

**REGULAR MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
September 5, 2013**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, September 5, 2013 at approximately 7:10 p.m. The following members were present / absent:

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Beth Van Duyne	Irving City Council	Mayor	Present	
John C. Danish	Irving City Council	Councilman	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Dennis Webb	Irving City Council	Councilman	Present	
Joe Putnam	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Brad M. LaMorgese	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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**INVOCATION**

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The invocation was delivered by Pastor Sonjia Dickerson of Dayspring Family Church of the City of Irving, Texas.

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**PLEDGE OF ALLEGIANCE**

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The pledge of allegiance was given by Mohammad Awais, Rayyan Mustapha, Ibrahim Wadood and Hussein Awad from ISI Webelos Scouts Troop 2055.

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**PROCLAMATIONS AND ANNOUNCEMENTS**

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Mayor Van Duyne presented Octavio Garcia with a Certificate of Appreciation for assisting his neighbor who was injured during a fall.

Mayor Van Duyne presented Carolina Rico Juarez with the Spirited Youth Award for the first quarter.

Mayor Van Duyne presented Joey Cabello with the Spirited Youth Award for the second quarter.

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**CITIZENS' FORUM**

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David Bennett, 3575 N. Beltline, Irving, TX - Mr. Bennett spoke regarding tango and health.

TJ Franklin, 404 Clark St., Irving, TX - Mr. Franklin spoke regarding the Irving Police Department and traffic issues in his neighborhood.

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**CITY COUNCIL AGENDA**

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**1 City Operations Update**

There was no update provided at tonight's meeting.

**2 Heritage Crossing Update**

There was no update provided at tonight's meeting.

**3 Input from Citizens Regarding Ethics Policies**

No one signed up to speak on this item at tonight's meeting.

**4 Public Hearing No. (ID # 5590) -- Public Hearing on the 2013-14 City of Irving Fiscal Year Budget and Tax Rate**

No one signed up to speak on this item at tonight's meeting.

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**CONSENT AGENDA**

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Motioned by Councilman Putnam, seconded by Councilman Spink to approve the consent agenda items 5-39.

Motion approved for consent agenda 9-0.

**5 Approving Minutes for Wednesday, August 07, 2013**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

**6 Approving Minutes for Thursday, August 08, 2013**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

**7 Approving Minutes for Thursday, August 22, 2013**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

**8 Resolution No. RES-2013-264 -- Authorizing the Destruction of Obsolete Records in Accordance with City of Irving's Records Management Policy**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

**9 Resolution No. RES-2013-265 -- Designating the Mayor as the Authorized Official and Authorizing the Mayor to Accept, Reject, Alter or Terminate a Victim Coordinator and Liaison Grant (VCLG) through the Office of the Attorney General to Continue Funding of the Irving Police Department's Victim Coordinator Liaison Position for a One Year Period**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 10 Resolution No. RES-2013-266 -- Approving Settlement in Weir Bros. Inc. v. The City of Irving, Texas v. Employers Mutual Casualty Company v. The City of Irving, Texas**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 11 Resolution No. RES-2013-267 -- Authorizing the City Attorney's Office to File a Lawsuit to Require Code Compliance on Property Located at 2300-2452 North MacArthur Boulevard, Irving, Texas**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 12 Resolution No. RES-2013-268 -- Authorizing Additional Expenditures to Bracewell & Giuliani LLP in the Amount of \$75,000.00 For Legal Services in Connection with the Convention Center Hotel**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 13 Resolution No. RES-2013-269 --** Selecting Architects Design Group, Inc. (ADG), as the Most Highly Qualified Provider for the Development of a Master Plan Document for a New Police and Fire Training Center and Authorizing Staff to Negotiate an Agreement with Said Provider

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 14 Resolution No. RES-2013-270 --** Awarding a Contract to Cooper General Contractors in the Amount of \$578,000.00 for the Valley Ranch Library Interior Finish Out

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 15 Resolution No. RES-2013-271 --** Awarding a Contract to Utilitex Construction, LLP, in the Amount of \$932,615.00 for the Water Meter Vault Reconstruction, Section III Project

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 16 Resolution No. RES-2013-272 -- Approving Change Order No. 1 to Barson Utilities, Inc., in the Amount of \$217,135.00 for the Nursery Railroad Basin Wastewater and Water Main Improvements Project**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 17 Resolution No. RES-2013-273 -- Approving an Agreement Between the City of Irving and Trinity River Authority in the Amount of \$270,000.00 to Provide Water and Wastewater Laboratory Analysis Services to Meet Federal and State Requirements for the City of Irving, Texas**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 18 Resolution No. RES-2013-274 -- Approving an Interlocal Agreement with North Central Texas Council of Governments in the Amount of \$28,196.85 to Provide 2013 Planimetrics Data**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 19 Resolution No. RES-2013-275** -- Approving Special Events Permit for the Heels and Hills and Him "Love the Half" Marathon to be Held September 22, 2013 at 3838 Teleport Blvd., Irving, Texas

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 20 Resolution No. RES-2013-276** -- Approving the Purchase from ImmixTechnology, Inc., for TeleStaff in the Amount of \$119,107.63 through the General Services Administration (GSA) Program

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 21 Resolution No. RES-2013-277** -- Approving the Purchase from Dell for 165 Replacement Computers in the Amount of \$157,686.00 through the DIR Cooperative Agreement

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 22 Resolution No. RES-2013-278** -- Approving the Purchase from Grande Truck Center in the Amount of \$229,622.33 for a 2013 Mack LEU613 Cab and Chassis with Heil High Compaction Rear Loader Refuse Collection Body through the State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 23 Resolution No. RES-2013-279** -- Renewing the Annual Contract with Progressive Waste Solutions of TX, Inc., in the Total Estimated Revenue Amount to City of \$1,237,500.00 for the Sale of Capacity at the Hunter Ferrell Landfill

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 24 Resolution No. RES-2013-280** -- Approving and Accepting the Proposal of TRISTAR Risk Management in the Total Estimated Amount of \$746,400.00 for a Three-Year Contract to Provide Third Party Administration Services for Claims, Family Medical Leave, 504 and Environmental Compliance

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink



- 25 Resolution No. RES-2013-281 -- Approving and Accepting the Proposal of W. Two Plus, Inc., in the Amount of \$236,277.00 For Replacement of Underground Fuel Storage Tanks**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 26 Resolution No. RES-2013-282 -- Approving the Purchase from Houston Freightliner, Inc., in the Amount of \$98,384.00 for a 2013 Freightliner 114SD 14-Yard Dump Truck through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 27 Resolution No. RES-2013-283 -- Renewing the Annual Contracts with Big City Crushed Concrete in the Total Estimated Amount of \$117,700.00 and Crouch Sand and Gravel, Inc. in the Total Estimated Amount of \$132,746.00, for Road Maintenance Materials and Recycled Concrete**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 28 Resolution No. RES-2013-284** -- Renewing the Annual Contracts with Earth Haulers, Inc. in the Total Estimated Amount of \$49,080.00, Lowery Sand & Gravel Co., Inc., in the Total Estimated Amount of \$15,991.00, and Crouch Sand & Gravel, Inc. in the Total Estimated Amount of \$9,275.00 for Road Maintenance Materials Supplemental

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 29 Resolution No. RES-2013-285** -- Renewing the Two-Year Contract with F & F Concrete in the Total Estimated Amount of \$675,584.00 for Concrete Repairs

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 30 Resolution No. RES-2013-286** -- Renewing the Annual Contract with Allstates Coatings Company in the Total Estimated Amount of \$58,261.50 for Traffic Paint

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 31 Resolution No. RES-2013-287 --** Renewing the Annual Contract with HD Supply Waterworks in the Total Estimated Amount of \$50,779.91 for Couplings, Clamps, and Service Saddles

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 32 Resolution No. RES-2013-288 --** Cancellation of Award to Saturn of Arlington dba Holt Chrysler Jeep Dodge of an Annual Contract for Repair Services & Optional Body Repairs for Dodge Vehicles

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 33 Resolution No. RES-2013-289 --** Approving and Accepting the Bid of Freedom Dodge in the Total Estimated Amount of \$75,000.00 for an Annual Contract for Repair Services & Minor Body Repairs for Dodge Vehicles

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 34 Resolution No. RES-2013-256 -- Approving and Accepting the Bid of A National Auto Sales & Repair dba A National Auto Body & Paint for Body Work in the Estimated Amount of \$194,118.38 for Hail Damaged Vehicles**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 35 Resolution No. RES-2013-290 -- Renewing the Annual Contract with Universal Lubricants, LLC, in the Total Not To Exceed Amount of \$100,000.00 for Automotive Fluids and Lubricants**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 36 Resolution No. RES-2013-291 -- Renewing the Annual Contract with Equipment Southwest, Inc., in the Total Not to Exceed Amount of \$100,000.00 for Parts and Repairs for Refuse and Dump Trucks**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 37 Ordinance No. ORD-2013-9497 -- Budget Adjustment #7 to the 2012-13 Fiscal Year Budget for Various Funds Totaling \$19,429,000.00**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 38 Ordinance No. ORD-2013-9485 -- Final Reading - Granting a Franchise to Darya Corporation, Dba Executive Taxi, to Operate a Taxicab Service in the City of Irving, Texas**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 39 Ordinance No. ORD-2013-9486 -- Final Reading - Granting a Franchise to Khorshid, Inc., Dba Taxi Dallas, to Operate a Taxicab Service in the City of Irving, Texas**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

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**INDIVIDUAL CONSIDERATION**

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- 40 Resolution No. RES-2013-292 -- Approving Lease Agreement Between the City of Irving, Texas and ARK Group of Irving, Inc. for the Entertainment Center**

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

Michael McPhail, 815 Dixon, Irving, TX  
Rick Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031  
Noah Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031

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

Marvin Randle, 500 Farine Dr., Irving, TX

The following individuals signed up in support of this item but did not wish to speak:

Debbi Haacke, 305 Old York Rd., Irving, TX  
Jack Spurlock, 1516 W. Pioneer, Irving, TX  
Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX  
Roland Medina, 443 Northwest Hwy #1505, Irving, TX  
James Castle, 312 Fox Glen Circle, Irving, TX

Motioned by Councilman Cannaday, seconded by Councilman Meagher to approve a Lease Agreement Between the City of Irving, Texas and ARK Group of Irving, Inc. for the Entertainment Center.

Motion approved 5-4.

Council member(s) voting in favor of this motion include: Councilwoman Cannaday, Councilman Danish, Councilman Webb, Councilman Meagher and Councilman Putnam.

Council member(s) voting in opposition to this motion include: Mayor Van Duyne, Councilman Farris, Councilman Spink and Councilman LaMorgese

The Mayor stated she voted against it because she knows we have until December to take a vote on this and would have liked to see the City get their ducks in a row before we force this through.

<b>RESULT:</b>	<b>ADOPTED [5 TO 4]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Allan Meagher, Councilman
<b>AYES:</b>	Danish, Meagher, Webb, Putnam, Cannaday
<b>NAYS:</b>	Beth Van Duyne, Brad M. LaMorgese, Gerald Farris, Thomas Spink

- 41 Resolution No. RES-2013-293** -- Approving a Booking Agreement Between the City of Irving, Texas on Behalf of the Irving Convention and Visitors Bureau and ARK Group of Irving, Inc.

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

Michael McPhail, 815 Dixon, Irving, TX

Rick Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031

Noah Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031

The following individuals signed up in support of this item but did not wish to speak:

Debbi Haacke, 305 Old York Rd., Irving, TX

Jack Spurlock, 1516 W. Pioneer, Irving, TX

Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX

Roland Medina, 443 Northwest Hwy #1505, Irving, TX

James Castle, 312 Fox Glen Circle, Irving, TX

Motioned by Councilwoman Cannaday, seconded by Councilman Webb to approve a Booking Agreement Between the City of Irving, Texas on Behalf of the Irving Convention and Visitors Bureau and ARK Group of Irving, Inc.

Motion approved 6-3.

Council member(s) voting in favor of this motion include: Councilwoman Cannaday, Councilman Danish, Councilman Webb, Councilman Meagher, Councilman Farris and Councilman Putnam

Council member(s) voting in opposition to this motion include: Mayor Van Duyne, Councilman Spink and Councilman LaMorgese

<b>RESULT:</b>	<b>ADOPTED [6 TO 3]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Dennis Webb, Councilman
<b>AYES:</b>	Danish, Meagher, Webb, Putnam, Cannaday, Farris
<b>NAYS:</b>	Beth Van Duyne, Brad M. LaMorgese, Thomas Spink

- 42 Resolution No. RES-2013-294** -- Approving an Economic Incentive Agreement Between the City of Irving, Texas and ARK Group of Irving, Inc. in an Estimated Value of \$36,371,000

The following individuals signed up to speak in support of this item:  
Michael McPhail, 815 Dixon, Irving, TX  
Rick Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031  
Noah Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031

The following individuals signed up in support of this item but did not wish to speak:

Debbi Haacke, 305 Old York Rd., Irving, TX  
Jack Spurlock, 1516 W. Pioneer, Irving, TX  
Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX  
Roland Medina, 443 Northwest Hwy #1505, Irving, TX  
James Castle, 312 Fox Glen Circle, Irving, TX

Motioned by Councilman Webb, seconded by Councilwoman Cannaday to approve an Economic Incentive Agreement Between the City of Irving, Texas and ARK Group of Irving, Inc. In an Estimated Value of \$36,371,000.

Motion approved 5-4.

Council member(s) voting in favor of this motion include: Councilwoman Cannaday, Councilman Danish, Councilman Webb, Councilman Meagher and Councilman Putnam.

Council member(s) voting in opposition to this motion include: Mayor Van Duyne, Councilman Farris, Councilman Spink and Councilman LaMorgese

<b>RESULT:</b>	<b>ADOPTED [5 TO 4]</b>
<b>MOVER:</b>	Dennis Webb, Councilman
<b>SECONDER:</b>	Rose Cannaday, Councilwoman
<b>AYES:</b>	Danish, Meagher, Webb, Putnam, Cannaday
<b>NAYS:</b>	Beth Van Duyne, Brad M. LaMorgese, Gerald Farris, Thomas Spink

- 43 Resolution No. RES-2013-295 -- Authorizing Reimbursement Payment in an Amount Not to Exceed \$44,000,000 to the Ark Group of Irving, Inc. (Ark) for Capital Infrastructure Improvements Within the Tax Reinvestment Zone No. One**

The following individuals signed up to speak in support of this item:  
Michael McPhail, 815 Dixon, Irving, TX  
Rick Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031  
Noah Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031



The following individuals signed up in support of this item but did not wish to speak:

Debbi Haacke, 305 Old York Rd., Irving, TX  
Jack Spurlock, 1516 W. Pioneer, Irving, TX  
Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX  
Roland Medina, 443 Northwest Hwy #1505, Irving, TX  
James Castle, 312 Fox Glen Circle, Irving, TX

Motioned by Councilwoman Cannaday, seconded by Councilman Webb to approve Authorizing Reimbursement Payment in an Amount Not to Exceed \$44,000,000 to the Ark Group of Irving, Inc. (Ark) for Capital Infrastructure Improvements Within the Tax Reinvestment Zone No. One.

Motion approved 5-4.

Council member(s) voting in favor of this motion include: Councilwoman Cannaday, Councilman Danish, Councilman Webb, Councilman Meagher and Councilman Putnam

Council member(s) voting in opposition to this motion include: Mayor Van Duyne, Councilman Farris, Councilman Spink and Councilman LaMorgese

<b>RESULT:</b>	<b>ADOPTED [5 TO 4]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Dennis Webb, Councilman
<b>AYES:</b>	Danish, Meagher, Webb, Putnam, Cannaday
<b>NAYS:</b>	Beth Van Duyne, Brad M. LaMorgese, Gerald Farris, Thomas Spink

**44 Resolution No. RES-2013-296 -- Acknowledging the Receipt of the Promoter Agreement Between ARK Group of Irving, Inc., and ARK Management, Inc.**

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

Michael McPhail, 815 Dixon, Irving, TX  
Rick Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031  
Noah Lazes, 19401 Old Jetton Rd., Cornelius, North Carolina 28031

The following individuals signed up in support of this item but did not wish to speak:

Debbi Haacke, 305 Old York Rd., Irving, TX  
Jack Spurlock, 1516 W. Pioneer, Irving, TX  
Sharon Barbosa-Crain, 2608 Alan-a-Dale, Irving, TX

Roland Medina, 443 Northwest Hwy #1505, Irving, TX  
James Castle, 312 Fox Glen Circle, Irving, TX

Motioned by Councilwoman Cannaday, seconded by Councilman Webb to approve Acknowledging the Receipt of the Promoter Agreement Between ARK Group of Irving, Inc., and ARK Management, Inc.

Motion approved 5-4.

Council member(s) voting in favor of this motion include: Councilwoman Cannaday, Councilman Danish, Councilman Webb, Councilman Meagher and Councilman Putnam.

Council member(s) voting in opposition to this motion include: Mayor Van Duyne, Councilman Farris, Councilman Spink and Councilman LaMorgese

<b>RESULT:</b>	<b>ADOPTED [5 TO 4]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Dennis Webb, Councilman
<b>AYES:</b>	Danish, Meagher, Webb, Putnam, Cannaday
<b>NAYS:</b>	Beth Van Duyne, Brad M. LaMorgese, Gerald Farris, Thomas Spink

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## ZONING CASES AND COMPANION ITEMS

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Zoning cases began with items 47-51. Council then returned to address zoning case items 45 and 46 on the agenda.

- 45 Ordinance No. ORD-2013-9489 -- Zoning Case #ZC13-0010 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) - Approximately 77 Acres Located on the Southwest Corner of State Highway 114 and Belt Line Road - Hines Interests Limited Partnership, Owner/Applicant - (Postponed at the August 8, 2013 City Council Meeting)**

Mayor Van Duyne opened the public hearing at approximately 8:00 p.m.

Danny Opitz, 6546 Barcelona, Irving, TX - Mr. Opitz spoke for the developer, Hines Interests Limited Partnership, and explained the development project as well as answered questions for the Council.

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

Rob Witte, 2200 Ross Ave. Suite 4200 W., Dallas, TX  
Karen Coopersmith, 5995 Rogerdale Rd., Houston, TX  
Kevin Kassler, 1999 Bryan Suite 1200, Dallas, TX  
Bobby Payne, 3520 Drexel Dr., Dallas, TX

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

James M. Crites, 3200 E. Airfield Dr., DFW Airport  
Sandy Lancaster, 3200 E. Airfield Dr., DFW Airport  
Matt Jewell, 3800 Cabell Rd., Irving

Mayor Van Duyne closed the public hearing at approximately 8:45 p.m.

It was noted that the opposition represents 20.67% of the land within 200 feet of the subject property; therefore, a  $\frac{3}{4}$  vote is required for approval of this case.

Motioned by Councilman Webb, seconded by Councilman Spink to approve Zoning Case #ZC13-0010 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) - Approximately 77 Acres Located on the Southwest Corner of State Highway 114 and Belt Line Road - Hines Interests Limited Partnership, Owner/Applicant.

Motion approved 7-2.

Council member(s) voting in opposition to this item include: Councilman Meagher and Councilman Putnam

<b>RESULT:</b>	<b>ADOPTED [7 TO 2]</b>
<b>MOVER:</b>	Dennis Webb, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Webb, Cannaday, LaMorgese, Farris, Spink
<b>NAYS:</b>	Allan Meagher, Joe Putnam

- 46 Ordinance No. ORD-2013-9490 -- Zoning Case #ZC13-0014 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting**

S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 86.6 Acres Located on the Northeast Corner of Esters Boulevard and Cabell Drive - Hines Interests Limited Partnership, Owner/Applicant - (Postponed at the August 8, 2013 City Council Meeting)

Mayor Van Duyne opened the public hearing at approximately 9:23 p.m.

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

Rob Witte, 2200 Ross Ave. Suite 4200 W. Dallas, TX 75201

Karen Coopersmith, 5995 Rogerdale Rd., Houston, TX

Kevin Kassler, 1999 Bryan, Suite 1200, Dallas, TX

Bobby Payne, 3520 Drexel Dr., Dallas, TX 75205

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

Matt Jewell, 3800 Gabell Rd., Irving

Sandy Lancaster, 3200 East Airfield, DFW Airport

Matt Jewell, 3800 Cabell Rd., Irving

Mayor Van Duyne closed the public hearing at approximately 9:25 p.m.

It was noted that the opposition represents 28.62% of the land within 200 feet of the subject property; therefore, a  $\frac{3}{4}$  vote is required for approval.

Motioned by Councilwoman Cannaday, seconded by Councilman Webb to approve Zoning Case #ZC13-0010 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) - Approximately 77 Acres Located on the Southwest Corner of State Highway 114 and Belt Line Road - Hines Interests Limited Partnership, Owner/Applicant.

Motion approved 9-0.

**RESULT:**

**ADOPTED [UNANIMOUS]**

**MOVER:**

Rose Cannaday, Councilwoman

**SECONDER:**

Dennis Webb, Councilman

**AYES:** Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 47 Ordinance No. ORD-2013-9498 -- Zoning Case #ZC13-0019 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses- Approximately 0.46 Acres Located at 712 West Grauwlyer Road - Phillip and Kelly Story, Applicant/Owner**

Mayor Van Duyne opened the public hearing at approximately 7:31 p.m.

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

Diane Cartwright, 1706 Glenbrook Dr., Irving, TX

Phillip Story, 712 W. Grauwlyer, Irving, TX

Jan Bemis, 1501 Glen Valley, Irving, TX

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

Steven Arnett, 1424 Glenbrook Dr., Irving, TX

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

Motioned by Councilwoman Cannaday, seconded by Councilman Farris to approve Zoning Case #ZC13-0019 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses- Approximately 0.46 Acres Located at 712 West Grauwlyer Road - Phillip and Kelly Story, Applicant/Owner.

Motion approved 9-0.

**RESULT:**

**ADOPTED [UNANIMOUS]**

**MOVER:**

Rose Cannaday, Councilwoman

**SECONDER:**

Gerald Farris, Councilman

**AYES:** Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 48 Ordinance No. ORD-2013-9499 -- Zoning Case #ZC13-0026 - Granting S-P-1 (Detailed Site Plan) for Telecommunications Tower Uses - Approximately 0.16 Acres Located at 1403 South Story Road - Verizon Wireless, Applicant - William and Norma Adamcik, Owners**

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

No one signed up to speak on this item.

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

Motioned by Councilman Putnam, seconded by Councilman Spink to approve Zoning Case #ZC13-0026 - Granting S-P-1 (Detailed Site Plan) for Telecommunications Tower Uses - Approximately 0.16 Acres Located at 1403 South Story Road - Verizon Wireless, Applicant - William and Norma Adamcik, Owners

Motion approved 9-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Putnam, Councilman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 49 Ordinance No. ORD-2013-9500 --** Zoning Case #ZC13-0027 - Granting S-P-1 (Detailed Site Plan) for Cellular Antenna Tower - Approximately 0.018 Acres Located at 2000 Esters Road - Peter Kavanagh, Applicant - Esters LTD, Owner

Mayor Van Duyne opened the public hearing at approximately 7:42 p.m.

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 7:42 p.m.

Motioned by Councilman Webb, seconded by Councilwoman Cannaday to approve Zoning Case #ZC13-0027 - Granting S-P-1 (Detailed Site Plan) for Cellular Antenna Tower - Approximately 0.018 Acres Located at 2000 Esters Road - Peter Kavanagh, Applicant - Esters LTD, Owner.

Motion approved 9-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Webb, Councilman
<b>SECONDER:</b>	Rose Cannaday, Councilwoman
<b>AYES:</b>	Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 50 Ordinance No. ORD-2013-9501** -- Zoning Case #ZC13-0029 - Granting ML-20a (Light Industrial) Uses - Approximately 3.2 Acres Located at 6501 Shorthorn Drive - Valley Crane and Shaft, LLC, Applicant - Realtex Ventures, LP, Owner

Mayor Van Duyne opened the public hearing at approximately 7:46 p.m.

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 7:46 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Spink to approve Zoning Case #ZC13-0029 - Granting ML-20a (Light Industrial) Uses - Approximately 3.2 Acres Located at 6501 Shorthorn Drive - Valley Crane and Shaft, LLC, Applicant - Realtex Ventures, LP, Owner

Motion approved 9-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Thomas Spink, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

- 51 Ordinance No. ORD-2013-9502** -- Zoning Case #ZC13-0031 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses - Approximately 0.25 Acres Located at 855 West John Carpenter Freeway - Sharon Barbosa-Crain, Applicant - National Retail Properties, Owner

Mayor Van Duyne opened the public hearing at approximately 7:48 p.m.

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 7:48 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Webb to approve Zoning Case #ZC13-0031 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses - Approximately 0.25 Acres Located at 855 West John Carpenter Freeway - Sharon Barbosa-Crain, Applicant - National Retail Properties, Owner.

Motion approved 9-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rose Cannaday, Councilwoman
<b>SECONDER:</b>	Dennis Webb, Councilman
<b>AYES:</b> Van Duyne, Danish, Meagher, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink	

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## APPOINTMENTS AND REPORTS

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### 52 Mayor's Report

Mayor Van Duyne announced that there will be a Red Bull Flutag event on September 21, 2013 and invited everyone to the Urban Center to attend.

### Adjournment

The meeting adjourned at approximately 9:27 p.m.

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Beth Van Duyne, Mayor

ATTEST:

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Shanae Jennings, TRMC  
City Secretary