

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
March 4, 2010**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, March 4, 2010. 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

Nancy Ornelaz, member of the 2010 census committee, announced that the 2010 census process is underway now and the mailer should arrive in the next two weeks. If anyone does not receive a survey they can log onto the city of Irving website to get information for obtaining a census survey.

INVOCATION

The invocation was delivered by Pastor Leon Adkins of 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 recognized Coaches Joe Palomar and Officer Conrad "Kurt" Trezza of the Irving Police Athletic League (IPAL) for volunteering their services with the nonprofit organization IPAL, which supports kids through a regimented program of physical fitness and exposure to positive role models. The primary activities sponsored by IPAL are boxing, wrestling, baseball and softball. Mayor Gears also presented certificates to each child involved.

CITY COUNCIL AGENDA

1 City Manager's Strategic Plan Update

City Manager Tommy Gonzalez stated that a video would be shown regarding Goal #2 on the strategic goal plan.

CONSENT AGENDA

Motioned by Councilwoman Cannaday, seconded by Councilman Smith to approve items 2 through 21 on the consent agenda and pull items 5 and 19 for discussion.

Motion approved 9-0.

2 Approving Minutes for Wednesday, February 17, 2010

3 Approving Minutes for Thursday, February 18, 2010

4 Resolution No. RES-2010-60 -- Authorizing the Mayor to Execute an Agreement Granting a Communications Facilities License to Verizon Wireless to Use the City's Property Located at Texas Stadium for the Term of Five Years and Providing an Effective Date

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

5 Resolution No. RES-2010-61 -- Approving a Chapter 380 Economic Development Program Agreement with Heritage District, LLC, to Provide Funding for Quarterly Interest Payments to Comerica Bank

Brenda McDonald, Director of Economic Development, provided information regarding the approval of a Chapter 380 Economic Development Program Agreement with Heritage District, LLC, to provide funding for quarterly interest payments to Comerica Bank.

The following citizens spoke in opposition to the item:

Joe Matelich, 1305 Mosswood Lane, Irving, TX
Joe Mapes, 504 N. Main Street, Euless, TX

The following citizens recorded their opposition to the item but did not wish to speak:

Kenneth Ewing, 2524 Crestview Circle, Irving, TX
Nancy Weber, 408 S. Delaware Street, Irving, TX
Raleigh Stevenson, 2421 Park Crest Court, Irving, TX
Amy Stevenson, 1719 Bradford Street, Irving, TX
Deborah Fusco, 1806 Dory Lane, Irving, TX
Jason Fusco, 1807 Dory Lane, Irving, TX
Lorriane Taylor, 321 S. O'Connor Road, Irving, TX
Karen O'Leary, 1011 McClendon Street, Irving, TX

Council generally discussed the pros and cons of moving forward with this agreement versus waiting to get more information. There were some concerns that too much money has already been provided to Mr. McDougal without there being any ground broken or movement made on his prior developments. There were others who felt the investment was worth moving forward with and felt it was a safe and smart agreement to in which to proceed with.

Motioned by Councilwoman Cannaday, seconded by Councilman Philipp to approve a Chapter 380 Economic Development Program Agreement with Heritage District, LLC, to Provide Funding for Quarterly Interest Payments to Comerica Bank.

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

- 6 Resolution No. RES-2010-62 -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 1920 West Shady Grove Road - Rockland Burnett and Guadalupe Burnett, Property Owners**

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

- 7 **Resolution No. RES-2010-63** -- Authorizing the Mayor to Sign a Sponsorship Agreement Between the City of Irving on Behalf of the Irving Convention and Visitors Bureau (ICVB) and the Salesmanship Club Charitable Golf of Dallas for the 2010 HP Byron Nelson Championship

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

- 8 **Resolution No. RES-2010-64** -- Approving Oncor Electric Delivery Company LLC Facilities Extension Agreement for the Extension of Company Delivery System Facilities to the Irving Convention Center

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

- 9 **Resolution No. RES-2010-65** -- Approving Change Order No. 3 to the Construction Management at Risk (CMAR) Contract Between Austin Commercial, L.P., and the City of Irving, Texas, for the Irving Convention Center

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

- 10 **Resolution No. RES-2010-66** -- Change Order No. 4 to Agreement Between the City of Irving/Irving Convention and Visitors Bureau and RMJM Hillier Group, Inc. (Formerly the Hillier Group Architecture New Jersey, Inc.) to Serve as the Architect for the Irving Convention Center

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

- 11 **Resolution No. RES-2010-67** -- Approving Change Order No. 2 to the Contract with Maloney Strategic Communications (MSC) for Advertising Agency Representation

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

- 12 **Resolution No. RES-2010-68** -- Awarding the Maintenance Agreement to DLT Solutions for Oracle Software through the State of Texas Department of Information Resources (DIR) Program

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

- 13 Resolution No. RES-2010-69 -- Rejecting the Proposals for Selection of Multifunction Printers/Copiers**

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

- 14 Resolution No. RES-2010-70 -- Renewing the Annual Contract with Dallas Offset, Inc., for Printing of Resident Newsletter**

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

- 15 Resolution No. RES-2010-71 -- Approving and Accepting the Bids of Burst Communications and Audio Visual Services Group, Inc., dba PSAV (Presentation Services for Audio Video Equipment) for Irving Community Television Network (ICTN)**

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

- 16 **Resolution No. RES-2010-72** -- Approving Change Order No. 1 with Martin Eagle Oil Co., Inc., to Extend the Contract Period for Diesel/Biodiesel Fuel

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

- 17 **Resolution No. RES-2010-73** -- Renewing the Annual Contracts with Master Cleaning Supply, Inc., and MedWaste Solutions, Inc., for Janitorial Supplies

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

- 18 **Resolution No. RES-2010-74** -- Renewing Annual Contracts with Holt Texas, LTD., dba Holt Cat; Landmark Equipment Co., Inc.; Conley Lott Nichols of Texas, Inc.; and Stewart & Stevenson LLC, to provide Heavy Equipment Maintenance

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

- 19 Ordinance No. ORD-2010-9171 --** Calling the City of Irving, Texas, Special Election for the Purpose of a Home Rule Charter Amendment to be Held on May 8, 2010, Providing Propositions for Signing Contracts, Repealing the Position of Treasurer, for the Issuance of Bonds and Warrants, and for a Cap on Retirement Contributions

Charles Anderson, City Attorney, briefly reviewed the proposed Charter amendments as listed in the above caption.

Motioned by Councilwoman Van Duyne, seconded by Councilman Spink to consider adding a topic as it relates to the 60/40 election on deciding the fate of the 60/40 ordinance.

Councilman Philipp called the question.

Motion denied 2-7.

Council members voting in favor of the motion included Councilwoman Van Duyne and Councilman Spink.

Council members voting in opposition of the motion include: Mayor Gears, Councilwoman Cannaday, Councilman Meagher, Councilman Patrick, Councilman Smith, Councilman Stopfer, and Councilman Philipp

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve an ordinance calling the City of Irving, Texas, Special Election for the purpose of a Home Rule Charter Amendment to be held on May 8, 2010, Providing Propositions for Signing Contracts, Repealing the Position of Treasurer, for the Issuance of Bonds and Warrants, and for a CAP on Retirement Contributions.

The following citizens spoke in support of the item:

Michael Christy, 5906 Whitehaven Street West, Colleyville, TX
Jerry W. Wicker, Former Employee
Bobby Raper, 633 Arawe Circle, Irving, TX

The following citizens spoke in opposition of the item:

Kensley Stewart, 3916 Tacoma St. Irving, TX

The following citizens spoke in favor of the 60/40 alcohol regulations being added as a charter amendment:

Don Wilson, 1410 Ronne, Irving, TX
Marilyn Wilson, 1410 Ronne, Irving, TX
Timothy Norman, 1015 Sleepy Hollow North, Irving, TX
Amy Stevenson, 1719 Bradford Street, Irving, TX
Carol Carper, 1610 W. 6th Street, Irving, TX
Bob Harper, 3019 Churchill Downs, Irving, TX

The following citizens recorded their support of the 60/40 alcohol regulations being added as a charter amendment but did not wish to speak:

Courtney Wilson, 1410 Ronne, Irving, TX
Tiffany Wilson, 1410 Ronne, Irving, TX
Raleigh Stevenson, 2421 Park Crest Court, Irving, TX
Robert Corser, 311 W. 7th Street, Irving, TX
David Rodriguez, 1807 Dale Place, Irving, TX
Nancy Weber, 408 S. Delaware Street, Irving, TX
Debby Werle, 2103 W. Pioneer, Irving, TX
James Wallis, 2113 Ruby Road, Irving, TX

The following citizens spoke in opposition of adding the 60/40 alcohol regulations being added as a charter amendment:

Rick Lindsey, 5221 N. O'Connor Blvd., Suite 100, Irving, TX
Robert D. Martinez, 1000 Lake Carolyn Parkway #4216, Irving, TX
Robert D. Armstrong, 2002 Normandy, Irving, TX
Jill Martinez, 1000 Lake Carolyn Parkway #4216, Irving, TX

The following citizens recorded their opposition of adding the 60/40 alcohol regulations being added as a charter amendment but did not wish to speak:

James Cassels, 312 Steeple Chase Drive, Irving, TX
Deborah Fusco, 1806 Dory Lane, Irving, TX
Jason Fusco, 1807 Dory Lane, Irving, TX
Karen O'Leary, 1011 McClendon Street, Irving, TX
Barbara Christopher, 6450 San Saba, Irving, TX
Sandra Watkins, 3209 Konet, Irving, TX
Sonja Watkins, 319 S. Irving Heights, Irving, TX
Mary Hammett, 324 Tampico, Irving, TX
Connie Gifford, 2649 Locksley Chase
Dorothy Henry, 3528 Calle Del Sol, Irving, TX

Nancy Bauer, 1807 Pueblo Place, Irving, TX
James W. Johnson, 4104 Tacoma Street, Irving, TX
Edith Dodgen, 408 Pecan Drive, Irving, TX
Rick Bidne, 4707 O'Connor Court, Irving, TX

The Mayor and council members Cannaday, Meagher, Smith, Philipp, Patrick and Stopfer were not in favor of putting a 60/40 issue on the ballot for consideration as a Charter amendment. Some were open to having it evaluated within the Zoning Ordinance.

Motion approved 8-1.

Councilwoman Van Duyne opposed the motion.

Council took a short recess at 10:15 p.m.

Council reconvened at 10:25 p.m.

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

- 20 Ordinance No. ORD-2010-9172** -- Authorizing the Partial Abandonment of a 15-Foot Drainage Easement Located at 4760 Hanson Drive

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

- 21 Ordinance No. ORD-2010-9173** -- Amending Ordinance No. 9003 by Approving a Schedule of Classified Personnel for the Fire Department; Providing for a Severability Clause; Effective March 5, 2010

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

ZONING CASES AND COMPANION ITEMS

- 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 from the February 4, 2010 City Council Meeting)

Mayor Gears opened the public hearing at 10:24 p.m.

No one elected to speak on this public hearing at tonight's meeting.

Mayor Gears closed the public hearing at 10:24 p.m.

Motion approved 9-0.

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

- 23 Ordinance No. ORD-2009-9148** -- Zoning Case #ZC09-0061 - Granting S-P-2 (Generalized Site Plan) for P-O (Professional Office) District and Restaurant Uses - Approximately 2.9 Acres Located at 204 East Airport Freeway - Healthspace JVI, LLC, Applicant - Argonaut Holdings, Inc., Owner (Postponed from the January 14, 2010 City Council Meeting)

Staff requested that this item be postponed to the April 15, 2010 Council meeting.

RESULT:	POSTPONED [UNANIMOUS] Next: 4/15/2010 7:00 PM
MOVER:	Joe Philipp, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Van Duyne, Meagher, Patrick, Stopfer, Smith, Philipp, Cannaday, Spink

- 24 Ordinance No. ORD-2010-9161 -- Zoning Case #ZC09-0066 - Granting S-P-1 (Detailed Site Plan) for Grocery Store or S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) uses - Approximately 1.7 Acres Located at 912 East Irving Boulevard (Southwest Corner of Irving Boulevard and Third Street) - ALDI, Inc., Applicant - SDNarod Enterprises, Owner (Postponed from the February 4, 2010 City Council Meeting)**

Mayor Gears opened the public hearing at 10:29 p.m.

The following citizens spoke in support of the item:

Joe Mapes, 504 N. Main Street, Euless, TX
David Morris, 13355 Noel Road, Suite 1645, Dallas, TX
Deborah Fusco, 1806 Dory Lane, Irving, TX
Johnny Jackson, 621 Beacon Hill Drive, Irving, TX
Paul Hames, 5310 Harvest Hill Road #100, Irving, TX
Lucia Rottenberg, 2220 Indian Creek Dr., Irving, TX

The following citizens recorded their support of the item but did not wish to speak:

Melba Jackson, 621 Becon Hill, Irving, TX
Jean McCullough, 1105 E. Grauwylar, Irving, TX
Linda Fisher, 1619 Dale Place, Irving, TX
Karen O'Leary, 1011 McClendon Street, Irving, TX
Betty Ray, 1727 Waldrop, Irving, TX
Jason Fusco, 1807 Dory Lane, Irving, TX

Mayor Gears closed the public hearing at 10:45 p.m.

Motioned by Councilman Stopfer, seconded by Councilman Meagher to accept plan B as presented by staff at the work session dated Wednesday, March 3, 2010.

Motion denied 2-7.

Council voting in opposition include: Mayor Gears, Councilwoman Van Duyne, Councilman Patrick, Councilman Spink, Councilman Smith, Councilwoman Cannaday and Councilman Smith

Councilman Meagher and Councilman Stopfer voted in favor of the motion.

Carla Waddleton, ALDI, Inc, 2500 Westcourt Road, Denton, TX – Ms. Waddleton presented the case. She noted that they had met with the adjacent property owner, as requested by Council, and the adjacent owner is now in support of site plan A. She also confirmed that the Planning & Zoning Commission approved site plan A at a recent Commission meeting. She requested that Council approve site plan A designed by ALDI, Inc.

Tom Horton, 7015 Snider Plaza, Suite 212, Dallas, TX – Mr. Horton spoke and stated that he owns an adjoining property to the west of this property. Mr. Horton doesn't feel that flipping the dock is something ALDI can do. He supports a front entry for a loading dock and is removing all their objections to the rezoning request.

Scott Huska, Vice President of ALDI, Inc. 2500 Westcourt Road, Denton, TX – Mr. Huska confirmed that the ALDI, Inc., business model and building design will not allow a loading dock in the rear of the property and the project would not continue if site plan B was approved.

Motioned by Councilman Stopfer, seconded by Councilwoman Cannaday to accept site plan A.

Motion approved 8-1.

Councilman Meagher voted in opposition to this motion.

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

APPOINTMENTS AND REPORTS

- 25 Resolution No. RES-2010-75** -- Appointment to the Irving Arts Center Citizen In-Put Panel to a Term Expiring January 2011

Motioned by Councilwoman Cannaday, seconded by Councilman Philipp to appoint the following members to the Irving Arts Center Citizen In-Put Panel to a term expiring January 2011:

Milosh Boroyevich
Ronnie Chesko
Velma Edwin
Julie Esstman
Casey Lott
Earlene Matkin
Elaine Niemeier
Michele Pavlyak
Sonal Reitmeyer
Farnece Roberts
Barbara Scott
Sara Stokes
Larry Swales

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

- 26 Resolution No. RES-2010-58** -- Confirming the Appointment by the City Manager of a Commissioner to Serve on the Fire Fighters' and Police Officers' Civil Service Commission to a Term Expiring November 2012

Motioned by Councilwoman Cannaday, seconded by Councilman Smith to confirm the appointment of Kerry Jones as a Commissioner to serve on the Fire Fighters' and Police Officers' Civil Service Commission to a term expiring November 2012.

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

27 Mayor's Report

The Mayor had no report at tonight's meeting.

Adjournment

Mayor Gears adjourned the meeting at 11:10 p.m.

Citizens' Forum

Nancy Weber, 408 S. Delaware, Irving , TX - Ms. Weber wanted to encourage the city council to give great consideration to the buildings that are being built by Mr. McDougal as it relates to how those properties fit within the existing neighborhoods and developments. She would like the site plans to be closely evaluated as she does not believe they speak well for the community within South Irving.

Dana Von Voss, 400 S. Jefferson, Irving, TX - Mr. Von Voss indicated that he would like to see a dog park at the plot of land behind the senior center. He now learns that there are plans for this land to be made into a pond and gazebo. He would really like council to reconsider making it a dog park.

Herbert A. Gears, Mayor

ATTEST:

Shanae Jennings, TRMC
Acting City Secretary