

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
October 8, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, October 8, 2009. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Allan E. Meagher	Irving City Council	Councilman	Present	
Beth Van Duyne	Irving City Council	Councilwoman	Present	
Joe Philipp	Irving City Council	Councilman	Absent	
Lewis Patrick	Irving City Council	Councilman	Present	
Mayor Herbert A. Gears	Irving City Council	Mayor	Present	
Rick Stopfer	Irving City Council	Councilman	Absent	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Sam Smith	Irving City Council	Councilman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

James Dickens, 1624 Fowler, President of the Irving Heritage Society announced that on Monday, October 12, 2009, Dr. Neil Dugger, Interim Superintendent from the Irving Independent School District would be the guest speaker at their meeting and would be present to answer questions regarding celebrating the 100 year anniversary of the ISD. The meeting will start at 7:00 p.m. at the Irving Public Library.

INVOCATION

The invocation was delivered by Pastor Reverend Leon Adkins, Berean Memorial Church of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears asked the Advisory Committee for Disabilities Boardmember Mary Tatro, Chair, Dee Jacoby-Edwards, JoAnne Shelton, Mary Davies, Joe Matthews, and Susan Rose, Manager of Community Outreach Manager to come forward and receive a proclamation, proclaiming the month of October as "Disabilities Employment Awareness Month".

Mayor Gears presented a proclamation to Chief Mario Molina and stated that Fire Prevention Week is recognized nationally as October 4 thru 10, 2009.

Fire Chief Molina presented the Mayor and City Manager with a Fill the Boot plaque, the Fire Department was able to raised \$84,293.00.

Mayor Gears also presented a Certificate of Recognition to Captain Larry Erwin in honor of his 45 years of service to the City of Irving.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that a video would be shown giving an update on the strategic plan.

CONSENT AGENDA

The consent agenda, items 2 through 30, were presented for approval. Mayor Gears stated that the following items would be pulled from the consent agenda and heard separately; items #12, #13, #16, #17, #20 and #30. Councilman Smith moved to approve the consent agenda excluding items #12, #13, #16, #17 #20 and #30. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 7-0.

2 Approving Minutes for Wednesday, September 23, 2009

3 Approving Minutes for Thursday, September 24, 2009

4 Resolution No. RES-2009-424 -- Approving and Adopting the Tarrant County 9-1-1 District 2009-10 Annual Budget

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

5 Resolution No. RES-2009-425 -- Approving a Contract Between the City of Irving and the Texas Workforce Commission for Access to the TWC Web-Based Information Site

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

- 6 Resolution No. RES-2009-426 --** Authorizing the City Council of the City of Irving, Texas to Enter into a Contract with Linebarger, Goggan, Blair and Sampson, LLP, Attorneys at Law, for Professional Services in the Collection of Delinquent Ad Valorem Taxes

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

- 7 Resolution No. RES-2009-427 --** Approving a Chapter 380 Economic Development Incentive Agreement with Universal Technical Institute, LLC on Eligible Real and Personal Property

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

- 8 Resolution No. RES-2009-428 --** Reimbursing the City of Irving for Capital Expenditures for Streets, Parks, Libraries and Economic Development Improvements in Advance of the 2010 General Obligation Bond Sale

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

- 9 **Resolution No. RES-2009-429 -- Reimbursing the City of Irving for Capital Expenditures for Drainage Improvements in Advance of the 2010 Bond Sale**

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

- 10 **Resolution No. RES-2009-430 -- Awarding a Contract to Texas State Utilities for Utility Undergrounding at the Irving Arts Center Project**

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

- 11 **Resolution No. RES-2009-431 -- Approving a Memorandum of Understanding Between the City of Irving and the City of Frisco for the Use of the Irving Communications, Public Safety Radio Channels**

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

12 Resolution No. RES-2009-432 -- Authorizing the Use of a New Identity Marking to Brand the City of Irving

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

Councilwoman Van Duyne asked that this item be tabled and public input be received on the identity marking as well as the other options presented.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith
NAYS:	Beth Van Duyne, Thomas Spink
ABSENT:	Joe Philipp, Rick Stopfer

13 Resolution No. RES-2009-433 -- Supporting the Everest Heights Mixed-Use Development Project

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

Councilwoman Van Duyne stated that the Council does not have enough information on this proposed development and she is not in favor of passing a resolution in support.

Councilman Spink stated that he has received feedback from residents that there were financial issues regarding this development.

Councilwoman Cannaday stated that she was not aware of any financial difficulties.

Mayor Gears stated that this resolution supports the type of uses - not the developer.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Allan Meagher, Councilman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith
NAYS:	Beth Van Duyne, Thomas Spink
ABSENT:	Joe Philipp, Rick Stopfer

- 14 **Resolution No. RES-2009-434** -- Authorizing the Irving Convention and Visitors Bureau to Purchase Advertising Space in the Media

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

- 15 **Resolution No. RES-2009-435** -- Approving a Fee Agreement with Dean International, Inc., for Assistance in Transportation and Infrastructure Services

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

- 16 **Resolution No. RES-2009-436** -- Approving a Fee Agreement with Dean International, Inc., for Assistance in Water Services

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

Councilwoman Van Duyne stated that her concern is about putting this much money into one consultant contract. She thought it would be a better use of these funds to use multiple consultants.

Councilwoman Cannaday stated that she will support this item.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Sam Smith, Councilman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith
NAYS:	Beth Van Duyne, Thomas Spink
ABSENT:	Joe Philipp, Rick Stopfer

- 17 Resolution No. RES-2009-437 -- Approving a Professional Services Agreement for Engineering and Planning Services with Nathan D. Maier Consulting Engineers for the Provision of Water Acquisition Projects/Initiatives**

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

There were no speakers.

Councilwoman Van Duyne stated that this is almost a \$600,000.00 contract and there is a provision to look at this fee in January. She asked why if this not a twelve month contract?

Assistant Director of Intergovernmental Services Chris Hooper explained that payment is set up based on an assignment and task basis. He noted that the \$600,000 is not a task associated with the payment, it will not be paid.

Councilman Spink asked if this was a woman owned business.

Mr. Hooper advised that it is owned and operated by Jean Maier, the widow of Nathan Maier.

Councilwoman Cannaday and Councilman Patrick spoke in favor of this contract.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Sam Smith, Councilman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith, Spink
NAYS:	Beth Van Duyne
ABSENT:	Joe Philipp, Rick Stopfer

- 18 Resolution No. RES-2009-438 -- Approving an Agreement Between the City of Irving and EMISSTAR, L.L.C to Provide Emissions Technology Consulting for the**

Environmental Protection Agency's Emerging Technologies Grant Project for the
City of Irving, Texas

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

- 19 **Resolution No. RES-2009-439** -- Authorizing the Mayor to Accept American Recovery and Reinvestment Act Funding in an Amount Up to \$2,058,600 through the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant

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

- 20 **Resolution No. RES-2009-440** -- Approving an Increase in Authorized Personnel for a Three Year Period to Deliver the Services Associated with the Homelessness Prevention and Rapid Re-Housing Program Grants and the Neighborhood Stabilization Program Grant

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

RESULT:	ADOPTED [6 TO 1]
MOVER:	Sam Smith, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith, Spink
NAYS:	Beth Van Duyne
ABSENT:	Joe Philipp, Rick Stopfer

- 21 Resolution No. RES-2009-441 -- Renewing Annual Contract with GT Distributors, Inc., for Police Body Armor**

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

- 22 Resolution No. RES-2009-442 -- Approving and Accepting the Bids of Sunbeam Foods, Inc., and Southern Foods Group dba Schepps Dairy for an Annual Contract to Supply Prisoner Food**

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

- 23 Resolution No. RES-2009-443 -- Approving an Addendum with Information Builders, Inc., for Phase II of the Business Intelligence Reporting System Project**

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

- 24 Resolution No. RES-2009-444 -- Awarding Single Source Award to ESRI for Software Maintenance for the ESRI Geographic Information System**

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

- 25 Resolution No. RES-2009-445 -- Renewing Contract for Control of Communicable Disease Services through an Interlocal Agreement with Dallas County Health and Human Services**

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

- 26 Resolution No. RES-2009-446 -- Renewing Annual Agreement with The University of Texas Southwestern Medical Center at Dallas for Continuing Education Services for Emergency Medical Technicians (EMTs) and Paramedics**

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

- 27 Resolution No. RES-2009-447 -- Renewing Annual Contract with The University of Texas Southwestern Medical Center at Dallas for Medical Direction and Quality Assurance Services for Emergency Medical Technicians (EMTs) and Paramedics**

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

- 28 Resolution No. RES-2009-448 -- Approving Award to Equipment Southwest, Inc., for Street Sweepers, 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:	Sam Smith, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Meagher, Van Duyne, Patrick, Gears, Cannaday, Smith, Spink
ABSENT:	Joe Philipp, Rick Stopfer

- 29 Ordinance No. ORD-2009-9125 -- Amending Chapter 27A Entitled "Personnel" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, Relating to Education Incentive Pay and Certification Incentive Pay for Eligible Police and Fire Civil Service Personnel**

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

- 30 Ordinance No. ORD-2009-9126 -- Final Reading - Amending Chapter 52 "Water and Sewer Rates" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Providing for a Waiver of Deposit; Providing for Cost Recovery Related to Utility Services Disconnections**

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 and specifically the fees.

City Manager Tommy Gonzalez gave a summary of the in depth presentation made at work session yesterday.

Chief Financial Officer Max Duplant addressed generally the proposed change in the fee structure.

Manager of Billing Aimee Kaslik noted that the fee changes are a cost recovery mechanism and that all of the proposed fee increases are comparable to what are charged by other cities in the metroplex area.

RESULT:	FINAL READING [5 TO 2] Next: 10/22/2009 7:00 PM
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Sam Smith, Councilman
AYES:	Meagher, Patrick, Gears, Cannaday, Smith
NAYS:	Beth Van Duyne, Thomas Spink
ABSENT:	Joe Philipp, Rick Stopfer

INDIVIDUAL CONSIDERATION

ZONING CASES AND COMPANION ITEMS

- 31 Resolution No. RES-2009-449** -- Approving Final Plat - The Enclave at TPC Las Colinas, Phase 1 and 3, Revised Final Plat - Approximately 0.562 Acres Located at 4545 and 4549 Byron Circle - Surveying Associates, Applicant - Anne Ingwalson, 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:	Sam Smith, Councilman
SECONDER:	Allan Meagher, Councilman
AYES:	Meagher, Van Duyne, Patrick, Gears, Cannaday, Smith, Spink
ABSENT:	Joe Philipp, Rick Stopfer

- 32 Ordinance No. ORD-2009-9127 -- Zoning Case #ZC09-0045 - Granting S-P-1 (Detailed Site Plan) for Retail, Restaurant and Office Uses - Approximately 0.28 Acres Located at 2201 Cheyenne Street - Ali Bary, Owner/Applicant**

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

The applicant Ali Bary, 824, Old Towne, gave a brief presentation on this item.

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

- 33 Ordinance No. ORD-2009-9128 -- Zoning Case #ZC09-0048 - Granting S-P-2 (Generalized Site Plan) for C-C (Community Commercial) Uses - Approximately 9.8107 Acres Located at the Southwest Corner of Esters and Rochelle Road - City of Irving, 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:	Sam Smith, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Meagher, Van Duyne, Patrick, Gears, Cannaday, Smith, Spink
ABSENT:	Joe Philipp, Rick Stopfer

APPOINTMENTS AND REPORTS

- 34 Mayor's Repot**

Mayor Gears announced that the Great Harvest Benefit Gala for Irving Cares will be held tomorrow night at the Four Seasons Hotel.

Councilman Smith invited everyone to come out to the Irving Arts Center to enjoy the Nasa Smithsonian exhibit.

Councilman Patrick stated that a Public Works meeting will be held on Tuesday, October 13, 2009 at 11:30 a.m.

35 Adjournment

The meeting adjourned at 8:19 p.m.

Citizens' Forum

Dan Looper, 524 Thompson Street, complained about the frequent speeding of vehicles on his residential street.

Jorge Rivera, President of LULAC for the Irving Chapter, spoke about an incident that occurred on September 28, 2009, that involved the Irving Police Department detaining a fifteen year old boy.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary