

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
September 22, 2011**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, September 22, 2011 at 7:07 p.m. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Beth Van Duyne	Irving City Council	Mayor	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	
Dennis Webb	Irving City Council	Councilman	Present	

INVOCATION

The invocation was delivered by Reverend Deborah Jones of First Christian Church of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was given by Councilman Lewis Patrick.

PROCLAMATIONS AND ANNOUNCEMENTS

Jan Bodnar, Main Library - Ms. Bodnar requested to speak regarding the Big Read Library Program. She announced that the book this year is "The Adventures of Tom Sawyer" and invited the Mayor and Council to participate in the program.

Mayor Van Duyne recognized Zain Dabbous for winning the gold medal in the 50 meter event for boys in the eight and under age division at the State Finals Texas Amateur Athletic Federation.

Citizens' Forum

Joyce Howard, 1401 Colony Drive, Irving, TX - Ms. Howard spoke in general about the FY 2011-2012 general budget.

Elena Blake, 812 Murl Drive, Irving, TX - Ms. Blake spoke regarding the Arts of Collin County Performance Hall and the Arts Park.

Loren Peters, 1425 Keller Drive, Irving, TX - Mr. Peters spoke regarding the mandatory watering restrictions not applying to the City of Irving.

CITY COUNCIL AGENDA

Public Hearings

1 Public Hearing No. (ID # 4109) -- Receive Input on the Redistricting Process

Bob Heath, of Bickerstaff Heath Delgado Acosta LLP, provided an overview of the redistricting map. Marivi Gambini also spoke to let Hispanic speaking members know she is available for translation.

No one signed up to speak on this item.

2 Ordinance No. ORD-2011-9283 -- Public Hearing & Adoption of the 2011-12 City of Irving Fiscal Year Budget

The following individuals signed up to speak:

Roy Getting, 2208 Rita Ct., Irving, TX

Oscar Ward, 608 Farine Dr., Irving, TX

Barbara Hull, 400 Lavida Ct., Irving, TX

Jason Dix, Irving Police Association, 13012 Berrywood Trail, Fort Worth, TX

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

Lucia Rottenberg, 2220 Indian Creek Dr., Irving, TX

Motioned by Councilman Stopfer, seconded by Councilwoman Cannaday to approve Adoption of the 2011-12 City of Irving Fiscal Year Budget.

Motion approved 6-3.

Council members voting in opposition to this motion include: Mayor Van Duyne, Councilman Philipp and Councilman Farris.

Council members voting in favor of this motion include: Councilman Gallaway, Councilman Stopfer, Councilman Santoscoy, Councilwoman Cannaday, Councilman Patrick and Councilman Webb.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Patrick, Stopfer, Cannaday, Santoscoy, Gallaway, Webb
NAYS:	Beth Van Duyne, Gerald Farris, Joe Philipp

3 Ordinance No. ORD-2011-9284 -- Setting the 2011 Tax Rate and Levying the Tax as Required by the State of Texas Property Tax Code

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

Roy Getting, 2208 Rita Ct., Irving, TX
Kensley Stewart, 3916 Tacoma St., Irving, TX
Joe Mapes, P.O. Box 141864, Irving, TX
Lucia Rottenberg, 2220 India Creek Dr., Irving, TX

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve Setting the 2011 Tax Rate and Levying the Tax as Required by the State of Texas Property Tax Code at .5986.

Motion approved 6-3.

Council members voting in opposition to this motion include: Mayor Van Duyne, Councilman Philipp and Councilman Farris.

Council members voting in favor of this motion include: Councilman Gallaway, Councilman Stopfer, Councilman Santoscoy, Councilwoman Cannaday, Councilman Patrick and Councilman Webb.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Patrick, Stopfer, Cannaday, Santoscoy, Gallaway, Webb
NAYS:	Beth Van Duyne, Gerald Farris, Joe Philipp

4 Ordinance No. ORD-2011-9285 -- Adopting the 2011 City of Irving Tax Roll as Required by the State of Texas Property Tax Code

Motioned by Councilman Stopfer, seconded by Councilman Philipp to approve Adopting the 2011 City of Irving Tax Roll as Required by the State of Texas Property Tax Code

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Joe Philipp, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

5 City Operations Update

Tommy Gonzalez, City Manager, presented a video on the operations update.

CONSENT AGENDA

Motioned by Councilman Stopfer, seconded by Councilman Gallaway to approve consent agenda items 6-22 and postpone items 10 and 11 to the October 6, 2011 council meeting.

Motion approved 9-0.

6 Approving Minutes for Wednesday, August 31, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

7 Approving Minutes for Wednesday, August 31, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

8 Approving Minutes for Thursday, September 01, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

9 Approving Minutes for Wednesday, September 07, 2011

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

10 Resolution No. RES-2011-237 -- Approving an Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce to Provide Annual Funding for Economic Development Services for the City of Irving, Texas

This item was postponed to the October 6, 2011 council meeting.

RESULT:	POSTPONED NO VOTE Next: 10/6/2011 7:00 PM
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- 11 Resolution No. RES-2011-238 -- **Approving a Sister Cities/International Trade Development and Assistance Center Services Contract with the Greater Irving-Las Colinas Chamber of Commerce**

This item was postponed to the October 6, 2011 council meeting.

RESULT:	POSTPONED NO VOTE Next: 10/6/2011 7:00 PM
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- 12 Resolution No. RES-2011-239 -- **Approving a Memorandum of Understanding Between the City of Irving and Dallas County for Prisoner Transport Assistance Services**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 13 Resolution No. RES-2011-240 -- **Approving an Entertainment Venue Indirect Cost Allocation**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 14 Resolution No. RES-2011-241 -- **Awarding a Contract to Insituform Technologies, Inc., for Durango and McClendon Wastewater Main Improvement Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 15 Resolution No. RES-2011-242 -- **Awarding a Contract to RKM Utility Services, Inc., for the Patrick, Himes and Anna Water and Wastewater Main Improvements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 16 Resolution No. RES-2011-243 -- **Awarding a Contract to V.A. Construction, Inc., for the 2011 Sidewalk Improvements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 17 Resolution No. RES-2011-244 -- **Approving Change Order No. 1 to SYB Construction Company, Inc., for the Fifteenth/Robinson and Ranier Alley Water and Wastewater Main Improvements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 18 Resolution No. RES-2011-245 -- **Approving Renewal of Agreement for Services Between the City of Irving and Keep Irving Beautiful, Inc., for the Keep Irving Beautiful Program**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 19 Resolution No. RES-2011-246 -- **Authorizing Staff to Negotiate an Architectural and Engineering Services Agreement with Huitt-Zollars, Inc., for the Design of the State Highway 114 Crossroads Signature Bridge Enhancements Project**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 20 Resolution No. RES-2011-247 -- **Approving an Agreement Between the City of Irving and Trinity River Authority to Provide Water and Wastewater Laboratory Analysis Services to Meet Federal and State Standards for the City of Irving, Texas**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 21 Ordinance No. ORD-2011-9286 -- **Authorizing the Abandonment of a 6-Foot Wide Public Utility and Drainage Easement Located at 333 Lane Street**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

- 22 Ordinance No. ORD-2011-9287 -- **Amending Section 41-23 of Chapter 41 of the Code of Civil and Criminal Ordinances of the City of Irving Texas, by Adding an Annual Registration Fee for Backflow Prevention Testing**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

INDIVIDUAL CONSIDERATION

- 23 Ordinance No. ORD-2011-9281 -- **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 individuals signed up to speak in opposition of this item:

Loren Peters, 1425 Keeler Dr., Irving, TX
Roy Getting, 2208 Rita Circle, Irving, TX
Joe Mapes, P.O. Box 141864, Irving, TX
James Baker, 2724 Lake Gardens Dr. Irving, TX

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve 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

Motion approved 8-1.

Mayor Van Duyne opposed this motion.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb
NAYS:	Beth Van Duyne

ZONING CASES AND COMPANION ITEMS

- 24** Resolution No. RES-2011-248 -- **Granting Temporary Use Permit G1107-0016 to Allow a Recycling Collection Center - Property Located at 3602 North Belt Line Road - Reimagine Recycling LLP and Kroger Texas, LP, Applicants**

Mayor Van Duyne opened the public hearing at approximately 9:26 p.m.

Mayor Van Duyne closed the public hearing at approximately 9:26 p.m.

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve Granting Temporary Use Permit G1107-0016 to Allow a Recycling Collection Center - Property Located at 3602 North Belt Line Road - Reimagine Recycling LLP and Kroger Texas, LP, Applicants

Motion approved 9-0.

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

- 25** Ordinance No. ORD-2011-9288 -- **Zoning Case #ZC11-0010 - Granting S-P-1 (Detailed Site Plan) for C-N (Neighborhood Commercial) Uses and Pole Sign - Approximately 1.4 Acres Located at 4095 North Belt Line Road - Fries Restaurant Management, Applicant - Blair Family Trust, Owner**

The applicant has withdrawn this zoning request. No action was taken.

RESULT:	WITHDRAWN NO VOTE
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- 26 Ordinance No. ORD-2011-9289 -- **Zoning Case #ZC11-0034 - Granting S-P-1 (Detailed Site Plan) for Restaurant and Outside Dining Uses - Approximately 0.79 Acres Located at 4970 North O'Connor Boulevard - Texas Development Services, Applicant - Albert Restaurant Group LLC, Owner**

Mayor Van Duyne opened the public hearing at approximately 9:29 p.m.

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

Mardy Brown, applicant representative, 4300 Sigma Rd., Suite 100, Dallas, TX

Mayor Van Duyne closed the public hearing at approximately 9:29 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve Zoning Case #ZC11-0034 - Granting S-P-1 (Detailed Site Plan) for Restaurant and Outside Dining Uses - Approximately 0.79 Acres Located at 4970 North O'Connor Boulevard - Texas Development Services, Applicant - Albert Restaurant Group LLC, Owner

Motion approved 9-0.

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

- 27 Ordinance No. ORD-2011-9290 -- **Amending Subsection 35-16(e)(1)a of Section 35-16 of the City of Irving Land Development Code Part IV (Subdivisions) to Provide an Exception for Lots that Comply with the Area Requirements of the R-40 Single Family District - City of Irving, Applicant**

Mayor Van Duyne opened the public hearing at approximately 9:30 p.m.

Mayor Van Duyne closed the public hearing at approximately 9:30 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve Amending Subsection 35-16(e)(1)a of Section 35-16 of the City of Irving Land Development Code Part IV (Subdivisions) to Provide an Exception for Lots that Comply with the Area Requirements of the R-40 Single Family District - City of Irving, Applicant

Motion approved 9-0

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

- 28 Ordinance No. ORD-2011-9291 -- Amending Section 52-25a FWY Freeway District and Section 52-25 M-FW Freeway District Regulations of Part V Repealed Zoning Districts of Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, by Amending the Required Setback and Screening Requirements for Accessory Parking - City of Irving, Applicant.**

Mayor Van Duyne opened the public hearing at approximately 9:32 p.m.

Mayor Van Duyne closed the public hearing at approximately 9:32 p.m.

Motioned by Councilman Stopfer, seconded by Councilman Santoscoy to approve Amending Section 52-25a FWY Freeway District and Section 52-25 M-FW Freeway District Regulations of Part V Repealed Zoning Districts of Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, by Amending the Required Setback and Screening Requirements for Accessory Parking - City of Irving, Applicant

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Stopfer, Councilman
SECONDER:	Roy Santoscoy, Councilman
AYES:	Van Duyne, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Gallaway, Webb

APPOINTMENTS AND REPORTS

29 Mayor's Report

The City of Irving was deemed by Bloomberg Report as one of the top 50 places in the Country to live.

30 Adjournment

The meeting adjourned at approximately 9:34 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary