

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
October 22, 2009**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, October 22, 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

Lucia Rottenberg, 2220 Indian Creek, announced that early voting is now taking place and she encouraged everyone to early vote if possible as precincts have been combined down to fewer polling locations on election day.

INVOCATION

The invocation was delivered by Associate Minister McArthur Thompson of West Irving Church of God of the City Of Irving.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Proclamation:

Mayor Gears stated that the widow of Floyd "Bear" Communications Chief Heidle Basken and Captain Robert Willingham, Chairman of the Irving's Fireman's Relief and Retirement Fund to come forward. Mayor Gears stated that Floyd "Bear" Bryant joined the Irving Fire Department in 1963 and retired in 1994. While with the Fire Department, he was elected to the Irving Firemen's Relief and Retirement Fund Board of Trustees and served as Chairman until his retirement. Two months after his retirement "Bear" was appointed back on the Board as a civilian Trustee until his death in December 2008. Mayor Gears presented Mrs. Bryant with a proclamation in his honor and announced that a scholarship has been established in his honor.

Proclamation - The Fire Fighters Susan G. Comen Breast Cancer Awareness Month - Mayor

Gears asked Chuck Spivey from the Fire Department to come forward and presented him with a proclamation proclaiming the month of October as Breast Cancer Awareness month. T-Shirts were sold by the firemen in order to raise proceeds for this great cause.

Annual Disabilities Awareness Month Poster Art Contest Awards for Winners

Mayor Gears asked for Mary Tatro and Joe Matthews members of the Advisory Committee on Disabilities to come forward; Mayor Gears announced that October is recognized as Disability Awareness Month

Mayor Gears and the Irving City Council recognized the honorable mention and first place award recipients in the 2009 poster are contest.

Mayor Gears asked all the students awarded Honorable Mention to please come forward:

- Helen Ly, Gilbert Elementary
- Anania Young, Otis Brown Elementary
- Lizbeth Hernandez, Otis Brown Elementary
- Angela Kannakkadan, Stipes Elementary
- Helen Le, Stipes Elementary
- Levi Horn, Stipes Elementary
- Joana Villanueva, Sam Houston Middle School
- Baylee Janak, T.J. Lee Elementary
- Madeleine Rowe, W.T. Hanes Elementary

The following were the first place winners in this year's art contest

- Adriana Cuevas, Britain Elementary
- Rene Gutierrez, Brandenburg Elementary
- Cynthia Martinez, Otis Brown Elementary
- Anthony Sanichanh, Stipes Elementary

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

Paul Gooch announced that a short video would be shown this evening enhancing the highlights of the improvements that have been made. Mr. Gooch also announced that this Saturday the dedication of the Miracle Athletic Field, for children with special needs will be at 10:00 a.m., and he invited everyone to attend.

CONSENT AGENDA

The consent agenda items 2-21 were presented for approval. Mayor Gears stated that items #9 and #21 would be pulled from the consent agenda and heard separately.

Councilman Smith moved to approve the consent agenda items 2-21, excluding

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items 9 and 21. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 9-0.

2 Approving Minutes for Monday, September 28, 2009

3 Approving Minutes for Wednesday, October 7, 2009

4 Approving Minutes for Thursday, October 8, 2009

5 Resolution No. RES-2009-450 -- Approving a Texas Traffic Safety Program Grant Agreement Between the City of Irving and the State of Texas, Acting by and through the Texas Department of Transportation, for a Selective Traffic Enforcement Program (STEP) Grant for the "Click it or Ticket" Campaign

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

6 Resolution No. RES-2009-451 -- Authorizing the Submission of an Application to the Texas Comptroller of Public Accounts, State Energy Conservation Office, for Distributed Renewable Energy Technology Program Funding for the West Irving Library, and If Awarded, Authorizing the Mayor to Execute an Agreement

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

7 Resolution No. RES-2009-452 -- Approving the Renewal of an Annual Contract with V. A. Construction, Inc., for the 2009-2010 Annual Maintenance Contract for the Concrete Repair of Sidewalks, Utility Cuts, Streets, and Alleys

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

- 8 Resolution No. RES-2009-453** -- Approving Addendum No. 1 to Lockwood, Andrews & Newnam, Inc., for the Design of the Delaware Creek Sanitary Sewer Interceptor from Second Street to Grauwlyer Road Project

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

- 9 Resolution No. RES-2009-454** -- Authorizing the Mayor to Execute a Chapter 380 Economic Development Incentive Agreement with Heritage District, LLC to Facilitate Redevelopment of the MacArthur Square Apartment Property

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

Councilwoman Van Duyne asked for a brief overview of this item. Real Estate and Development Director Brenda McDonald gave a presentation on this item.

The following registered to speak in opposition of this item:
Patricia Owen 1506, Ross Drive

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

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- 10 Resolution No. RES-2009-455** -- Approving Amendment No. 3 to the HOME Investment Partnerships Grant Agreement Between the City of Irving and Contours Community Development Corporation

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

- 11 Resolution No. RES-2009-456** -- Authorizing the Submission of an Application to the North Central Texas Council of Governments for Implementation of the Regional Solid Waste Management Plan for North Central Texas Grant Program Funding for the Development of Irving Green Teens: Empowering Youth to Create a Sustainable Community, And, If Awarded, Authorizing the Mayor to Execute an Agreement

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

- 12 Resolution No. RES-2009-457** -- Awarding Change Order No. 2 to Supreme Systems, Inc., for the Irving Arts Center Roof Replacement

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

- 13 Resolution No. RES-2009-458** -- Approving Purchase from Dallas Dodge for Twenty Police Dodge Chargers through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program

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

- 14 **Resolution No. RES-2009-459** -- Approving Single Source Purchase from Alternative Support Apparatus LLC, for a Compact Off-Road Ambulance

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

- 15 **Resolution No. RES-2009-460** -- Renewing Annual Contract with GST Public Safety Supply, LLC, for Fire Department Uniform Trousers

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

- 16 **Resolution No. RES-2009-461** -- Approving an Agreement Between the City of Irving and Parker County to Establish a Mutual Cooperative Purchasing Program

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

- 17 **Resolution No. RES-2009-462** -- Approving and Accepting the Bid of TarTob Commercial Services for Highway Bridge Painting

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

- 18 **Resolution No. RES-2009-463** -- Awarding Maintenance Agreement to HOV Services, Inc., for the Hyland OnBase Software System through the General Services Administration (GSA) Program

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

- 19 **Resolution No. RES-2009-464** -- Renewing Annual Contract with MasTec North America, Inc., for Freeway and Street Lighting Maintenance and On-Call Services

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

- 20 **Ordinance No. ORD-2009-9129** -- Amending Chapter 34 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, to Provide Regulation for Newsracks on Right-Of-Ways

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

- 21 **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 Gear introduced the item and asked if anyone wished to speak in favor or opposition of this item. There were no speakers

Councilwoman Van Duyne stated that she would be voting in opposition of this item.

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

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ZONING CASES AND COMPANION ITEMS

- 22 Resolution No. RES-2009-465** -- Approving Preliminary/Final Plat - Freedom Center DFW Addition - Approximately 2.9 Acres Located at the Southeast Corner of Belt Line Road and Cabell Road - Winkelmann and Associates, Surveyor - DFW New Beginnings Church, 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:	Lewis Patrick, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 23 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 September 3, 2009 City Council Meeting)

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

The applicant, Angel Robin, representing Drury Southwest Inc., was present and gave a presentation on this item.

Councilwoman Van Duyne asked what additional landscaping would be added.

Ms. Robinson stated that two additional trees have been added.

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

- 24 Ordinance No. ORD-2009-9130** -- Zoning Case #ZC09-0047 - Granting S-P-1 (Detailed Site Plan) for Self-Storage Warehouses, and Outside Storage of RV's, Boats, Cars and Trailers - Approximately 1.77 Acres Located at 1402 and 1404

West Pioneer Drive (South Side of Pioneer, West of Rogers Road) - Wood Construction and Apartments, 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:	Rick Stopfer, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 25 Ordinance No. ORD-2009-9131 -- Zoning Case #ZC09-0054 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses - Approximately 3.2 Acres Located at 515 S. MacArthur Boulevard - Kroger Texas, LP, Owner/Applicant**

Mayor Gears stated that the owner requested that this item be withdrawn at the request of the applicant.

The following registered in opposition of this item, but did not wish to speak:
Doug and Sue Harper, 1117 S. Delaware
James B. Baker, 2724 Lake Gardens Drive

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

- 26 Ordinance No. ORD-2009-9132 -- Amending Section 52-36 of Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas to Provide Requirements for Garage Conversions - City of Irving, Applicant**

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

Manager of Planning and Inspections Steve Reed gave a presentation on the amendments to this ordinance.

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

- 27 Ordinance No. ORD-2009-9133** -- Amending Section 52-49 of Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, to Allow the Sale of Alcoholic Beverages as a Permitted Accessory Use at Any Facility Whose Construction or Operation is Wholly or Partially Funded by Hotel Occupancy Tax Revenue - City of Irving, Applicant

Mayor Gears introduced the item and asked that staff give a presentation.

Manager of Planning and Inspections Steve Reed gave a presentation on the amendments to this ordinance.

The Council convened into executive session.

The following registered to speak in opposition:

Mayor Joe Putnam, 1505 Phillip Court
 Mayor Bobby Joe Raper, 633 W. Arawe Circle
 Jim Bullock, 1116 Edwards Court, spoke in favor of this item
 Clyde DeLoach, 1205 Ichabod Court
 Lucia Rottenberg, 2220 Indian Creek
 Robert Corser, 311 W. 7th
 Thomas Box, 4416 Caesar
 Doug Harper, 117 S. Delaware Street
 Carol Carper, 1610 W. 6th Street
 Bob Huffmaster, 1214 S. Britain
 Bob Harper, 3019 Churchill Downs
 Marilyn Wilson, 1410 Ronne Drive
 Don Wilson, 1410 Ronne Drive
 Marjorie Stipes, 1602 Upton Place
 Carlton E. Turner, 1508 Nelson Drive, spoke in favor of this item

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

Margaret Lopez, 3608 Cheyenne
 Delhi Ekambo, 519 Dyer Street
 Oswaldo Canto, 1530 Meyers Road
 Sigrid G. Canto, 1530 Meyers Road
 Madge Johnson, 1509 Cooper Drive
 Leslie Johnson, 1509 Cooper Drive

John Grover, 1302 N. Nursery #156
 Martha T. Seeber, 1718 South Nursery Road
 Barbara A. Kusler, 929 Patricia Street
 Martha Huffmaster, 1214 S. Britain Road
 Raleigh Mae Stevenson, 2421 Parkcrest Court
 Wanda Riddle, 2932 St. Lo Drive
 Dave Allen, 1738 Meadow Valley
 James Wallis, 2113 Ruby Road
 Dorothy Vaughn, 434 Huntington Drive
 Georgia A. Carmody, 2700 Alan-A-Dale
 Opal Tarver, 1903 N. Plymouth
 Daniel Cannaday, 2700 Alan-A-Dale
 Beca DeLoach, 1205 Ichabod Court
 Rosemary Raley, 1017 Sleepy Hollow Drive North
 Frances Hollinghead, 3038 St. Lo Drive
 James Hollinghead, 3038 Saint Lo Drive
 Melva White, 1912 Anna Drive
 Raymond Keith White, 1012 Anna Drive
 Sue Harper, 1117 S. Delaware
 Steve Worley, 4002 Double Oak
 George Stephenson, 2105 Druid Drive
 Mavis Schroeder, 610 Beacon Hill Drive
 Janice Schriefer, 811 Wyche Drive
 Brenda Willaims, 124 Crandall Road
 Linda Fisher, 1619 Dale Place
 James B. Baker, 2724 Lake Gardens Drive
 E.D. Skip Schroeder, 610 Beacon Hill Drive
 Howard Carper, 1610 W. 6th Street
 Dena Caper, 1610 W. 6th Street
 Joyce Eckles, 1827 Dory Lane

The following registered in support of this item, but did not wish to speak:

Michael D. Barns, 502 Hanover Lane
 Chris Harrington, 616 Cox
 Lorraine Taylor, 321 S. O'Connor Road
 James and Fran Cassels, 312 Steeplechase Drive
 Paul Brouillelette, 4650 W. Airport Freeway
 M. A. Bolger, 2808 N. Britain
 Jeen McCullough, 1105 E. Grauwlyer
 Clem Lear, 4643 O'Connor Court

After Joe Putnam's presentation, Mayor Gears announced that the Council will meet in Executive Session to seek advice from the City Attorney at the request of Councilman Patrick.

City Attorney Charles Anderson read them into executive session at 8:15 p.m.

The Council reconvened into open session at 8:35 p.m.

There followed lengthy Council discussion.

It was noted that this item could be put to a vote of the people as a non-binding referendum.

Mayor Gears stated that an item will be placed on the agenda to discuss the current zoning requirement that restrains serving liquor by the drink to maintain a ration of 60% food versus 40% alcohol.

RESULT:	ADOPTED [5 TO 3]
MOVER:	Sam Smith, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Patrick, Stopfer, Smith, Cannaday
NAYS:	Beth Van Duyne, Allan Meagher, Joe Philipp
ABSTAIN:	Thomas Spink

APPOINTMENTS AND REPORTS

28 Mayor's Report

There was no report given.

29 Adjournment

The meeting adjourned at 9:48 p.m.

Citizens' Forum

Doug Harper, 1117 S. Delaware Street, spoke against the Kroger Store on South MacArthur selling beer and wine.

Clyde DeLouach, 1205 Inchabod Ct., also spoke against the Kroger Store on South MacArthur selling beer and wine.

Lucia Rottenbery, 2220 Indian Creek, commended the consolidation with the Dallas County Tax Assessor/Collector for the collection of the city property taxes. She asked that the intersection of Belt Line and Shady Grove be cleaned up. She asked that she be able to pay her utility bill by credit card.

Bobby Raper, 623 W. Arawe Circle, noted that the Planning & Zoning Commission did not know that tie vote is a no vote.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary

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