

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
July 9, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, July 9, 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

Jennifer Wilson, Irving Arts Center, 3333 N. MacArthur Blvd., invited all to join the Irving Arts Board and Irving Arts Center for the opening of the Smithsonian exhibition "Within the Emperor's Garden: The Ten Thousand Springs Pavilion." The reception and Family Fun day will be this Sunday, July 12, 2009, from 2-5 p.m. at the Irving Arts Center.

INVOCATION

The invocation was delivered by Pastor Robert Corser, of Joy Fellowship Church of the City Of Irving.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

High Spirited Citizens Award:

Mayor Gears called Carol Wood forward and presented her with the High Spirited Citizens Award.

CITY COUNCIL AGENDA

- 1 City Manager's Strategic Plan Update**

City Manager Tommy Gonzalez stated that a video would be presented giving an update of the operational areas of the city's strategic plan.

CONSENT AGENDA

The consent agenda items 2-25 were considered for approval. Mayor Gears stated that there was a request to pull items #6, #7, #10, #22, and #23 from the consent agenda. **Councilman Philipp moved to approve the consent agenda items 2-25, excluding items #6, #7, #10, #22, and #23. Seconded by Councilman Spink, the motion was approved by a vote of 9-0.**

2 Approving Minutes for Wednesday, June 24, 2009

3 Approving Minutes for Thursday, June 25, 2009

4 Resolution No. RES-2009-295 -- Approving a Funds Sharing and Fiscal Agency Agreement Between the County of Dallas, and the Cities of Dallas, Addison, Balch Springs, Carrollton, Cedar Hill, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite, and Richardson Authorizing the City of Dallas to Serve as the Fiscal Agent to Administer and Distribute FY2009 Justice Assistance Grant (JAG) Funds Through the Edward Byrne Memorial Justice Assistance Grant Program

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

5 Resolution No. RES-2009-296 -- Approving a Settlement Agreement Between the City of Irving and ART Valley Corporation, Valley Ranch Limited Partnership, ART Lake Chateau, Inc., Louis J. Corna, Ronald Akin, Anthony "Cal" Rossi, Jr., and Does 1-10

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

6 Resolution No. RES-2009-297 -- Approving a Chapter 380 Economic Development Program Agreement with McDougal Family Partnership, Ltd., for the Heritage Crossing Project

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

Councilwoman Van Duyne asked for a presentation by staff.

Director of the Real Estate and Development Services Brenda McDonald gave an overview of the presentation that was presented at work session. Ms. McDonald stated that the 380 Economic incentive agreement is a development tool, and that the city will reimburse interest payments as a loan. The maximum amount is \$477,000 but the actual amount could be less. She also stated that the interest loan would be repaid. Regarding the property acquisition; each future development has a pro forma that dictates target purchase price, and Mr. McDougal is purchasing projects at or below target purchase price for each development. In summary Mr. McDougal's personal commitment to this 380 Economic Development Incentive agreement is \$2.65 million and is further evidence of his commitment to the success of Heritage Crossing, Mrs. McDonald stated.

The following registered to speak in opposition of this item:

Della Fennell, 803 Oakland Drive
Lorraine Taylor, 321 S. O' Connor Road

After lengthy Council discussion, the following motion was made.

RESULT:	ADOPTED [7 TO 2]
MOVER:	Joe Philipp, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday
NAYS:	Beth Van Duyne, Thomas Spink

- 7 Resolution No. RES-2009-298 -- Approving Addendum No. 3 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**

Mayor Gears introduced the item and asked for a presentation by staff.

Real Estate and Development Services Director Brenda McDonald explained the terms of this agreement.

Councilwoman Beth Van Duyne stated that she has received calls from residents concerned about the remodel of the community building and asked how problems can be solved with the meeting space.

Ms. McDonald assured Council that currently there is seating for forty and this will be maintained.

After Council discussion of the remodel and the citizens concerns, Councilman Meagher requested a copy of the remodel plans for the building.

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

- 8 Resolution No. RES-2009-299 -- Approving Change Order No. 1 to Archer Western Contractors, Ltd., for Repairs to the Northgate Pump Station**

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

- 9 Resolution No. RES-2009-300 -- Authorizing Application Submission to the US Department of Housing and Urban Development For Grant Funding for Lead-Based Paint Hazard Control in the Amount of \$900,000.00**

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

- 10 Resolution No. RES-2009-301** -- Approval of Amendment No. 2 to the Agreement Between the City of Irving and Contours Community Development Corporation for the Development of Four Affordable Homes to Amend the Scope of Services, Increase Funding to \$236,000.00 and Extend the Termination Date to November 1, 2009.

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

Councilman Meagher asked the Council to consider postponing this approval for further review of this CH/DA

Phil Smith Chair of the Housing and Human Services Board stated that a postponement would impact the transfer of funds on to this new CHDA to develop four homes on land on Oakdale and Ballywood. He explained that while this CH/DO is not registered in Irving, there is a boardmember that resides in Irving. This meets legal requirement to do business in Irving. He also advised the Council that competition for city funds creates a positive business environment. He assured the Council that they are satisfied with the work performed by the company.

After Council discussion a motion to approve was made.

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

- 11 Resolution No. RES-2009-302** -- Approving an Interlocal Agreement Between the City of Irving and the Upper Trinity Regional Water District to Participate in the District's Planning Efforts for Oklahoma Water Rights Acquisition

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

- 12 Resolution No. RES-2009-303 -- Renewing Annual Contract with Redi Mix Concrete for Concrete**

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

- 13 Resolution No. RES-2009-304 -- Renewing Annual Contract with Texas Industries, Inc., for Cement, Portland Type I**

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

- 14 Resolution No. RES-2009-305 -- Renewing Annual Contracts with Big City Crushed Concrete, L.P.; Sunbelt Vacuuming Service, Inc., dba Sunbelt Materials; Crouch Sand & Gravel, Inc.; and Shea Services, Inc., for Road Maintenance Materials for Public Works**

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

- 15 Resolution No. RES-2009-306 -- Renewing Annual Contracts with APAC-Texas, Inc., and Crafcot Texas, Inc., for Asphalt Patching Materials**

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

- 16 Resolution No. RES-2009-307 -- Renewing Annual Contract with DPC Industries, Inc., for Potable Water Disinfectant**

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

- 17 Resolution No. RES-2009-308 -- Renewing Annual Contract with Oasis Landscape Co., for Repair/Installation of Sprinkler Systems, Landscaping, and/or Fences**

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

- 18 Resolution No. RES-2009-309 -- Approving Purchase from Grande Truck Center for Two Bucket Trucks through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program**

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

- 19 Resolution No. RES-2009-310 -- Approving Annual Contract with Fastenal Company for Hand and Garden Tools and Related Items through the Texas Multiple Award Schedule (TXMAS) Local Government Statewide Cooperative Purchasing Program**

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

- 20 Resolution No. RES-2009-311 -- Awarding Change Order No. 1 to Supreme Systems, Inc., for the Irving Arts Center Roof Replacement**

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

- 21 Resolution No. RES-2009-312 -- Approving Expanded Professional Standards for the City of Irving's Purchasing Division**

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

- 22 Resolution No. RES-2009-313 -- Approving an Increase in the Threshold for Formal Procurement Solicitations to \$50,000.00, and Approving an Increase in the Threshold Required for Formal Council Award of Procurement Solicitation to \$50,000.00**

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

Councilwoman Van Duyne asked for a presentation on this item.

Manager of Purchasing Ed Matthews advised that this is in accordance with the state law, and most large cities changed their financial policies. He noted that there are still controls in place, and reports will be presented to the Council.

After Council discussion, the following motion was made.

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

23 Ordinance No. ORD-2009-9089 -- Amending Chapter 16, Article II, Entitled "Purchasing" to Update Language and Clarify Responsibilities

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

Councilwoman Van Duyne stated that her question yesterday had to do with making sure that the Council had adequate time to review the changes. Councilwoman Van Duyne stated that information on the change in this ordinance was provided yesterday and she is now satisfied with those changes.

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

24 Ordinance No. ORD-2009-9090 -- Authorizing the Abandonment of a Sight Easement Along Pearson Street on Lots 7 and 8, Block A, Alexander Courts Addition Located at 213 and 215 Alexander Court

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

25 Ordinance No. ORD-2009-9091 -- Authorizing the Abandonment of a Sight Easement Along Claude Way on Lot 1, Block A, Thomas Industrial Park Addition Located at 2928 Rock Island Road

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

INDIVIDUAL CONSIDERATION

- 26 Ordinance No. ORD-2009-9092** -- First Reading - Amending Chapter 33 Entitled "Refuse, Garbage and Weeds" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas Establishing a Disposal Service Charge for Personal Vehicles at the Hunter Ferrell Landfill

Mayor Gears introduced the item and stated that no action will be taken tonight and this will be brought forward to a future Council meeting for consideration.

ZONING CASES AND COMPANION ITEMS

- 27 Resolution No. RES-2009-314** -- Denying Temporary Use Permit Application #G0906-0394 - to Allow a Snow Cone Stand Within 100 Feet of a Single Family Lot, 1006 East Pioneer Drive - BrainFreeze Sno Cones, Applicant

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

The applicant, Abraham Benavides, 4532 Lee Street, Carrollton, Texas, gave a presentation and asked for consideration of approval of this temporary use permit.

Councilman Patrick stated that he would vote in favor of this item with the following stipulations: 1) permit will be for 90 days only, and 2) the parking lot will be paved prior to the business being open.

The majority of the Council agreed to these stipulations as a part of the motion.

RESULT:	ADOPTED [7 TO 2]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Gears, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink
NAYS:	Beth Van Duyne, Allan Meagher

- 28 Ordinance No. ORD-2009-9068** -- Amending the Comprehensive Plan to Change the Recommended Land Use from Public/Semi-Public to Office Uses, and Granting C-O (Commercial Office) Uses in Zoning Case #ZC09-0013 - Approximately 0.074 Acres Located at 1427 Luke Street (West Side of Luke, North of Pioneer Drive) - JDJR Engineers, Applicant - Giving Tree Learning Center, Owner (Postponed at April 23, 2009 City Council Meeting)

Mayor Gears introduced the item and stated that this item would be postponed to the August 6, 2009 City Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 8/6/2009 7:00 PM
MOVER:	Rick Stopfer, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 29 Ordinance No. ORD-2009-9093** -- Amending the Comprehensive Plan to Change the Recommended Land Use from Commercial to Low-Density Residential and Office Uses - Approximately 10.1 Acres Located at 4208 W. Rochelle Road (South Side of Rochelle, East of State Highway 161) - Barbosa Professional Services, Applicant; Irving Land Company, LLC, Owner

Mayor Gears introduced the item and stated that items #29 and #30 are companion items.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, gave a presentation on items #29 and #30 concurrently.

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

- 30 Ordinance No. ORD-2009-9094 -- Zoning Case #ZC09-0027 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) and P-O (Professional Office) District Uses - Approximately 10.1 Acres Located at 4208 West Rochelle Road - Barbosa Professional Services, Applicant - Irving Land Company, L.L.C., 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: Allan Meagher, Councilman
SECONDER: Rose Cannaday, Councilwoman
AYES: Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp,
Cannaday, Spink

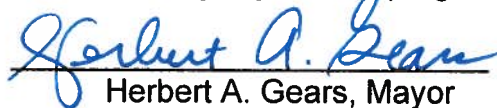
APPOINTMENTS AND REPORTS

31 Adjournment


The meeting adjourned at 8:55 p.m.

Citizens' Forum

Roy Rodgers, 2328 Diana Drive, Sherman, Texas 75092, an Irving retired police officer spoke in favor of an election to remove the charter provision that limits contributions to retiree benefits and to reinstate the TMRS cost of living adjustment program.


Herbert A. Gears, Mayor

ATTEST:


Janice Carroll, TRMC
City Secretary

