

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
March 24, 2011**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, March 24, 2011 at approximately 7:10 p.m. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
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	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

INVOCATION

The invocation was delivered by Pastor Norris Q. McGill of Antioch Christian Church, of the City Of Irving, Texas.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears presented Celebrating Irving - The City and the Man proclamation to Eleanor Bell, Irving Heritage Society President, Lea Bailey, Ph. d, Director of Learning Resources, Irving Independent School District and Jan Bodnar, Community Relations Supervisor, Irving Public Library.

CITY COUNCIL AGENDA

1 City Operations Update

Tommy Gonzalez, City Manager, presented a video on the City Operations Update.

CONSENT AGENDA

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve consent agenda items 2-20 and pull item 7 for discussion.

Motion approved 9-0.

2 Approving Minutes for Wednesday, March 02, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

3 Approving Minutes for Thursday, March 03, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 4 **Resolution No. RES-2011-70 -- Authorizing the Destruction of Obsolete Records in Accordance with the City of Irving's Records Management Policy**

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

- 5 **Resolution No. RES-2011-71 -- Approving a Records Control Schedule for Water Utilities Documents**

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

- 6 **Resolution No. RES-2011-72 -- Authorizing the Mayor to Apply for Funding through the Office of the Attorney General for the Victim Coordinator and Liaison Grant (VCLG) for a Two-Year Period**

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

7 **Resolution No. RES-2011-73 -- Approving an Engagement Letter with Gibson, Dunn & Crutcher LLP for Legal Services Related to the Entertainment Center Expedited Declaratory Judgment Litigation**

The following individual(s) signed up to speak in opposition of this item:
Kensley Stewart, 3916 Tacoma, Irving, TX

Motioned by Councilman Patrick, seconded by Councilman Stopfer to Approve an Engagement Letter with Gibson, Dunn & Crutcher LLP for Legal Services Related to the Entertainment Center Expedited Declaratory Judgment Litigation

Motion approved 7-2.

Council voting in opposition to this motion include: Councilman Farris and Councilman Philipp.

RESULT:	ADOPTED [7 TO 2]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Cannaday, Santoscoy, Gallaway
NAYS:	Gerald Farris, Joe Philipp

8 **Resolution No. RES-2011-74 -- Approving Settlement in Donald W. Good v. The City of Irving, Texas, Chief of Police for the City of Irving, and Fred Curtis**

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

- 9 Resolution No. RES-2011-75 -- **Awarding a Contract to Jeske Construction Company for the O'Connor Road Infrastructure Improvements - Phase I: Brockbank Cul-De-Sac Project**

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

- 10 Resolution No. RES-2011-76 -- **Awarding a Contract to Texas State Utilities, Inc., for the MacArthur Boulevard Infrastructure Improvements - Utility Undergrounding for the Sixth Street and MacArthur and the Pioneer Drive and MacArthur Intersections Project.**

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

- 11 Resolution No. RES-2011-77 -- **Authorizing the Mayor to Execute an Agreement Between the City of Irving and the Texas Department of Transportation for Sharing Intelligent Transportation Systems (ITS) Data**

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

- 12 **Resolution No. RES-2011-78 -- Authorizing the Mayor to Approve Statement of Cost in Accordance with the Advanced Funding Agreement with Texas Department of Transportation for the IH635 Westbound Frontage Road from 0.95 Miles West of Belt Line Road to 0.075 Miles West of Olympus Boulevard**

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

- 13 **Resolution No. RES-2011-79 -- Approving an Amendment to an Agreement with Fleet Star of Texas, L.C. for Upgrade and Operation of Compressed Natural Gas Fueling Station at Municipal Service Center at 132 North Briery Road, Irving, Texas**

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

- 14 **Resolution No. RES-2011-80 -- Renewing Annual Contract with Greenstar North America for Curbside Recycling Program**

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

- 15 Resolution No. RES-2011-81 -- **Renewing Annual Contract with Martin Eagle Oil Company, Inc., through a Mutual Cooperative Purchasing Agreement with Tarrant County for Fuels: Unleaded, Diesel, and Biodiesel**

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

- 16 Resolution No. RES-2011-82 -- **Renewing the Annual Contract with Irvtex Automotive Sales dba Westway Ford for Repair Services and Body Work for Ford Vehicles**

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

- 17 Resolution No. RES-2011-83 -- **Renewing the Annual Contract with Master Cleaning Supply, Inc., for Janitorial Supplies**

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

- 18 Resolution No. RES-2011-84 -- **Approving and Accepting the Bid of Austin Masonry Construction for an Annual Contract to Provide Masonry and Stone Work**

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

- 19 Resolution No. RES-2011-85 -- **Renewing an Annual Contract with John J Duncan, Ph.D., Formerly ViaScan of Las Colinas, for Electron Beam Tomography (EBT) Scanning**

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

- 20 Resolution No. RES-2011-86 -- **Renewing an Annual Contract with Lone Star Auctioneers, Inc., for Auctioneer Services**

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

ZONING CASES AND COMPANION ITEMS

- 21 **Resolution No. RES-2011-87 -- Approving Final Plat - Enclave at TPC Las Colinas Phase 3 Revised - Approximately 0.4622 Acres Located at 4736 and 4740 Byron Circle - Parikh Family Revocable Trust, Applicant/Owner**

Mayor Gears opened the public hearing at approximately 7:28 p.m.

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

Mayor Gears closed the public hearing at approximately 7:28 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman Stopfer to approve Final Plat - Enclave at TPC Las Colinas Phase 3 Revised - Approximately 0.4622 Acres Located at 4736 and 4740 Byron Circle - Parikh Family Revocable Trust, Applicant/Owner.

Motion approved 9-0.

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

- 22 **Resolution No. RES-2011-88 -- Approving Special Sign Permit S1102-0027 To Allow a Digital Off-Premise Advertising Sign - Property Located at 1608 N. Loop 12 - CBS Outdoor, Applicant - Spoon Industries, Owner**

Mayor Gears opened the public hearing at approximately 7:30 p.m.

The following individual(s) signed up to speak in opposition of this item:
Julie Grant, 2026 Durham St, Irving, TX

Mayor Gears closed the public hearing at approximately 7:34 p.m.

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve Special Sign Permit S1102-0027 To Allow a Digital Off-Premise Advertising Sign - Property Located at 1608 N. Loop 12 - CBS Outdoor, Applicant - Spoon Industries, Owner.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 23 Resolution No. RES-2011-89 -- **Approving Special Sign Permit S1102-0028 to Allow a Digital Off-Premise Sign - Property Located at 3210 East John W. Carpenter Freeway - CBS Outdoor, Inc., Applicant - Roger Stebbins, Owner**

Mayor Gears opened the public hearing at approximately 7:39 p.m.

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

Mayor Gears closed the public hearing at approximately 7:39 p.m.

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve Special Sign Permit S1102-0028 to Allow a Digital Off-Premise Sign - Property Located at 3210 East John W. Carpenter Freeway - CBS Outdoor, Inc., Applicant - Roger Stebbins, Owner.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 24 Ordinance No. ORD-2011-9242 -- **Amending the Comprehensive Plan to Change the Recommended Land Use from Retail to Light Commercial and Granting S-P-2 (Generalized Site Plan) for Retail and Mini-Warehouse with Caretaker's Quarters Uses in Zoning Case #ZC10-0050 - Approximately 7.2 Acres Located on the Southwest Corner of State Highway 161 and Walnut Hill Lane - Assured Group, Applicant - Don Valk, Owner (Postponed from February 17, 2011)**

The applicant requested that this item be postponed to the April 21, 2011 Council meeting.

Motioned by Councilman Farris, seconded by Councilwoman Cannaday to postpone this item to the April 21, 2011 council meeting.

Motion to postpone approved 9-0.

RESULT:	POSTPONED [UNANIMOUS] Next: 4/21/2011 7:00 PM
MOVER:	Gerald Farris, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway

- 25 Ordinance No. ORD-2011-9247 -- **Zoning Case #ZC11-0001 - Amending Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, By Amending Section 52-35e. Nondepository Financial Institutions and Repealing Chapter 38 Entitled "Business Registration" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas - City of Irving, Applicant (Postponed from March 3, 2011)**

Mayor Gears opened the public hearing at approximately 7:41 p.m.

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

Mayor Gears closed the public hearing at approximately 7:41 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve Zoning Case #ZC11-0001 - Amending Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, By Amending Section 52-35e. Nondepository Financial Institutions and Repealing Chapter 38 Entitled "Business Registration" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas - City of Irving, Applicant

Motion approved 8-1.

Councilman Farris voted in opposition to this motion.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Philipp, Cannaday, Santoscoy, Galloway
NAYS:	Gerald Farris

APPOINTMENTS AND REPORTS

26 Mayor's Report

Mayor Gears had no report at tonight's meeting.

27 Adjournment

The meeting was adjourned at 7:40 PM

Citizens' Forum

Senko S. Prioleau, 3801 Portland, Irving, TX – Mr. Prioleau requested that the Council officially recognize the Lady Cardinals MacArthur High School team for winning the State Championship.

Manuel Benavidez, 2108 Meadow Glen, Irving, TX - Mr. Benavidez discussed the need for safer sidewalks in Irving.

Herbert A. Gears, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary