

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
July 23, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, July 23, 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

Sharon Barbosa-Crain, representing Keep Irving Beautiful, announced the Annual Trinity Trash Bash Event that will be held on September 12, 2009, from 8:00 a.m. until 1:00p.m. She said that a shredding event will be held from 9:00 a.m. until noon.

INVOCATION

The invocation was delivered by Pastor Kevin Weathers, Meadowbrook Baptist Church in the City.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

There were no proclamations or announcements made.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that a video would be presented giving an update on activities

CEO/President of the Irving Chamber of Commerce Chris Wallace introduced a second video produced and narrated by Greg Gumble titled "Economic Report"

and features the City of Irving.

Public Hearings

1 Public Hearing No. (ID # 2719) -- Public Hearing to Gather Input on the 2009-2014 Consolidated Plan and 2009 Action Plan

Mayor Gears introduced this item and asked Executive Director of Housing and Human Services Vivian Ballou to give a brief presentation.

The following registered to speak in favor of these plans.

Dr. Andrea J. Keith, DDS, 333 Touchdown Dr. Irving, Texas, thanked the Mayor and Council for the grant that is funded to provide the citizens of Irving with dental care services.

Paul Hoffman, Community Dental Care, 1420 W. Mockingbird #500, also thanked the Mayor and Council for the funds that are provided for dental care.

John W. Luna, Metrocare Services, 1380 River Bend, spoke in support of the funds that have been allocated for Metrocare Services.

Neystal Howard Jones, Brighter Tomorrows, 223 Hickory Drive, Duncanville, Texas, 75137, thanked the Mayor and Council for the funds that are allocated to the Brighter Tomorrows agency. She stated that the funds that are awarded to Brighter Tomorrow's are used for pay a portion of the salary for a case manager at the Irving location and operating expenses.

Teddie Story, Irving Cares, 1036 Old Mill Circle, also thanked the Mayor and Council for the monies that are allocated to help the citizens of Irving.

Diane Piper, 348 Park Valley Drive, Nursing Home Onbudsman for the City of Irving, stated that she visits four nursing homes in the City of Irving. She thanked the Mayor and Council for the funds that are allocated for this service.

Monica Urbaniak, Irving Family Advocacy Center, 600 W. Pioneer Drive, stated that she is the bilingual therapist at this agency. She thanked Mayor and Council for the funds that are allocated for this service.

Anthony Bond, 4109 W. Northgate Drive #821, a citizen of Irving stated that he supports this item and all the support it provides for all the different agencies. Mr. Bond also commended Vivian Ballou and her staff for the outstanding job that they do.

John Drake, 1901 N. MacArthur Blvd., thanked the Mayor and Council on behalf of the Irving Healthcare Foundation; he stated that the money that is allocated to this organization is used to treat the obese children in Irving. He also stated that

the Irving Health Care Foundation partners with the YMCA in assisting obese children.

Casey Klein, Vice President of the YMCA, 2525 Timber Ridge Lane, Flower Mound, Texas, thanked the Mayor and Council for the funds that are allocated to assist the YMCA with their programs.

Carole Shlipak, Housing and Humans Services Board member, 1500 Colony Drive, thanked the Mayor and Council for the money that is allocated for the Consolidated Plan and Action Plan. She urged the approval of these plans.

Lori Davis, 1803 Sunnybrook, also stated that she supports this item. She stated that there are 900 homeless children in the City of Irving and she asked that funds be allocated for this cause.

The following registered in support of this item, but did not wish to speak.
Allison Sharpe, 1768 Rusdell.

CONSENT AGENDA

The consent agenda, items 3-26, were considered for approval. Mayor Gears stated that there were no requests to pull any items from the consent agenda. **Councilman Philipp moved to approve the consent agenda items 3-26. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.**

3 Approving Minutes for Wednesday, July 08, 2009

4 Approving Minutes for Thursday, July 09, 2009

5 Resolution No. RES-2009-315 -- Approving Special Sign Case #S0906-0029 to allow Digital Imaging on a new Monument Sign located at 7902 Esters Boulevard - Tommy Barnett, Applicant representing Valero

The following registered in support of this item, but did not wish to speak.
Tommy Bell, 4250 Action Drive, Mesquite, Texas

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

- 6 Resolution No. RES-2009-316 -- Approving Variance to the Wellhead Easement on the Gas Well Pad Site located at 3400 Tom Braniff Drive - Trinity East, Applicant**

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

- 7 Resolution No. RES-2009-317 -- Awarding a Contract to EMJ Corporation for the West Irving Aquatic Center Project**

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

- 8 Resolution No. RES-2009-318 -- Awarding a Contract to Ratliff Hardscape, Ltd., for the City Dumpster Screen Project**

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

- 9 Resolution No. RES-2009-319 -- Approving Change Order No. 1 to RKM Utility Services, Inc., for the 2008 Sanitary Sewer Main Replacement, Section I and Redbud Lane Water Main Replacement Project**

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

- 10 **Resolution No. RES-2009-320** -- Approving Change Order No. 3 to SYB Construction Company, Inc., for the English Street Paving Improvements from East Pioneer Road to Union Bower Road Project

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

- 11 **Resolution No. RES-2009-321** -- Supporting the DART Orange Line Alignment Directly to Terminal A at Dallas Fort Worth Airport

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

- 12 **Resolution No. RES-2009-322** -- Approving the Fiscal Year 2009-2014 Consolidated Plan and 2009 Action Plan, Authorizing and Directing the Mayor to Submit the Fiscal Year 2009-2014 Consolidated Plan and 2009 Action Plan to the United States Department of Housing and Urban Development for Approval

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

- 13 Resolution No. RES-2009-323** -- Approving 2009 Community Development Block Grant and Emergency Solutions Grant Public Service Allocations, 2009 Home Investment Partnerships Grant Community Housing Development Organization Allocations, and 2009-2011 Homelessness Prevention and Rapid Re-Housing Grant Allocations

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

- 14 Resolution No. RES-2009-324** -- Approving the Agreement with the Fort Worth Star-Telegram for Annual Retail Advertising for the Irving Arts Center from August 1, 2009 to July 31, 2010.

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

- 15 Resolution No. RES-2009-325** -- Awarding Annual Contract with Municipal Emergency Services, Inc., for Scott Self-Contained Breathing Apparatus through the City of Fort Worth Interlocal Cooperative Purchasing Program

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

- 16 Resolution No. RES-2009-326 -- Approving and Accepting the Bids of Earth Haulers, Inc., and Crouch Sand & Gravel, Inc., for Annual Contracts to Supply Park Grounds Maintenance Materials**

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

- 17 Resolution No. RES-2009-327 -- Approving and Accepting the Bids of Vulcan, Inc., d/b/a Vulcan Signs and Nippon Carbide Industries (USA) Inc., for Annual Contracts to Supply Reflective Sign Materials**

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

- 18 Resolution No. RES-2009-328 -- Approving and Accepting the Bid of Micro-Systems for an Annual Contract to Provide Instrumentation Services for Water Utilities**

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

- 19 **Resolution No. RES-2009-329** -- Renewing Annual Contract with Great Southwest Meters, Inc., for Large Water Meters Testing and Repair

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

- 20 **Resolution No. RES-2009-330** -- Renewing Annual Contract with Business Interiors for HON Office Furniture through the Texas Multiple Award Schedule (TXMAS) Local Government Statewide Cooperative Purchasing Program

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

- 21 **Resolution No. RES-2009-331** -- Approving Purchase from Austin Ribbon & Computer Supplies, Inc., for Laptop Computers through the State of Texas Department of Information Resources (DIR) Program

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

- 22 Resolution No. RES-2009-332** -- Authorizing the City Council of the City of Irving, Texas to Enter into an Interlocal Agreement with the Dallas County Tax Office for Ad Valorem Tax Collection

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

- 23 Ordinance No. ORD-2009-9095** -- Authorizing the City of Irving, Texas to Collect an Additional Penalty on Delinquent Personal Property Taxes as Provided in Texas Tax Code Section 33.11

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-2009-9096** -- Amending Subsection (B) of Section 35-12 of Chapter 35 Entitled "Subdivisions" of the City of Irving, Texas, Development Codes: Zoning and Subdivisions by Increasing the Inspection Fee to 4% for Subdivision Improvements Within the City

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

- 25 Ordinance No. ORD-2009-9097** -- Amending Chapter 39 Entitled "Unclaimed Property" of the Code of Civil and Criminal Ordinances of The City of Irving, Texas, by Adding Article II Entitled "Shopping Carts"

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

- 26 Ordinance No. ORD-2009-9098** -- Authorizing the Abandonment of a 10-Foot Public Utility Easement on Lots 26 and 27, Block B, The Enclave at TPC Las Colinas Phase 2 Addition Located at 4545 and 4549 Byron Circle

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

INDIVIDUAL CONSIDERATION

- 27 Resolution No. RES-2009-333** -- Approving an Increase in Library Fees

Mayor Gears stated that this item was being pulled from the agenda and no action would be taken.

RESULT:	WITHDRAWN NO VOTE [UNANIMOUS]
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

ZONING CASES AND COMPANION ITEMS

- 28 Resolution No. RES-2009-334** -- Approving Final Plat -The Enclave at TPC Las Colinas, Phase 2, 1st Revision - Approximately 0.562 Acres Located at 4545 and 4549 Byron Circle - ElamPack Surveyors, LLC, Surveyor - Mike and Cynthia Bailey, Owners

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

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

- 29 Ordinance No. ORD-2009-9099** -- Zoning Case #ZC09-0033 - Granting S-P-2 (Generalized Site Plan) for Office, Commercial, and Warehousing Uses - Approximately 3.33 Acres Located at 2200 Carl Road (Northeast Corner of Carl Road and SH 183 - Prescott Interests Ltd, Applicant - PPV Real Estate Ltd, Owner

Mayor Gears stated that this case will be postponed to the September 3, 2009 City Council meeting at the request of the applicant.

RESULT:	POSTPONED [UNANIMOUS] Next: 9/3/2009 7:00 PM
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 30 Ordinance No. ORD-2009-9100** -- Zoning Case #ZC09-0037 - Granting S-P-2 (Generalized Site Plan) for C-C (Community Commercial) Uses, Personal Storage Warehouse, and Auto Sales and Display - Approximately 6.93 Acres

Located at 3123 and 3125 West Airport Freeway (Northeast Corner of Imperial Drive and SH 183) - JDJR Engineers, Applicant - Herring Investments, Owner

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

Sharon Barbosa-Crain, 2608 Alan-a-Dale, gave a presentation on this case.

Councilman Philipp stated that he will support staff's recommendation to divert parking to the rear of the lot.

There followed a discussion of the revised impact of vehicles in the front of the restaurant pads and landscaping screening requirements.

After discussion, Councilman Patrick moved to approve the zoning case as presented by the applicant.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Smith, Cannaday
NAYS:	Beth Van Duyne, Joe Philipp, Thomas Spink

- 31 Ordinance No. ORD-2009-9101 -- Zoning Case #ZC09-0038 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Alcoholic Beverages) Uses - Approximately 1.5 Acres Located at 4300 West Airport Freeway (South Side of SH 183, East of Hard Rock Drive) - Greenberg Farrow, Applicant - Drury Southwest Inc., Owner (Postponed at the July 23, 2009 City Council Meeting)**

Mayor Gears introduced the item and stated that there has been a request from the applicant to postpone this item to the August 6, 2009, City Council meeting.

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

- 32 Ordinance No. ORD-2009-9102 -- Zoning Case #ZC09-0039 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) and R-10 (Single Family) Uses -**

Approximately 94.25 Acres Located in an Area Bounded by Hackberry Creek, Riverside Drive, Las Colinas Boulevard and Lake Carolyn - Hines LC, LLP, 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:	Rose Cannaday, Councilwoman
SECONDER:	Allan Meagher, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 33 Ordinance No. ORD-2009-9103 -- Zoning Case #ZC09-0040 - Granting C-O (Commercial Office) Uses - Approximately 38.24 Acres Located at the Southeast Corner of State Highway 161 and North Belt Line Road - City of Irving, Owner/Applicant**

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

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

APPOINTMENTS AND REPORTS

34 Adjournment

The meeting adjourned at 8:44 p.m.

Citizens' Forum

Mary Chapin, 1013 N. Sleepy Hollow, addressed the Mayor and Council regarding code enforcement and the process that is used in ticketing individuals for not having permits. She stated that there are many people who do not know that they are supposed to get permits. She stated that they cannot afford to pay these tickets.

Melvin Pullen, 2418 Comano Drive, addressed the Mayor and Council regarding an

article in the Dallas Morning News regarding Councilwoman Beth Van Duyne's request for information on the Building and Standards permit policy and procedures. Mr. Pullen stated that the city should look into the process and that changes should be made.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary