

REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
June 25, 2009

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, June 25, 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	Absent	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

There were no organizational service announcements.

INVOCATION

The invocation was delivered by Reverend Lari Goold, Celebration of Life Church in the City Of Irving.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented Phil Smith, Chair of the Housing and Human Services Board with a Proclamation naming the month of June as "Home Ownership Month" In Irving.

Firefighters Coloring Contest Winners:

Mayor Gears stated that every year the Firefighter's Association conducts the Firefighters' Father's Day Coloring Contest and this year there were five winners.

- The 3-5 yr. old group: Jeb Rozier, son of Daniel Rozier
- The 6-9 yr. old group: Macey Webster, daughter of David Webster
- The 10-13 yr. old group: Chelsea Webster, daughter of David Webster
(This is the third year that Chelsea won in her age group!) Their grandfather Captain J.W. Smith accepted the certificates for his granddaughters'.
- The 14-17 yr. old group: Stefani Lombard, daughter of Tony Lombard

The Grand Prize winner: Alissa Blalock, daughter of Jeff Blalock.

The winners will receive their prizes at the 4th of July Fireworks Celebration. Mayor Gears presented each of the attendees with a Certificate of Recognition.

Public Hearing

1 **Public Hearing No. (ID # 2711)** -- Public Input on the 2009-2010 City of Irving Fiscal Year Budget

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

Bret Starr, Budget Administrator, gave a brief presentation on this item.

The following registered to speak on this item.

Lucia Rottenberg, 2220 Indian Creek Drive, stated that the sanitation employees deserve incentive pay. She also stated that she would like to be able to pay her water bill with a credit card. As a new source of revenue she suggested that a deposit be put on glass bottles.

Betty Yarbrough, 204 W, 7th Street, stated that she supports the funding for the new animal shelter and extra safety measures to be provided to the animal services officers.

Clare Morris, 8605 Forest Glen Drive, asked that the Mayor and Council please consider additional funds to adequately staff the new Animal Shelter facility. This should be a top priority for the city.

Nancy Wilson, 2911 Bryn Mawr, addressed the in adequate service provided by the present shelter and asked that improved service be funded.

Mike Taggert, 2123 Royal Oaks, spoke in favor of additional funds being allocated for the present animal shelter.

Sabrea Taggert, 2123 Royal Oaks, asked that the city fund a volunteer coordinator and a rescue coordinator for the Animal Shelter.

Doug Harper, 1117 S. Delaware, stated that he is looking forward to the new animal shelter. He is very proud of the city for what they have done with gateway enhancements and pocket parks. He also stated that he is in favor of underground utilities.

Beverly Fuqua, 1210 North O'Connor Road, asked the council to consider funding structural improvements for the Jaycee Arts Center. She also spoke about the animal shelter.

Vicki Tate, 1710 Timbers Drive, noted her concern for bridge safety issues and the appearance of the bridges in the Hospital District neighborhood. She also noted that there is gang activity under six bridges.

Michael Christy, 5906 White Haven Street, asked that a cost of living funding adjustment COLA be funded for retirees. He also requested that the City Council place on the November ballot a Charter amendment to remove the CAP on the percentage of funds. He stated that the retirees are working hard in support of House Bill 1358.

CITY COUNCIL AGENDA

2 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that a video would be shown giving an update of the Strategic Goals. (This was shown prior to the Item #1.)

CONSENT AGENDA

The consent agenda items 3-36 were considered for approval. There were no requests to pull an item from the consent agenda. **Councilman Meagher moved to approve the consent agenda items 3-36. Seconded by Mayor Pro Tem Smith, the motion was approved by a vote of 8-0.**

3 Approving Minutes for Friday, June 05, 2009

4 Approving Minutes for Wednesday, June 10, 2009

5 Approving Minutes for Thursday, June 11, 2009

6 Resolution No. RES-2009-266 -- Authorizing Reimbursement Payment in the Amount of \$74,250.98 to LPC Northwest Phase I LP (Lincoln) for Capital Infrastructure Improvements Within the TIF District

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

- 7 **Resolution No. RES-2009-267** -- Authorizing Reimbursement Payment in the Amount of \$3,204,376.27 to Hines Las Colinas Land Limited Partnership (Hines) for Capital Infrastructure Improvements Within the La Villita Development of Tax Increment Reinvestment Zone No. One

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

- 8 **Resolution No. RES-2009-268** -- Authorizing Reimbursement Payment in the Amount of \$1,746,963.75 to the City of Irving for Capital Infrastructure Improvements Within PDU 1, PDU 2, PDU 3, and SSI of the Tax Increment Reinvestment Zone No. One

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

- 9 **Resolution No. RES-2009-269** -- Approval of Library Located at Esters Road and Rochelle Road to be Named West Irving Library

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

- 10 **Resolution No. RES-2009-270** -- Approving Special Sign Case #S0906-0019 to Allow Digital Imaging on an Existing Monument Sign Located at 8400 Belt Line Road - Billy Hampton, Applicant Representing RaceTrac Petroleum, Incorporated

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

- 11 **Resolution No. RES-2009-271** -- Approving the Renewal of the Option Agreement to Purchase a Right-of-Way from the Kiamichi Railroad

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

- 12 **Resolution No. RES-2009-272** -- Approving a Master Interlocal Cooperative Agreement Between the City of Irving and Dallas County to Utilize the County's Annual Contract to Complete the City's Milling and Overlay Program for a Term of Five Years

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

- 13 **Resolution No. RES-2009-273** -- Authorizing the Mayor to Execute a Project Supplemental Agreement with Dallas County for the Hunter Ferrell Road Project

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

- 14 **Resolution No. RES-2009-274** -- Approving Change Order No. 2 to Cole Construction, Inc., for the Cottonwood Creek Park Universal Designed Playground and Miracle League Field

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

- 15 **Resolution No. RES-2009-275** -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 2304 Brockbank Drive for the O'Connor Road Improvements from State Highway 183 to Rochelle Road Project – Aurora Lopez, Property Owner

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

- 16 **Resolution No. RES-2009-276** -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 2305 Brockbank Drive for the O'Connor Road Improvements from State Highway 183 to Rochelle Road Project – Mark S. Frost and Carrie F. Perkins-Frost, Property Owners

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

- 17 **Resolution No. RES-2009-277** -- Approving Amendment No. 8 to the Construction Management at Risk Contract Between Austin Commercial, L.P., and the City of Irving, Texas, for the Irving Convention Center

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

- 18 **Resolution No. RES-2009-278** -- Approving Amendment No. 2 to the Contract with the Beck Group to Provide Owner Representation Services Related to the Design and Construction of the Irving Convention Center

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

- 19 **Resolution No. RES-2009-279** -- Authorizing Change Order No. 3 to Agreement Between the City of Irving/Irving Convention and Visitors Bureau and RMJM Hillier Group, Inc. (Formerly the Hillier Group Architecture New Jersey, Inc.) to Serve as the Architect for the Irving Convention Center

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

- 20 **Resolution No. RES-2009-280** -- Authorizing Change Order No. 1 to Agreement Between the City of Irving and SMG for Pre-Opening Management Services in Connection with the Irving Convention Center and for Management Services for a Five-Year Period for the Irving Convention Center

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

- 21 **Resolution No. RES-2009-230** -- Request for Approval to Apply for and Accept Neighborhood Stabilization Program (2) Funding in the Amount of \$7,850,000.00

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

- 22 Resolution No. RES-2009-281 -- Approving the Agreement for the "Dreaming the Duke" Performance on February 19, 2010, at the Irving Arts Center**

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

- 23 Resolution No. RES-2009-282 -- Approving Change Order No. 1 with Walnut Hill Wrecker Service for the City Pound/Wrecker Service Contract**

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

- 24 Resolution No. RES-2009-283 -- Cancelling Contract with Zolin Construction & Design and Approving and Accepting the Bid of TM Mowing Services for Section I, Mowing, Litter Control, and Securing Properties for Code Enforcement**

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

- 25 Resolution No. RES-2009-284 -- Approving Purchase from Dallas Dodge for a Sprinter Van through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program**

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

- 26 Resolution No. RES-2009-285 -- Approving Single Source Contract to Kirby-Smith Machinery, Inc., for Heavy Equipment Maintenance for Gradall, Komatsu, LinkBelt, and Bomag Engine Types**

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

- 27 Resolution No. RES-2009-286 -- Renewing Annual Contract with Kinloch Equipment & Supply, Inc., for Equipment Maintenance for Street Sweepers and Sewer Flushing Machines**

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

- 28 Resolution No. RES-2009-287 -- Approving Purchase from Sam Pack's Five Star Ford for Pickup Trucks through the Tarrant County Interlocal Cooperative Purchasing Program**

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

- 29 Resolution No. RES-2009-288 -- Approving Single Source Purchase from Tarpomatic Inc., for an Automatic Tarp Laying Machine and Accessories**

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

- 30 Resolution No. RES-2009-289 -- Approving Purchase from Sam Pack's Five Star Ford for Trucks through the State of Texas Term Contract Cooperative Purchasing Program**

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

- 31 Resolution No. RES-2009-290 --** Renewing Annual Contract with Ennis Paint, Inc., for Traffic Paint

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

- 32 Resolution No. RES-2009-291 --** Approving and Accepting the Bid of Osburn Associates, Inc., for an Annual Contract to Provide Aluminum Traffic Sign Blanks

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

- 33 Resolution No. RES-2009-292 --** Approving and Accepting the Bid of George-McKenna Electrical Contractors, Inc., for an Annual Contract to Provide Electrical Services for Water Utilities

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

- 34 Resolution No. RES-2009-293 -- Approving and Accepting the Bid of Municipal Water Works Supply L.P., for an Annual Contract to Supply Fiberglass Manholes**

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

- 35 Ordinance No. ORD-2009-9086 -- Amending Chapter 27 Entitled "Solicitations And Handbills" of the Code of Civil and Criminal Ordinances of the City of Irving to Provide Specific Definitions and Application Procedures And To Prohibit Certain Solicitations and Handbill Distributions**

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

- 36 Ordinance No. ORD-2009-9087 -- Budget Adjustment to the 2008-09 Fiscal Year Budget**

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

ZONING CASES AND COMPANION ITEMS

- 37 Resolution No. RES-2009-294 --** Approving Final Plat - University Park No. 1, 2nd Revision - Approximately 0.54 Acres Located at 3401 and 3405 University Park Lane - Larry Reisman, 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:	Lewis Patrick, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Cannaday, Spink
ABSENT:	Joe Philipp

- 38 Ordinance No. ORD-2009-9088 --** Zoning Case #ZC09-0029 - Granting S-P-1 (Detailed Site Plan) for Convenience Store, Gasoline Sales and Car Wash Uses - Approximately 37,600 Square Feet Located at 7201 State Highway 161 - R. Victor Blood Jr., Applicant - Tetco Stores, Owner

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

The applicant Victor Blood, 1244 Karla Drive Suite 201, Hurst, Texas, gave a brief presentation on this item.

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

APPOINTMENTS AND REPORTS

39 Adjournment

The meeting adjourned at 8:18 p.m.

Councilman Stopfer noted that the Trinity Rail Express quiet zone has been implemented at the MacArthur Boulevard and that the program is ongoing. He also gave an update on the DART Orange Line which will connect to Dallas to the DFW International Airport.

Citizens' Forum

Sabra Taggart, 2123 Royal Oaks Drive, addressed the Mayor and Council on the Animal Shelter. She also asked that the city consider a program that helps citizens in need to feed their animals.

Betty Yarbrough, 204 W. 7th Street, also spoke on animal shelter needs. She also stated that she would like to see something put in place that will notify citizens that animals are being abused in neighborhoods.

Mary A. McMillian, 2830 Lawrence, was not present

Elsie Dearing, 2933 W. Rochelle, stated that she is very concerned about homeless people in need. She stated that she is out of work and she needs assistance. She may lose her home.

Mike Taggart, 2123 Royal Oaks, also spoke on he animal shelter needs.

Doug Harper, 1117 S. Delaware Street, asked that the animal shelter call the owner of a pet letting them know that they will be putting an animal down. He also stated that he attended the work session yesterday and he is glad staff is meeting with the residents surrounding the proposed site of SH183.

Nancy Wilson, 2911 Bryn Mawr, also addressed the Mayor and Council regarding her concerns for the Animal Shelter.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary