

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
June 23, 2011**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, June 23, 2011 at approximately 7:07 p.m. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Absent	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Absent	
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 Galloway	Irving City Council	Councilman	Present	

Councilman Stopfer was absent at tonight's meeting. Mayor Herbert Gears left the meeting following proclamations and announcements.

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

Bill Velasco, DART representative, spoke to the Mayor and Council and thanked all of them for their support in regard to DART and the Orange Line.

INVOCATION

The invocation was delivered by Reverend Lari Goold of Celebration of Life Center for Spiritual Living of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented a proclamation for Youth Peace Day International.

Mayor Gears presented a special recognition to Councilman Allan Meagher for his years of service as a council member. Mayor Pro Tem Cannaday presented a special recognition to Mayor Herbert A. Gears for his years of service on the council and as Mayor of Irving.

CITY COUNCIL AGENDA

1 Public Hearing No. (ID # 3908) -- Public Input on the 2011-2012 City of Irving Fiscal Year Budget

The following individuals signed up to speak on this item:

Oscar Ward, 608 Farine Drive, Irving, TX

Wally Banks, Irving Citizens Fire Academy Alumni, 3413 S. Briarcliff Ct., Irving, TX

Joe Mapes, P.O. Box 141864, Irving, TX

Lucia Rottenberg, 2220 Indian Creek Dr, Irving, TX

Kensley Stewart, 3916 Tacoma St., Irving, TX

2 City Operations Update

Paul Gooch presented a video on the city's operations update and current city services.

CONSENT AGENDA

Motioned by Councilman Santoscoy, seconded by Councilman Gallaway to approve consent agenda items 3-24 and pull items 11 and 20.

Motion approved 7-0.

3 Approving Minutes for Wednesday, June 08, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

4 Approving Minutes for Thursday, June 09, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 5 Resolution No. RES-2011-146 -- **Authorizing the Mayor to Apply For, Accept, Reject, Alter or Terminate the Bulletproof Vest Partnership (BVP) Grant from the U.S. Department of Justice**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 6 Resolution No. RES-2011-147 -- **Authorizing Reimbursement Payment in the Amount of \$1,528,994.51 to Hines Las Colinas Land Limited Partnership (Hines) for Capital Infrastructure Improvements Within the Tax Reinvestment Zone No. One**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 7 Resolution No. RES-2011-148 -- **Authorizing Reimbursement Payment in the Amount of \$426,722.75 to LPC Northwest Phase I, LP (Lincoln) for Capital Infrastructure Improvements Within the Lincoln at Las Colinas Development of Tax Reinvestment Zone No. One**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 8 Resolution No. RES-2011-149 -- **Authorizing Reimbursement Payment in the Amount of \$4,079,822.47 to the City of Irving for Capital Infrastructure Improvements Within PDU 1, PDU 2, PDU 3, and SS1 of the Tax Increment Reinvestment Zone No. One**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 9 Resolution No. RES-2011-150 -- **Approving Reimbursement of General Fund Super Bowl Expenditures**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 10 Resolution No. RES-2011-151 -- **Approving Reimbursement of Non Bond CIP Expenditures for Wayfinding Signs and Use of 5% Base Hotel Occupancy Tax for Tourism Related Signs**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

11 Resolution No. RES-2011-152 -- Approving Assignment of Emergency Medical Services (EMS) Billing and Collection Contract

Motioned by Councilman Patrick, seconded by Councilman Gallaway to approve a resolution regarding assignments of Emergency Medical Services Billing and Collection Contract, subject to the modified language presented in the meeting at work session.

Motion approved 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

12 Resolution No. RES-2011-153 -- Authorizing Staff to Negotiate an Engineering Services Agreement with Freese and Nichols, Inc., for the Design of the Delaware Creek Channel Improvements Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

13 Resolution No. RES-2011-154 -- Awarding a Contract to C. Green Scaping, LP, for Champion Trails River Hills Park Phase I Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 14 Resolution No. RES-2011-155 -- **Awarding a Contract to Ratliff Hardscape for MacArthur Corridor Infrastructure Improvements - Screening Fence from Markwood Park to Sixth Street**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 15 Resolution No. RES-2011-156 -- **Awarding a Contract to RKM Utility Services, Inc., for the Elwood, Joffre, Mimosa & Willow Paving Improvements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 16 Resolution No. RES-2011-157 -- **Approving a License Agreement Between the City of Irving and Trinity Railway Express for a Hike and Bike Crossing for Campi3n Trails**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 17 Resolution No. RES-2011-158 -- **Approving a License Agreement Between the City of Irving and Trinity Railway Express for the Replacement of the Delaware Creek Sanitary Sewer Interceptor**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 18 Resolution No. RES-2011-159 -- **Approving a License Agreement Between the City of Irving and Trinity Railway Express for the Replacement of a 12-Inch Water Main at Sowers Road**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 19 Resolution No. RES-2011-160 -- **Approving a License Agreement Between the City of Irving and Trinity Railway Express for the Installation of a 4-Inch Multi-Duct Conduit at Sowers Road**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

20 Resolution No. RES-2011-161 -- Authorizing Reimbursement of Funds to the U.S. Department of Housing and Urban Development

The following individuals signed up to speak in support of this item:
Phil Smith, 1802 Puritan Dr, Irving, TX

Motioned by Councilman Santoscoy, seconded by Councilman Patrick to approve a resolution authorizing reimbursement of funds to the U.S. Department of Housing and Urban Development.

Motion approved 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

21 Resolution No. RES-2011-162 -- Renewing the Annual Contracts with Bound Tree Medical, LLC; Midwest Medical Supply Co., LLC; and QuadMed, Inc., for Medical Supplies

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

22 Resolution No. RES-2011-163 -- Ratifying and Approving the Purchase from Holt Caterpillar for the Certified Power Train Rebuild of 2006 Caterpillar D8T Dozer

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 23 Resolution No. RES-2011-164 -- **Renewing the Annual Contract with LCA Environmental, Inc., for Environmental Assessment Services**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 24 Ordinance No. ORD-2011-9260 -- **Final Reading – Approving a Negotiated Settlement with Oncor Electric Delivery Company**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

ZONING CASES AND COMPANION ITEMS

- 25 Resolution No. RES-2011-140 -- **Approving Special Fence Project Plan #ZC11-0013 to Replace the Screening Wall with a Six Foot Tall Wrought-Iron Fence - Located at 7500 North MacArthur Boulevard - Calvert and Company, Applicant - Shurgard Texas LTD PS, Owner- (Postponed from June 9, 2011)**

Mayor Pro Tem Cannaday opened the public hearing at approximately 8:30 p.m.

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

Mayor Pro Tem Cannaday closed the public hearing at approximately 8:30 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman Patrick to approve Special Fence Project Plan #ZC11-0013 to Replace the Screening Wall with a Six Foot Tall Wrought-Iron Fence - Located at 7500 North MacArthur Boulevard - Calvert and Company, Applicant - Shurgard Texas LTD PS, Owner as recommended by staff.

Motion approved 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 26 Ordinance No. ORD-2011-9262 -- **Zoning Case #ZC10-0012 - Granting S-P-1 (Detailed Site Plan) for C-O (Commercial Office) Uses - Approximately 0.31 Acres Located at 2103 and 2107 North O'Connor Road - A Square Investment, Inc., Applicant/Owner**

Mayor Pro Tem Cannaday opened the public hearing at approximately 8:33 p.m.

The following individuals signed up to speak in support of this item:
Reza Nanbakhsh, 401 San Jose, Irving, TX

Mayor Pro Tem Cannaday closed the public hearing at approximately 8:33 p.m.

Notices were mailed to twenty-eight (28) property owners within 200 feet of the subject property, with two (2) letters received in support and two (2) notices received in opposition. The opposition represents 22.06% of the property within 200 feet. Since property owners who have provided written opposition represent 20% or more of the land area within a 200 foot radius of the property in question, state law requires a 3/4 vote of the entire council to approve the zoning case.

Motioned by Councilman Patrick, seconded by Councilman Santoscoy to approve Zoning Case #ZC10-0012 - Granting S-P-1 (Detailed Site Plan) for C-O (Commercial Office) Uses - Approximately 0.31 Acres Located at 2103 and 2107 North O'Connor Road - A Square Investment, Inc., Applicant/Owner.

Motion approved 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Roy Santoscoy, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 27 Ordinance No. ORD-2011-9263 -- **Zoning Case #ZC11-0018 - Granting S-P-2 (Generalized Site Plan) for R-10 (Single Family) and R-6 (Single Family) Uses - Approximately 37.3 Acres Located on the West Side of Riverside Drive, North of Northwest Highway - Jacobs, Applicant - Hines Las Colinas, LP, Owner**

Mayor Pro Tem Cannaday opened the public hearing at approximately 8:39 p.m.

Danny Opitz, 6546 Barcelona, Irving, TX – Mr. Opitz represents Hines Las Colinas, the development company.

Mayor Pro Tem Cannaday closed the public hearing at approximately 8:39 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman Patrick to approve Zoning Case #ZC11-0018 - Granting S-P-2 (Generalized Site Plan) for R-10 (Single Family) and R-6 (Single Family) Uses - Approximately 37.3 Acres Located on the West Side of Riverside Drive, North of Northwest Highway - Jacobs, Applicant - Hines Las Colinas, LP, Owner.

Motion approved 7-0.

Let the record reflect Councilwoman Cannaday pushed a no vote however she vocalized her vote as yes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Lewis Patrick, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

- 28 Ordinance No. ORD-2011-9264 -- **Zoning Case #ZC11-0019 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 16.2**

Acres Located on the Southwest Corner of Carbon Road and State Highway 161 - Ion Design Group, Applicant - Highway 161 Investors, Owner

Mayor Pro Tem Cannaday opened the public hearing at approximately 8:45 p.m.

The following individuals signed up in opposition of this item:

Robert Wood, 5030 Montego Bay Drive, Irving, TX

Nora and Edward Franco, 5022 Montego Bay, Irving, TX

The following individuals signed up to speak in support of this item:

Ross Calhoun, 1221 I-35 E, Carrollton, TX - Mr. Calhoun is the applicant.

Mayor Pro Tem Cannaday closed the public hearing at approximately 8:50 p.m.

Motioned by Councilman Patrick, seconded by Councilman Santoscoy to approve Zoning Case #ZC11-0019 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 16.2 Acres Located on the Southwest Corner of Carbon Road and State Highway 161 - Ion Design Group, Applicant - Highway 161 Investors, Owner

Motion approved 6-1. Councilman Philipp voted in opposition.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Roy Santoscoy, Councilman
AYES:	Meagher, Patrick, Farris, Cannaday, Santoscoy, Gallaway
NAYS:	Joe Philipp
ABSENT:	Herbert Gears, Rick Stopfer

APPOINTMENTS AND REPORTS

29 Resolution No. RES-2011-165 -- Appointments to the Dallas Area Rapid Transit Board of Directors to Terms Expiring July 2013

Motion by Councilwoman Patrick, seconded by Councilman Santoscoy to approve the reappointments of Randall Chrisman and John Danish to the Dallas Area Rapid Transit Board of Directors to Terms Expiring July 2013.

Motion approved 7-0

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Roy Santoscoy, Councilman
AYES:	Meagher, Patrick, Farris, Philipp, Cannaday, Santoscoy, Gallaway
ABSENT:	Herbert Gears, Rick Stopfer

30 Mayor's Report

There was no mayor's report at tonight's meeting.

31 Adjournment

The meeting was adjourned at 9:29 p.m.

Citizens' Forum

Joe Mapes, P.O. Box 141864 - Mr. Mapes passed on his decision to speak.

Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX - Mrs. Crain spoke regarding code enforcement issues on property behind her house. The property is approximately a 2.5 acre tract of land.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary