

REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
February 4, 2010

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, February 4, 2010. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Beth Van Duynes	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

Colvin Gibson, 210 Texas Ash Drive, made an announcement on behalf of the Irving Arts Center and the Irving Black Arts Council. He invited everyone to attend an Exhibition Reception that will be held on Saturday, February 6, 2010, from 5 p.m. until 7 p.m. the reception is free and the exhibit is 200 Years of Black American Art.

Karen Askin, a member of the 2010 Census Irving Count Committee gave an update and stated that at the end of this month the first letters will go out reminding all residents to be on the lookout for the census cards that will be mailed on March 19, 2010 and will be due on April 1, 2010. Additionally she stated that if anyone is interested in a part-time job they can call 1-866-861-2010 or visit following 2010censusjob.gov.

INVOCATION

The invocation was delivered by Pastor J. Josh Smith, MacArthur Blvd. Baptist Church, of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Dr. Neil Dugger, Interim Superintendent for the Irving Independent School District, presented a plaque to the Water Utilities Department for partnering with the Union Bower Center (recently renamed the Barbara Cardwell Career Preparatory Center) to implement a water industry career pathway. The Water department has committed 20 hours of hands-on instruction, engaging students in activities that include meter repair, sample collection, confined space training, leak detection, dead end main flushing of water pipes, etc. Upon graduation, students in this

pathway qualify to take the state exam for Class D Basic Water and Wastewater Collection 1 licenses. This is a career field in which students can immediately enter the work world, or go to college for leadership positions in this field.

Dr. Dugger also asked Dr. Marie Morris, Assistant Superintendent for Teaching and Learning, and Thelma Cantu, Coordinator of the Partnership in Education Program, and Curtis Mauricio, Principal of Union Bower - Barbara Cardwell Preparatory School to come forward and two additional presentations were made

Councilman Patrick also announced that the Boy Scouts and their leaders are in the audience this evening; the Boy Scouts are attending to assist in earning their merit badge.

Councilman Philipp also commended Chief Larry Boyd and his staff for the crime reduction in the city of Irving.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that two videos would be shown, the first one is an updated on the city's operations. The second video was on Goal #3, Economic Development. The second video was not shown due to technical problems.

CONSENT AGENDA

The consent agenda items #2 through #18, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. Mayor Gears also stated that the following items have been pulled and will be heard separately, Items #10, #14 #16. Mayor Gears also stated that Items #17 and #18 would be dropped from the agenda and no action would be taken. Councilman Philipp moved to approve the consent agenda excluding Items #10, #14, #16 #17 and #18. Seconded by Councilman Stopfer, the motion was approved by a vote of 9-0.

2 Approving Minutes for Wednesday, January 13, 2010

3 Approving Minutes for Thursday, January 14, 2010

Approving Minutes for the FY 2009-2010 Budget Retreat, August 20-21, 2009

- 4 **Resolution No. RES-2010-31** -- Authorizing the Destruction of Obsolete Records in Accordance with the City of Irving's Records Management Policy

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

- 5 **Resolution No. RES-2010-32** -- Approving Informa System's Learning Management System Dedicated Hosted Server Service Agreement

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-2010-33** -- Approving Addendum No. 1 to Option Agreement between the City of Irving and Chaparral Rails to Trails, Inc., and Approving the First Option Extension for Approximately 56 Miles of Right-of-Way

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-2010-34** -- Authorizing the Mayor to Execute an Interlocal Agreement Between the City of Irving and Dallas County Accepting a Trail Development Grant for the Construction of Campion Trails

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-2010-35** -- Approving a Temporary Employee for the Position of Educational Coordinator at the Irving Arts Center for Educational Activities Related to the Special Exhibiton "Genghis Khan."

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

- 9 Resolution No. RES-2010-36** -- Approving and Accepting the Bid of IESI TX Corp, for an Annual Contract to Provide Collection of Containerized Refuse for City Facilities

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-2010-37** -- Approving and Accepting the Bids of Badger Meter, Inc., and Hersey Meters Company, LLC, for Annual Contracts to Provide Water Meters

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

The following registered to speak in opposition of this item.
Joe Mapes, 504 N. Main Street, Euless, Texas

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

- 11 **Resolution No. RES-2010-38** -- Renewing the Annual Contracts with Landmark Earth Services, LLC, and Edko, LLC (formerly SprayMAX, Inc.) for Chemical Weed and Pest Control for Park Areas and Drainage Channels

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

- 12 **Resolution No. RES-2010-39** -- Renewing the Annual Contract with Quality Tractor Mowing Corp., for Mowing and Litter Control on Public Rights of Way and TXDOT Rights of Way

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-2010-40** -- Renewing the Annual Contract with Whitmore & Sons, Inc., for Mowing, Litter Control, and Grounds Maintenance for Medians and Various Properties

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-2010-41 -- Approving and Accepting the Proposal of Chase Equipment Finance, Inc., for Lease-Purchase Financing of an Aerial Truck and a Rescue Truck**

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

The following registered to speak in opposition:
Joe Mapes, 504 N. Main Street, Euless, Texas

Councilwoman Van Duyne asked for staff to respond to Mr. Mapes questions. Chief Financial Officer Max Duplant explained why a lease purchase is a good financial decision as it will be paid for in the life of the truck and the interest will be locked in. Today it is at 2.6%, she advised.

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

- 15 Ordinance No. ORD-2010-9159 -- Calling a Regular Municipal Election to be Held on Saturday, May 8, 2010, for the Purpose of Electing City Council Places One (1), Two (2), and Seven (7), and Calling a Subsequent Run-Off Election, If Necessary**

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

- 16 Ordinance No. ORD-2010-9160** -- Providing for the Issuance and Sale of City of Irving, Texas Hotel Occupancy Tax Revenue Bonds, Taxable Series 2010, in the Approximate Aggregate Principal Amount of \$9,000,000; Approving and Authorizing the Execution and Delivery of a Bond Purchase Agreement, and a Paying Agent/Registrar Agreement; and Prescribing Other Matters with Respect Thereto

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

Councilwoman Van Duyne stated she had no questions but will be voting in opposition.

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

- 17 Ordinance No. ORD-2010-9152** -- Final Reading - Amending Chapter 52 Entitled "Water and Sewer Rates" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Providing for New Monthly Water and Sewer Rates; Providing for a New Maximum Monthly Service Charge; Providing an Effective Date; and Providing a Severability Clause

RESULT:	WITHDRAWN NO VOTE
----------------	--------------------------

- 18 Ordinance No. ORD-2010-9153** -- Final Reading - Amending Section 34A-180 of Chapter 34A Entitled "Right-Of-Way Management" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Providing for Franchise Fees on

Water, Sanitary Sewer, and Refuse Pickup Service; Providing an Effective Date; and Providing a Severability Clause.

RESULT:

WITHDRAWN NO VOTE

ZONING CASES AND COMPANION ITEMS

- 19 Resolution No. RES-2010-42** -- Approving Special Sign Permit No. S0909-0033 to Install a Digital Sign Located at 208 South Story Road - Terry Waldrum, Applicant Representing Gracepointe 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:

Lewis Patrick, Councilman

SECONDER:

Rose Cannaday, Councilwoman

AYES:

Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 20 Resolution No. RES-2010-43** -- Approving Special Sign Permit No. S0912-0036 to Install Two Digital Signs Located at 4243 West Pioneer Drive - Lucky Texan LLC, Applicant/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:

Lewis Patrick, Councilman

SECONDER:

Thomas Spink, Councilman

AYES:

Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 21 Resolution No. RES-2010-44** -- Approving Special Sign Permit No. S0912-0042 to Install Full Color LED Digital Sign - Located at 1144 East Irving Boulevard - Alaniz Auto Ranch, Inc., Applicant - Robert Alaniz, Owner

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

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

- 22 Resolution No. RES-2010-45** -- Requesting Sign Variance Case No. S0912-0015 Located at 7403 North Macarthur Boulevard -Yogurt Zone, Applicant - Franco Chang, Owner (Postponed at the February 4, 2010 City Council Meeting)

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 stated that the applicant requested that this item be postponed to the February 18, 2010 City Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 2/18/2010 7:00 PM
MOVER:	Lewis Patrick, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 23 Resolution No. RES-2010-46** -- Approving Special Sign Permit No. S0912-0049 to Install a Digital Sign Located at 5151 Regent Boulevard - Universal Technical Institute, Applicant/Owner

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

- 24 Ordinance No. ORD-2010-9161 -- Zoning Case #ZC09-0066 - Granting S-P-1 (Detailed Site Plan) for Grocery Store - Approximately 1.7 Acres Located at 912 East Irving Boulevard (Southwest Corner of Irving Boulevard and Third Street) - ALDI, Inc., Applicant - SDNarod Enterprises, Owner**

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

Carla Waddleton, ALDI, Inc. 2500 Westcourt Road, Denton Texas, presented the case.

Paul Hayes, Bury and Partners also, gave a presentation on this item.

Darha Shaw, SDHarod Enterprises 3030 LBJ Freeway, Dallas Texas also spoke on this item.

Councilwoman Cannaday asked for staff show the location of this building on the property.

Manager of Planning and Inspections, Steve Reed, showed the slide show.

Councilwoman Cannaday noted her objection to moving the building.

Real Estate and Development Director Brenda McDonald also spoke on this item.

Councilwoman Van Duyne asked if the new building would have a big box concept.

Ms. Waddleton stated that the building be would not be a "big box" and that additional landscape has been added to improve the property.

The following signed up to speak in opposition of this item:
Kevin Dym, Attorney at Law, 5910 N. Central Expressway, Suite 350, Dallas, Texas, representing Barbara Roostl.

Barbara Roostl, 7015 Snider Plaza #212, Dallas, Texas

The following registered to speak in favor of this item:
Joe Mapes, 504 N. Main Street, Euless, Texas

After lengthy discussion from the Council.

Councilman Patrick moved to postpone this item to the March 4, 2010 City Council meeting. The case will go back to the Planning and Zoning Commission on March 1, 2010 and then back to the City Council on March 4, 2010.

RESULT:	POSTPONED [8 TO 1] Next: 3/4/2010 7:00 PM
MOVER:	Lewis Patrick, Councilman
SECONDER:	Sam Smith, Councilman
AYES:	Gears, Van Duyne, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
NAYS:	Rick Stopfer

- 25 Ordinance No. ORD-2010-9162** -- Comprehensive Plan Amendment ZC09-0071 - Amending the Comprehensive Plan to Change the Recommended Land Use from "Retail" to "Low Density Residential" - Approximately 0.936 Acres Located at 508 and 510 Rogers Road - Dustin Andrews, Applicant/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:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 26 Ordinance No. ORD-2010-9163** -- Zoning Case #ZC09-0071 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) District Uses - Approximately 0.936 Acres Located at 508 and 510 Rogers Road - Dustin Andrews, Applicant/Owner

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

RESULT:	ADOPTED [7 TO 1]
MOVER:	Sam Smith, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Smith, Philipp, Cannaday, Spink
NAYS:	Beth Van Duyne
AWAY:	Rick Stopfer

- 27 Ordinance No. ORD-2010-9164 -- Zoning Case #ZC09-0072 - Granting S-P-1 (Detailed Site Plan) for Automobile Repair Uses - Approximately .218 Acres Located at 1206 East Shady Grove Road - Larsen Dye Associates Architects, Applicant - T. C. Chacko, Owner**

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

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

- 28 Ordinance No. ORD-2010-9165 -- Zoning Case #ZC09-0075 - Granting S-P-2 (Generalized Site Plan) for Landfill and Related Uses - Approximately 210.46 Acres Located East of Luper Road and South of Hunter Ferrell Road - City of Irving, Applicant/Owner**

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

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

APPOINTMENTS AND REPORTS

- 29 Resolution No. RES-2010-47** -- Appointments to Boards, Commissions, and Committees, to Fill Various Unexpired Terms for the Following: Advisory Committee on Disabilities and Housing and Human Services Board

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

Councilwoman Cannaday moved to appoint the following:
Bob Davies to Place 10 on the Advisory Committee on Disabilities - said term expiring November 2010, and

Cynthia Faust to Place 2 on the Housing and Human Services Board - said term also expiring November 2010.

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

- 30 Mayor's Report**

There was no report given.

- 31 Adjournment**

The meeting adjourned at 9:00 p.m.

Citizens' Forum

Lucia Rottenberg, 2220 Indian Creek Drive, addressed the Mayor and Council on water and sewer rates.

George Stephenson, 2105 Druid Drive, addressed the Mayor and Council on south Irving neglect. He spoke about a fence located at 1330 North Belt Line Road, and he asked that the fence be repaired.

Joe Mapes, 504 N. Main Street, Euless, Texas, addressed the Mayor and Council on city government, general revenue bonds, and the lack of input opportunities in the City's budget.

Gerald Farris, 1308 Mosswood, spoke to the Mayor and Council regarding digital signs and banners in the City of Irving.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary