# REGULAR MEETING OF THE IRVING CITY COUNCIL MEETING MINUTES September 24, 2009

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, September 24, 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	Absent	
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, invited everyone to the Family Fun Day and Smithsonian exhibition entitled, NASA; it will be held this weekend on September 26-27, 2009 from 2-5. In addition, there will be a welcome ceremony and reception scheduled for Sunday, September 27, 2009, at 3:00 p.m.

#### INVOCATION

The invocation was delivered by Reverend R. Jones, First Christian Church of the City Of Irving.

#### PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

#### PROCLAMATIONS AND ANNOUNCEMENTS

Proclamation: "The Big Read"

Mayor Gears asked the following to come forward. Patty Landers, Director of the Library Services, Jan Bodnar, Community Relations Supervisor, Amanda Hipp, Senior Librarian, Dr. Jennifer Jackson, High School English Language Arts/Reading Coordinator at IISD, and Dr. Lea Bailey, Director of Learning Resources at IISD. Mayor Gears stated that the Bid Read is a community-wide reading event designed to revitalize the role of literature in the American culture. Mayor Gears stated that Irving's Big Read begins on October 1 and will continue through October 31<sup>st</sup>. The Irving Library - in collaboration with other city departments, Irving schools and community organizations will host a variety of fun events for "The Big Read". This year's selected author is Edgar Allan Poe. He proclaimed October as Big Read month in the City of Irving.

#### **Certificate of Recognition:**

Mayor Gears called the following forward: Officer Rosario Solis, Program coordinator and the Coaches for the PAL Program: Arnold Alejandro, Don Bolke, Jose Garcia, Robert Hernandez, Hector Vasquez, Sr. and Hector Vasquez Jr. Mayor Gears stated that the Irving Police Athletic League (PAL) was incorporated in 1992 as a nonprofit organization by volunteer police officers and private citizens. PAL supports kids through a regimented program of physical fitness and exposure to positive role models. The primary activities sponsored by PAL are boxing, wrestling, baseball and softball. The boxing program runs year round and it requires a commitment from both kids and adults. Mayor Gears presented each participant with a Certificate of Recognition.

## CITY COUNCIL AGENDA

## 1 City Manager's Strategic Plan Update

A video was shown giving an update on the strategic goals.

City Manager Tommy Gonzalez also thanked staff for their work on the 2009-10 fiscal year buget.

**Ordinance No. ORD-2009-9117 --** Public Hearing and Adoption of the 2009-10 City of Irving Fiscal Year Budget

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

Budget Administrator Bret Starr provided an overview of the proposed budget. There were no speakers.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Rose Cannaday, Councilwoman

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

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9118 --** Setting the 2009 Tax Rate and Levying the Tax As Required by the State of Texas Property Tax Code

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

MOVER: Rose Cannaday, Councilwoman

SECONDER: Sam Smith, Councilman

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

ABSENT: Rick Stopfer

**4 Ordinance No. ORD-2009-9119 --** Adopting the 2009 City of Irving Tax Roll As Required by the State of Texas Property Tax Code

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Sam Smith, Councilman

SECONDER: Allan Meagher, Councilman

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

ABSENT: Rick Stopfer

### CONSENT AGENDA

The consent agenda items 5-33 were presented for approval. Mayor Gears stated that the following items would be pulled from the consent agenda and heard separately. Items. #11,#17,#21, #22, #24, #30, #31 and #32. Councilman Patrick moved to approve the consent agenda items 5-33, excluding items #11, #17,# 21, #22, #24, #30, #31 and #32. Seconded by Councilman Spink, the motion was approved by a vote of 8-0.

- 5 Approving Minutes for Wednesday, September 2, 2009
- 6 Approving Minutes for Wednesday, September 2, 2009
- 7 Approving Minutes for Thursday, September 3, 2009
- **Resolution No. RES-2009-402** -- Authorizing the Mayor to Represent the City of Irving in Members Meetings of The Las Colinas Association, Sign Proxy Statements, Vote for Directors, and Any Amendments to the Declarations Which May be Proposed

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**9 Resolution No. RES-2009-403 --** Authorizing Staff to Negotiate a Professional Services Contract with CTL/Thompson and Alpha Testing for the Annual Geotechnical Engineering and Construction Materials Testing and Inspection Contract

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Rose Cannaday, Councilwoman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-404 --** Authorizing Staff to Negotiate a Professional Services Contract with Jacobs Engineering Group, Inc., for the Engineering Design Associated with the O'Connor Road Reconstruction - Pioneer to Second Street Project

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-405 --** Awarding a Contract to Weir Bros., Inc., for the Texas Stadium Demolition Project

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

Assistant Real Estate Director Doug Janeway gave a brief presentation regarding the bid award process.

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The following registered to speak in opposition of this item.

Robert Elder, Attorney at Law, 5005 LBJ Freeway, Dallas, Texas and representing NASDI. LLC

RESULT: ADOPTED [7 TO 1]

MOVER: Lewis Patrick, Councilman

SECONDER: Rose Cannaday, Councilwoman

AYES: Gears, Van Duyne, Meagher, Patrick, Smith, Philipp, Cannaday

NAYS: Thomas Spink

ABSENT: Rick Stopfer

**Resolution No. RES-2009-406 --** Approving an Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce to Provide Annual Funding for Economic Development Services for the City of Irving, Texas

RESULT:

MOVER:
Lewis Patrick, Councilman
SECONDER:
Allan Meagher, Councilman
AYES: Gears, Van Duyne, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
ABSENT:
Rick Stopfer

13 Resolution No. RES-2009-407 -- Approving a Sister Cities/International Trade Development and Assistance Center Services Contract with the Greater Irving-Las Colinas Chamber of Commerce

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-408 --** Approving a Right-of-Entry and Construction Easement for the DART LRT Orange Line Project on Property Owned by BF Las Colinas, L.P.

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-409** -- Approving an Easement Purchase Contract with Sprint/United Management Company for the Acquisition of a 25-Foot Public Utility Easement Along State Highway 114 for the Relocation of Utilities Related to the TxDOT Highway Expansion Project

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-410 --** Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of a Single-Family Residence Located at 506 Larry Drive - Sierra Plateau, Ltd., Assignor

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

17 Resolution No. RES-2009-411 -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of a Single-Family Residence Located at 614 Westwood Drive - Sierra Plateau, Ltd., Assignor

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

Councilwoman Van Duyne noted her concern with the discrepancy in the land value and the sales price of the property.

Assistant Director of Real Estate Services Doug Janeway explained the reasoning for paying this amount versus the cost of an eminent domain legal procedure.

RESULT:

MOVER:

Joe Philipp, Councilman

SECONDER:

Lewis Patrick, Councilman

AYES:

Meagher, Patrick, Smith, Philipp, Cannaday

NAYS:

Herbert Gears, Beth Van Duyne, Thomas Spink

ABSENT:

Rick Stopfer

18 Resolution No. RES-2009-412 -- Authorizing the Submission of an Application to the North Central Texas Council of Governments for Heavy-Duty Vehicle and Equipment Grant Program Funding for On-Board Electrification and Idle Reduction Infrastructure, and If Awarded, Authorizing the Mayor to Execute an Agreement with the North Central Texas Council of Governments

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-413 --** Approving an Agreement Between the City of Irving and the Trinity River Authority to Provide Water and Wastewater Laboratory Analysis Services to Meet State Standards for the City of Irving, Texas

RESULT:

MOVER:

Lewis Patrick, Councilman

SECONDER:

Thomas Spink, Councilman

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

ABSENT:

Rick Stopfer

**Resolution No. RES-2009-414 --** Authorizing the Mayor to Accept American Recovery and Reinvestment Act Funding in the Amount of \$937,605 from the U.S. Environmental Protection Agency

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-415 --** Approving Amendment of the Irving Housing Finance Corporation Bylaws to Allow Purchase of Non-Foreclosure Property

RESULT:

MOVER:
Lewis Patrick, Councilman
SECONDER:
Sam Smith, Councilman
AYES:
Gears, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
NAYS:
Beth Van Duyne
ABSENT:
Rick Stopfer

**Resolution No. RES-2009-416 --** Approving a Service Agreement Extension Between the City of Irving and the Irving Housing Finance Corporation Until September 30, 2010

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RESULT:

MOVER:
Lewis Patrick, Councilman
SECONDER:
Rose Cannaday, Councilwoman
AYES:
Gears, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
NAYS:
Beth Van Duyne
ABSENT:
Rick Stopfer

**Resolution No. RES-2009-417 --** Approving the City Arts Services Program as the Third Part of the Irving Arts Board's New Financial Assistance Program

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

AYES: Gears, Van Duyne, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
ABSENT:
Rick Stopfer

**Resolution No. RES-2009-418 --** Approving and Accepting the Bid of Mart-Caudle Corp dba Walnut Hill Wrecker for an Annual Contract to Provide Wrecker Service and Auto Pound Operation

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

Manager of Purchasing Ed Matthews gave a presentation on this item.

The following registered to speak in opposition.

David Fowler, Pro Tow, 1006 E. Main Street, Lewisville, Texas

The following registered in support but did not wish to speak.

Rick Chron, 261 Oakcreek Drive, McKinney, Texas

MOVER: Lewis Patrick, Councilman

SECONDER: Sam Smith, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-419 --** Approving Purchase from Computer Tech for the Equallogic SAN Video Storage System through the State of Texas Department of Information Resources (DIR) Program

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-420 --** Ratifying Emergency Award to Holt Cat for the Certified Power Train Rebuild of a Compactor

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Resolution No. RES-2009-421 --** Approving Addendum No. 1 to the Agreement with MeetingMatrix® International for Room Diagramming Software Unique to the Meeting Industry

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9111 --** Final Reading - Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding the Company's Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

**SECONDER:** Thomas Spink, Councilman

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

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9120 --** Amending Chapter 22 Entitled "Noise" of the Code of Civil and Criminal Ordinances of the City of Irving to Provide Specific Definitions and Enforcement of Noise Violations

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lewis Patrick, Councilman

SECONDER: Thomas Spink, Councilman

**AYES:** Gears, Van Duyne, Meagher, Patrick, Smith, Philipp, Cannaday, Spink

ABSENT: Rick Stopfer

Ordinance No. ORD-2009-9121 -- Repealing Housing and Human Services Board Appointment and Supervision of the Executive Director Under Section 63-3 of Chapter 63 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas

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

The following registered to speak in opposition of this item.

Cynthia Faust, 400 Colony Ct. Jearlene Miller, 2801 N. Britain Road Phil Smith, 1802 Purtain Drive

The following registered in opposition of this item, but did not wish to speak.

Clarence Banks, 4400 Westminster Drive Linda Banks, 4400 Westminster Drive

Mayor Gears stated that he appreciates the work the board has done and assures the board that the Council values the Executive Director's role and her role will remain the same.

Councilman Philipp affirmed the commitment to the mission of the board and stated that the board's duties will remain the same with the exception of the Executive Director. This will increase the effectiveness of the program.

Councilman Smith also stated that this action will bring this program in line with the strategic goals.

Councilwoman Cannaday also spoke in favor of this item.

RESULT: ADOPTED [6 TO 2]

MOVER: Sam Smith, Councilman

SECONDER: Lewis Patrick, Councilman

AYES: Gears, Meagher, Patrick, Smith, Philipp, Cannaday

NAYS: Beth Van Duyne, Thomas Spink

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9122 --** Amending the City of Irving General Obligation Bonds, Series 2007 to Reallocate \$2,255,000 Fire Facilities Bond Proceeds to Library Facilities Purposes

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

Budget Administrator Bret Starr stated that Items #31 and #32 are companion items as they both deal with the reallocation of bond funds from different issuances. He then explained the process.

Councilwoman Van Duyne also asked when the library bonds were approved.

Mr. Starr stated that the library bonds were approved in 2006.

RESULT: ADOPTED [7 TO 1]

MOVER: Rose Cannaday, Councilwoman

**SECONDER:** Sam Smith, Councilman

AYES: Gears, Van Duyne, Meagher, Smith, Philipp, Cannaday, Spink

NAYS: Lewis Patrick

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9123 --** Amending the City of Irving General Obligation Bonds, Series 2008 to Reallocate \$1,580,000 Fire Factilities Bond Proceeds to Library Facilities Purposes

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

Councilman Patrick stated that he is in favor of building Firehouse #4 at the original location on MacArthur Boulevard.

RESULT: ADOPTED [7 TO 1]

MOVER: Rose Cannaday, Councilwoman

SECONDER: Allan Meagher, Councilman

AYES: Gears, Van Duyne, Meagher, Smith, Philipp, Cannaday, Spink

NAYS: Lewis Patrick

ABSENT: Rick Stopfer

**Ordinance No. ORD-2009-9124 --** Budget Adjustment to the 2008-09 Fiscal Year Budget

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rose Cannaday, Councilwoman

**SECONDER:** Sam Smith, Councilman

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

ABSENT: Rick Stopfer

## APPOINTMENTS AND REPORTS

**Resolution No. RES-2009-422 --** Appointments to the Dallas County Utility and Reclamation District to Fill Two Four-Year Terms Expiring October 2013

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

Councilman Smith moved that the following appointments be made to the Dallas County Utility and Reclamation District - Robert Power and Charles Cotten to four year terms expiring October 1, 2013. Seconded by Councilman Patrick, the motion was approved by a vote of 8-0.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Sam Smith, Councilman

SECONDER: Lewis Patrick, Councilman

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

ABSENT: Rick Stopfer

## 35 Mayor's Report

Mayor Gears stated that a video would be shown for the Mayor's report.

## 36 Adjournment

The meeting adjourned at 8:45 p.m.

## `Citizens' Forum

George Stephenson, 2105 Druid Drive, addressed the Mayor and Council regarding grass and trash deliberately blown into our streets. He asked that notices be sent to residents who do this.

Jesse Caviness, 1906 Dennis Street, asked that a school crossing guard be assigned to Hillcrest Street at Anderson. He stated that his daughter attends Brandenburg Elementary school; and until this year there has always been a cross guard at this intersection.

	Herbert Gears, Mayor	
ATTEST:		
Janice Carroll, TRMC		
City Secretary		