

**REGULAR MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
July 22, 2010**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, July 22, 2010 at 7:08 p.m. The following members were present / absent:

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Herbert Gears	Irving City Council	Mayor	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Joe Philipp	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Roy Santoscoy	Irving City Council	Councilman	Present	
Mike Gallaway	Irving City Council	Councilman	Present	

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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There were no organization service announcements made at tonight's meeting.

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**INVOCATION**

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The invocation was delivered by Reverend Ron Floyd, St. Stephens Presbyterian Church of Irving.

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**PLEDGE OF ALLEGIANCE**

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Councilman Patrick led those present in the pledge.

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**PROCLAMATIONS AND ANNOUNCEMENTS**

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There were no proclamations or announcements made at tonight's meeting.

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**CITY COUNCIL AGENDA**

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- 1 Public Hearing** -- Public Hearing to Gather Input on the Housing and Human Services Department 2010 Action Plan for Submission to the United States Department of Housing and Urban Development (HUD)

Mayor Gears opened the public hearing at approximately 7:13 p.m.

The following individuals signed up to speak:

Anna Wilkins, 106 Woodland, Irving, TX

Eileen Kensinger, 3818 Crater Lake Court, Irving, TX

Judy Smith, 1802 Puritan Drive, Irving, TX

Mayor Gears closed the public hearing at approximately 7:25 p.m.

## 2 City Operations Update

Ramiro Lopez, Director of Intergovernmental Services, presented the videos for Strategic Goal 10 - Environmental Sustainability, City Operations, and the Kraft Food Donation Initiative.

## CONSENT AGENDA

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Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve consent agenda items 1-25 and pull items 6, 9, 22 and 25.

Motion approved 9-0.

## 3 Approving Minutes for Wednesday, July 07, 2010

## 4 Approving Minutes for Thursday, July 08, 2010

## 5 Resolution No. RES-2010-176 -- Authorizing and Approving the Submission of the 2010 Action Plan to the United States Department of Housing and Urban Development (HUD)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

## 6 Resolution No. RES-2010-177 -- Approving the 2010 Action Plan Allocations for the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG) and the Home Investment Partnerships Grant (HOME)

The following people signed up to speak in favor of this item:

Diane Piper, The Senior Source, Irving, TX  
Carole Shlipak, 1500 Colony Drive, Irving, TX  
Mona Wyatt, 1101 S. Delaware, Irving, TX

Motioned by Councilman Philipp, seconded by Councilman Stopfer to approve the 2010 Action Plan Allocations for the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG) and the Home Investment Partnerships Grant (HOME)

Motion approved 9-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Philipp, Councilman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 7 **Resolution No. RES-2010-178** -- Authorization to Redevelop Tudor Lane and Submit an Amendment to the 2009 Action Plan to the U.S. Department of Housing and Urban Development

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 8 **Resolution No. RES-2010-179** -- Authorizing the Mayor to Accept Grant Funds Through the Fiscal Year 2010 Emergency Management Performance Grant (EMPG) Offered by the Governor's Division of Emergency Management

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 9 **Resolution No. RES-2010-180** -- Authorizing Assignment of Economic Incentive Previously Granted to the Realty Associates Fund VII, L.P. to Porteous Realty Investments

This item was pulled from the agenda at staff's request.

<b>RESULT:</b>	<b>POSTPONED NO VOTE</b>
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- 10 Resolution No. RES-2010-181** -- Approving the Owner/Engineer Agreement with Baird, Hampton & Brown, Inc., to Prepare Construction Documents for the Criminal Justice Center Emergency Generator Replacement

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 11 Resolution No. RES-2010-182** -- Authorizing the Mayor to Execute an Interlocal Cooperative Agreement Between the City of Irving and the North Central Texas Council of Governments for the Implementation of the Regional Traffic Signal Retiming Program

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 12 Resolution No. RES-2010-183** -- Approving the Creation of the Irving Entertainment Center Development Corporation; Approving the Articles of Incorporation and the Bylaws Thereof; Confirming the Appointment of the Initial Directors and Chairperson; and Containing Findings and Other Provisions Relating to the Subject

The following individual signed up to speak in favor of this item:  
Carole Shlipak, 1500 Colony Drive, Irving, TX

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 13 Resolution No. RES-2010-184** -- Approving a Reimbursement Resolution with the City of Irving for Entertainment Center Expenditures in Advance of the 2010 Entertainment Center Bond Sale

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 14 Resolution No. RES-2010-185** -- Approving Change Order No. 1 to Weir Bros., Inc., for the Texas Stadium Demolition Project

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 15 Resolution No. RES-2010-186** -- Approving a Grant Application Submittal to the North Central Texas Council of Governments for Hydraulic Launch Assist Trucks for the Solid Waste Services Department and If Awarded Authorizing the Mayor to Accept Funds

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 16 Resolution No. RES-2010-187** -- Approving an Agreement Between the City of Irving and Saenz Public Affairs for Governmental Relations Services

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 17 Resolution No. RES-2010-188** -- Renewing the Annual Contract with Redi Mix Concrete for Concrete

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 18 Resolution No. RES-2010-189** -- Approving and Accepting the Bids of Vulcan, Inc., (D/B/A Vulcan Signs) and Nippon Carbide Industries (USA) Inc., for Annual Contracts to Provide Reflective Sign Materials

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 19 Resolution No. RES-2010-190** -- Approving and Accepting Proposal of Business Interiors for Office Furniture Utilizing the Texas Multiple Award Schedule (TXMAS) Local Government Statewide Cooperative Purchasing Program

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 20 Resolution No. RES-2010-191** -- Approving and Accepting the Bid of Oasis Landscape Co., for an Annual Contract for the Repair and/or Installation of Sprinkler Systems, Landscaping, and Fences

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 21 Resolution No. RES-2010-192** -- Approving and Accepting the Bid of K & L Supply, Inc., for an Annual Contract to Provide Sewer Chemicals

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 22 Resolution No. RES-2010-193** -- Renewing the Annual Contract with DPC Industries, Inc., for Potable Water Disinfectant

This item was pulled from the agenda at staff's request.

<b>RESULT:</b>	<b>POSTPONED NO VOTE</b>
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- 23 Resolution No. RES-2010-194** -- Approving and Accepting the Bid of Texas Independent Elevator for the Elevator Modernization Project

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 24 Resolution No. RES-2010-195** -- Renewing the Annual Contract with Western Paper for Office, Copier, and Print Shop Paper

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 25 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

The following people signed up in opposition but did not wish to speak:

Donna TenEyck Gonzales, 1024 Pearson Street, Irving, TX

Kenneth Ewing, 2524 Crestview Circle, Irving, TX

Jason Fisco, 1807 Dory Lane, Irving, TX

Betty Ray, 1727 Waldrop Street, Irving, TX

Jean McCullough, 1105 E. Grauwylar Road Irving, TX

Linda Fisher, 1619 Dale Place, Irving, TX

Deborah Fusco, 1806 Dory Lane, Irving, TX

Cathy Reeves, 1413 McHam Street, Irving, TX

The following people signed up to speak in opposition of this item:

James Embry, 4027 N. Beltline Road, #2314, Irving, TX

Kensley Stewart, 3916 Tacoma Street, Irving, TX

The following people signed up to speak in favor of this item:

Sara Beckelman, 2705 Pennington Street, Irving, TX

Councilwoman Cannaday stated that this is a difficult issue that the city has to face. She indicated that all costs continue to up, the city is facing the issue of having to replace 50 to 60 year old pipes, and everyone is anxious about the economy. However, the city needs to keep the infrastructure repaired and updated.

Councilman Gallaway indicated that he would be voting against this item tonight, but at some point in the 2011 fiscal year this will have to be looked at more closely and we will have to stand up and take the increase to improve the infrastructure in neighborhoods.

Councilman Farris indicated he feels a duty to the residents to ensure that services continue to be provided. He feels a duty to make sure the neighborhoods have good streets and sidewalks; therefore he would be in favor of this item to improve the infrastructure in neighborhoods. Finally, he stated that this increase is determined by usage and not a flat rate to all residents.

Councilman Patrick indicated they Council does not get elected to be popular, they are elected to be responsible. In order to do this they have to take care of the infrastructure so that water can continue be supplied to the residents of Irving. Councilman Patrick is in favor of the water rate increase.

Councilman Santoscoy indicated this is a difficult issue. When he looks at the need for pipe replacement in order to keep the infrastructure intact so that water main breaks do not occur, he sees the importance of the need for the water rate increases. Additionally, there are Irving residents with substandard water and this must be fixed. Councilman Santoscoy is in favor of the increase and believes it is necessary.

Councilman Philipp indicated that he believes Council exists to take care of basic services - primarily police, fire, sanitation and water. There is clearly a need to upgrade the infrastructure needs and water systems do not get cheaper over time. Councilman Philipp is in favor of the increase.

Motioned by Councilman Patrick, seconded by Councilman Philipp to approve the final reading to amend 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.

Motion approved 7-2.

Councilmembers voting in opposition to this motion include: Councilman Meagher and Councilman Gallaway.

<b>RESULT:</b>	<b>ADOPTED [7 TO 2]</b>
<b>MOVER:</b>	Lewis Patrick, Councilman
<b>SECONDER:</b>	Joe Philipp, Councilman
<b>AYES:</b>	Gears, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy
<b>NAYS:</b>	Allan Meagher, Mike Gallaway

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## ZONING CASES AND COMPANION ITEMS

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- 26** Resolution No. RES-2010-196 -- Approving Special Sign Permit S1005-0023 to Build a Monument Sign with a Combined Message Center Including Digital Images on the Corner of Ranch Trail and MacArthur Boulevard - Property Located at 8830 North MacArthur Boulevard - Valley Ranch Master Association, Applicant/Owner

Councilman Meagher exited the meeting at 8:26 p.m. to attend to prior personal obligations.

Mayor Gears opened the public hearing at 8:27 p.m.

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

Mayor Gears closed the public hearing at 8:27 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Patrick to approve a Special Sign Permit S1005-0023 to Build a Monument Sign with a Combined Message Center Including Digital Images on the Corner of Ranch Trail

and MacArthur Boulevard - Property Located at 8830 North MacArthur Boulevard  
- Valley Ranch Master Association, Applicant/Owner

Motion approved 8-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Lewis Patrick, Councilman
<b>AYES:</b>	Gears, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Galloway
<b>ABSENT:</b>	Allan Meagher

- 27 Ordinance No. ORD-2010-9200 -- **Zoning Case #ZC10-0022 - Granting S-P-2 (Generalized Site Plan) for R-MF-2 (Multi-Family) Uses - Approximately 9.54 Acres Located at 1954 Shoaf Drive - Britain Way Apartments, Applicant - 1954 LTD, Owner**

Mayor Gears opened the public hearing at 8:36 p.m.

The following individual spoke on this item:

Sharon Barbosa Crain, 2608 Alan -a-Dale, Irving, TX - Ms. Crain represents the applicant and indicated the zoning case is for multifamily and while they are rezoning to multifamily again it is because the property plans to do several renovations to the existing structure.

Mayor Gears closed the public hearing at 8:37 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Santoscoy to approve Zoning Case #ZC10-0022 - Granting S-P-2 (Generalized Site Plan) for R-MF-2 (Multi-Family) Uses - Approximately 9.54 Acres Located at 1954 Shoaf Drive - Britain Way Apartments, Applicant - 1954 LTD, Owner.

Motion approved 8-0

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Roy Santoscoy, Councilman
<b>AYES:</b>	Gears, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway
<b>ABSENT:</b>	Allan Meagher

**28 Ordinance No. ORD-2010-9201 -- Zoning Case #ZC10-0026 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) and R-TH (Townhouse) Uses - Approximately 3 Acres Located at 2807-3029 Tudor Lane - City of Irving, Applicant/Owner**

Mayor Gears opened the public hearing at 8:38 p.m.

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

Mayor Gears closed the public hearing at 8:38 p.m.

Motioned by Councilman Cannaday, seconded by Councilman Stopfer to approve Zoning Case #ZC10-0026 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) and R-TH (Townhouse) Uses - Approximately 3 Acres Located at 2807-3029 Tudor Lane - City of Irving, Applicant/Owner.

Motion approved 8-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Rick Stopfer, Councilman
<b>AYES:</b>	Gears, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway
<b>ABSENT:</b>	Allan Meagher

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## APPOINTMENTS AND REPORTS

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**29 Resolution No. RES-2010-197 -- Appointment to a Board, Commission, or Committee, to Fill an Unexpired Term for the Zoning Board of Adjustments and Appeals**

Motioned by Councilwoman Cannaday, seconded by Councilman Santoscoy to appoint Sean Liu to the alternate position on the Zoning Board of Adjustments and Appeals to an unexpired term ending November 2011.

Motion approved 8-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Roy Santoscoy, Councilman
<b>AYES:</b>	Gears, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway
<b>ABSENT:</b>	Allan Meagher

**30 Mayor's Report**

There was no report given at tonight's meeting.

**31 Adjournment**

Mayor Gears adjourned the meeting at approximately 8:44 p.m.

**Citizens' Forum**

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Lucia Rottenberg, 2220 Indian Creek, Irving, TX - Ms. Rotenberg spoke on the environment and the water. She would like a computer program to automatically charge her water bill and has wanted this for years.

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Herbert A. Gears, Mayor

ATTEST:

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Shanae Jennings, TRMC  
Acting City Secretary