, and Creating the Heritage Crossing Redevelopment District - City of Irving, Applicant**

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

Manager of Planning and Inspections Steve Reed gave a presentation on this item.

Councilman Philipp asked staff to identify the provisions in the ordinance to protect existing trees.

Mr. Reed reviewed the provisions in the ordinance.

The following registered in favor of this item:
Lorraine Taylor, 321 S. O'Connor Road, President of the Heritage District Neighborhood Association.

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

APPOINTMENTS AND REPORTS

34 Resolution No. RES-2009-265 -- Selection of Mayor Pro Tem and Deputy Mayor Pro Tem by the City Council

Mayor Gears introduced the item.

Councilman Lewis Patrick moved to appoint Councilman Sam Smith as the Mayor Pro Tem and that Rose Cannaday be appointed as the Deputy Mayor Pro Tem.

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

35 Adjournment

The meeting adjourned at 8:40 p.m.

Citizens' Forum

There were no speakers.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC

City Secretary