

**REGULAR MEETING OF THE IRVING CITY COUNCIL  
November 15, 2007**

The City Council met in regular session in the Council Chambers of the City Hall Complex on November 15, 2007, at 7:00 P.M. The following members were present:

Mayor Herbert A. Gears

**Councilmembers**

Thomas D. Spink

Allan E. Meagher

Lewis Patrick

Rose Cannaday

Rick Stopfer

Sam Smith

Joe Philipp

Councilwoman Van Duyne was not in attendance.

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**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

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There were no organizational or service announcements made.

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**INVOCATION**

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The invocation was delivered by Pastor Isneal Castro, House of God Church, of the City Of Irving, Texas.

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**PROCLAMATIONS AND ANNOUNCEMENTS**

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**Special Recognition Award – Cans For Cash national Recycling Competition**

Mayor Gears presented this award to Principal Stacy Blevins as W. T. Hanes Elementary collected the most aluminum cans – 19,080. The grand prize winners were treated to a special Magic Show and have distinction of being the best in all of IISD Mayor Gears stated.

**High Spirited Citizen Award**

Mayor Gears presented Barbara Scott with this honor.

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**PLEDGE OF ALLEGIANCE**

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Councilman Patrick led those present in the pledge.

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**CITY COUNCIL AGENDA**

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**1 City Manager's Report**

**Goal No. 1: Land Use**

**Zoning Workshop** – Planning and Development Director Gary Miller, department managers Kevin Kass and Steven Reed, along with planning consultant Dan Sefko of Freese and Nichols Inc.,

attended a zoning workshop in New Orleans. The conference was conducted by the national office of the American Planning Association and focused on all aspects of zoning such as commonly used codes, code rewriting and updating, legal issues, and sustainability initiatives. Information gained from this training will be used in developing implementation strategies for the Comprehensive Plan update and in rewriting Irving's development ordinances.

**New GIS Mapping** – The Information Technology Geographic Information System (GIS) team has converted of the current GIS system on the city's intranet (ICEnet) to a more powerful interface. The new system has more functionality and gives users more tools to analyze data and produce maps. Employees are encouraged to provide feedback to the GIS team on how these tools can be enhanced to meet their mapping needs. The new interface and a user manual can be found on the GIS page of ICEnet. The conversion for the city Web site for public use has already been completed.

## **Goal No. 2: Vibrant Neighborhoods**

**Villa Martinique Demolition** – Demolition of the Villa Martinique Apartments, located at 418 S. MacArthur Blvd., began Nov. 5. Villa Martinique is the first substandard apartment complex to be demolished. The 150-unit complex was vacated in September 2006 after it was determined that several of the buildings yielded unsafe and unsanitary living conditions. In May, Olde Towne developer Delbert McDougal purchased the property with plans for redevelopment in the near future. The property will be cleared by the end of December.

## **Goal No. 3: Economic Development**

**Construction Valuation Report** – During the 2006-07 fiscal year, the Planning and Inspections Department issued 15,511 construction permits of various types with a total valuation of more than \$532 million. This valuation ranks the second highest in the past seven years. City staff expects a strong 2007-08 year, as there is much economic development activity planned for Irving.

**Ben Carpenter Monument** – The Ben H. Carpenter Monument was unveiled Nov. 9 at the newly built Founder's Park in Irving. The 12-foot bronze monument was created by African wildlife artist Robert Glen, who Ben Carpenter commissioned in 1977 to create the Mustangs of Las Colinas. Carpenter, the visionary founder of Las Colinas, turned his family's ranch into the master-planned community that now consists of 12,000 acres. It is home to more than 2,000 companies, 25,000 residents, four golf courses, three private country clubs and several luxury hotels. The project team for the monument included Robert Glen, landscape architect Christopher Miller, Raymond Construction, Las Colinas Association and Las Colinas Parks Foundation. The City of Irving, Irving Convention and Visitors Bureau, and Greater Irving-Las Colinas Chamber of Commerce assisted with the project. Located at the intersection of John W. Carpenter Freeway and Riverside Drive, the monument plaza adjoins with the Las Colinas entryway wall on the eastern gateway into the development.

**Groups in Irving** – The Irving Convention and Visitors Bureau welcomed the following groups to Irving: Big 12 Conference (Nov. 1-2); Assemblies of God (Nov. 2-4); Vendome Group LLC (Nov. 2-7); NETA Corrections Conference (Nov. 3-4); Diemens Building Technologies Inc. (Nov. 5-8); U.S. Department of Homeland Security (Nov. 5-9); Texas Society of CPAs (Nov. 7-9); Center for Action and Contemplation (Nov. 8-12); Moose International (Nov. 8-13); Consumer Data Industry Association (Nov. 12-13); Commercial Metals (Nov. 13-15); and Board Game Geek LLC (Nov. 14-18).

**Irving Blitzes Austin** – The Irving Convention and Visitors Bureau (ICVB) held its annual Austin Blitz and Holiday Luncheon on Nov. 5-9. ICVB staff and Irving hotel partners descended upon the capital city—a key market for Irving’s hospitality industry—for a week of sales calls. The highlight was a luncheon held on Nov. 7. More than 200 current clients and meeting decision makers attended, as did Councilwoman Rose Cannaday, City Manager Tommy Gonzalez and ICVB Board Chair Clem Lear.

**Canadian Travel Writers Visit Irving** – The Irving Convention and Visitors Bureau hosted a group of seven Canadian travel writers during a Dallas-Fort Worth area press trip Oct. 31-Nov. 6. The writers, representing publications such as the *Toronto Star*, *Toronto Sun*, *Calgary Sun*, *Halifax Daily News*, *Vancouver Sun*, *Edmonton Journal* and the *Montreal Gazette* enjoyed spa treatments at the Four Seasons Resort and Club, experienced Cool River Café, and made a stop at the Mustangs of Las Colinas to take photos.

**CEO Luncheon** – The City of Irving, Irving Convention and Visitors Bureau, and Greater Irving-Las Colinas Chamber of Commerce hosted a CEO Appreciation Luncheon for leaders of Irving businesses. After a welcome from City Manager Tommy Gonzalez, Mayor Herbert Gears provided an update on economic development initiatives. Special guest speaker was Dr. Albert W. Niemi, dean of the Edwin L. Cox School of Business at Southern Methodist University, who discussed economic forecasting. A component of the city’s corporate retention initiatives, CEO luncheons are held quarterly.

**South Korean Official Visit** – Moon-Soo Kim, governor of Gyeonggi Province of South Korea, was presented an overview of Las Colinas and encouraged to explore ways for businesses in his country to develop relationships with businesses in Irving. He had heard of the Las Colinas development in Irving and wanted to understand what made it so successful.

**Avail Medical Products Lease** – Avail Medical Products has leased 29,126 square feet of industrial space at 770 Bent Branch Drive in Irving. Avail is one of the world’s largest outsource providers of sterile, single-use medical products.

#### **Goal No. 4: Safe and Secure City**

**Animal Hearing Process** – Senior Assistant City Attorney Laura Anderson implemented the state law hearing process for an expedited review of animals that cause serious bodily injury. This new system allows more rapid processing of animals in these conditions and thereby enhances safety in the community.

**Irving Citizens on Patrol** – Members of Irving Citizens on Patrol (ICOP) will begin conducting high visibility patrols using decommissioned marked squad cars. Three vehicles have been marked and equipped for this purpose. Patrols will be conducted in neighborhoods, apartment complexes, shopping centers, fitness facility parking lots and city parks—or any area that experiences increased crime. Seven ICOP team leaders will complete an eight-hour defensive driving course and be given vehicle familiarization training. The remaining 34 members may ride as passengers with the team leaders.

**Citizens Police Academy** – The Police Department celebrated the graduation of 24 Citizens Police Academy participants on Nov. 7. The weekly series of 11, three-hour classes provided classroom and hands-on information related to the city’s public safety program. Sessions were facilitated by Police Department staff from particular areas of expertise.

**Animal Services Award** – Irving Animal Services will receive the Texas Animal Control Association's Outstanding Shelter Award for cities or counties with a population of more than 100,000. To receive the award, Animal Services had to meet or exceed several different criteria. Animal Services Manager Fred Sanderson will travel to the Texas Animal Control Association's 32<sup>nd</sup> annual conference Nov. 17-18 in San Antonio to accept the award on behalf of the City of Irving.

**Animal Vaccination and Microchip Events** – A vaccination and microchip clinic conducted by Irving Animal Services on Nov. 3 at Running Bear Park was well received by Irving residents. More than 125 animals received a microchip for \$10, and 318 received free vaccinations. In addition, Special Activities Coordinator Susie Williamson attended the Howl'oween Pet Parade at the Irving Central Library on Oct. 27 and provided microchips to 12 dogs.

**Immigration Summit** – Police Chief Larry Boyd attended the Police Executive Research Forum's Immigration Summit in Washington, D.C. The summit involved police chiefs, sheriffs, mayors, city managers and other officials from around the country gathering to explore ways in which law enforcement agencies handle immigration issues.

**New Platform Aerial Quint Truck** – The Irving Fire Department christened a new platform aerial quint truck on Nov. 7 with a "Wet Down-Push Back" ceremony at Fire Station No. 9. The new truck features a 100-foot aerial ladder with a platform bucket at the top, and is specialized for rescue and evacuation operations.

**Firefighters Drill** – Members of Leadership Irving participated in a drill at the Fire Academy to experience a typical day of a firefighter and paramedic. Each participant was dispatched from Station No. 6 wearing fire gear and had the opportunity to ride in a fire engine, fire truck and ambulance; climb a 75-foot aerial ladder; use hydraulic cutters to remove the roof of a vehicle; and use a hose to spray water from a fire engine. Following the four-hour drill, participants provided positive feedback and expressed appreciation for the services provided by the Irving Fire Department.

### **Goal No. 5: Diversity**

**On-Site Language Skills** – Human Resources facilitated a second on-site language skills testing session for city employees on Nov. 5. The testing sessions allow employees whose position requires them to communicate in a language other than English to complete the language skills assessment and potentially qualify for language incentive pay. A total of 21 employees participated in the two on-site assessments, and 18 of them will be receiving language incentive pay.

**TGIF Program** – Human Resources will present the TGIF employee program "Strictly Taboo – Part 2" from noon to 1 p.m. Nov. 16 at the Central Library Auditorium. This encore performance will be hosted by ICTN Producer Cathy Whiteman, and will feature two new guests who will discuss and explore different cultures represented in Irving in a talk-show format. The program will be taped by ICTN.

### **Goal No. 6: Effective Communications**

**School Involvement** – Staff from Public Works/Engineering, Fire, and Planning and Inspections participated in MacArthur High School's annual Career Fair on Nov. 8. In recognition of Fire Prevention Month, the Fire Department conducted 88 programs in 24 area schools with a total attendance of 4,064 students. As part of the Storytelling Around the World state grant received by the Irving Public Library, ICTN Producer Cathy Whiteman conducted a storytelling workshop for

local elementary schools.

**Downtown Irving Magazine Advertising** – To stimulate tourism in the Heritage District, the Preservation and Redevelopment Board participated in a Texas Downtown Association joint advertisement in the October issue of *Texas Highways* magazine. The advertisement encouraged visitors to come to downtown Irving for “antiques, drug store soda fountain and more.”

### **Goal No. 7: Cultural, Recreational and Educational Environments**

**Football Champions, 1947** – The Irving Archives, housed at the Irving Central Library, is featuring an exhibit chronicling Irving High School’s 1947 football season when the team won the Region 4-A championship. The exhibit tells the story through memorabilia that illustrates an era when sports teams, cheerleaders and the crowning of the football sweetheart brought the whole city together to celebrate. Martha Jo Lucas, who was crowned “Football Sweetheart” that season, is now Martha Jo Watson and serves as president of the Irving Public Library Board. The exhibit will be on display through the end of December at 801 W. Irving Blvd. Archive hours are 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. Visitors can schedule a tour by calling (972) 721-3729.

**Book Gab to Go** – The Irving Public Library has designed book club kits for its library customers who belong to reading groups or are interested in starting one. These kits, called Book Gab to Go, include 10 copies of the same book with supporting materials such as reading group guides, author biographies and book reviews. Customers can check out Book Gab to Go for a standard period of six weeks. Two book kits may be checked out concurrently on one library card. As with other library items, Book Gab to Go can be reserved in advance and renewed for an extended checkout period. Call (972) 721-2606 to learn more or visit [www.cityofirving.org/library](http://www.cityofirving.org/library).

**Art Display** – Watercolor paintings by artist Ingrid Scobie will be on display Nov. 16-Jan. 4 at the Irving Central Library, 801 W. Irving Blvd. Scobie, a member and former executive director of the Visual Arts Society of Texas, combines classic composition with vibrant colors to create art that is both fresh and timeless. She has taught workshops on watercolor painting and continues to participate in a variety of art exhibitions. For more information, call (972) 721-2606.

**Rise Up Reading** – The Irving Central Library, 801 W. Irving Blvd., is planning activities beginning at 2 p.m. Nov. 17 to honor the close of Children’s Book Week. The two-hour program, called Rise Up Reading, will give kids the chance to create their own personalized book and bookmark. Children’s Book Week, a celebration of the written word, was established by the Children’s Book Council to introduce kids to writers and books in schools, bookstores, libraries and their own home. The nationwide effort, which runs Nov. 12-18, encourages young people and their families to discover the complexity of the world beyond their own experience through books. For more information, call (972) 721-2458 or go online to [www.cityofirving.org/library](http://www.cityofirving.org/library).

**Arts Center Open House** – Irving residents are invited to attend the Irving Arts Center’s 15<sup>th</sup> Annual Holiday Open House from 5 to 7 p.m. Dec. 7. This year’s theme is A Cajun Christmas. Festivities will kick off with the Holiday Exhibition and Tree Decorating Competition starting Nov. 24. Irving ISD parent-teacher organizations decorate 20 trees that will fill the Main Gallery through December. Community members (adults only) are invited to vote for their favorite tree during the Viewer’s Choice Award competition. Voting will take place at the Arts Center from Nov. 25-Dec. 5, and the Viewer’s Choice Award for best tree will be announced during the Holiday Open House.

**Veterans Day Event** – A Veterans Day event was held Nov. 10 at Porter’s Army and Navy Store, 600 Irving Blvd. Former Councilman James Dickens served as master of ceremonies. Activities

included speakers from all branches of the military and all active engagements, as well as musical performances by The Joshua Experience and Big Band Orchestra.

**Medicare Prescription Drug Enrollment** – The Heritage Senior Center, 200 S. Jefferson St., will help Medicare beneficiaries compare Medicare prescription drug plans and enroll in a plan from 9 a.m. to noon Nov. 16 and 30. Those with limited income can seek payment assistance with their prescriptions.

**Thanksgiving Camp** – Thanksgiving Camp for children ages 6-12 will be offered the week of Nov. 19 at all recreation centers. Contact a city recreation center for more information, or call the Parks and Recreation administrative office at (972) 721-2501.

**Holiday Extravaganza** – Celebrate the holiday season with the City of Irving's Holiday Extravaganza on Dec. 1. The free event will kick off at 4 p.m. with a Christmas parade in the Heritage District, followed by a tree lighting ceremony at 5:30 p.m. at Irving City Hall, 825 W. Irving Blvd. Additional entertainment includes holiday music by the Irving Symphonic Band, a fireworks show, Nimitz High Madrigal Choir, Santa Claus visits, outdoor games, a petting zoo, pony rides and food. An added feature to this year's holiday festivities is the holiday lights at Centennial Park, which will be on display during the Holiday Extravaganza and will continue through the month of December. Centennial Park is located at 444 W. Second St. For more information, call (972) 721-2501.

### **Goal No. 8: Sound Governance**

**2007 Digital Cities Survey** – The City of Irving tied for fourth place in this year's 2007 Digital Cities Survey in the population category of 125,000-249,999. The survey, which was conducted by The Center for Digital Government, recognizes the most technologically advanced cities in America. This is the first time the City of Irving has been ranked within the top five cities and was the only Texas city to be awarded in this category. Cities are ranked for the use of technology in areas such as resident services, public safety, strategic growth plan, architecture and infrastructure development, project and document management, online forms, and services available via the city's Web site.

**Employee Recognition Dinner** – Long-tenured city employees were honored with a special recognition dinner Nov. 9 at Texas Stadium Club. The event acknowledged employees who have provided 20, 25, 30 and 35 years of service to the City of Irving. Human Resources staff planned the event.

**Stop-Loss Medical Insurance** – Human Resources recovered \$230,086 from the city's stop-loss medical insurance carrier for reimbursement on individuals with medical insurance claims in excess of \$100,000. The payment will be credited to the self-funded health insurance fund.

**Upgrade of Electronic Document Management System** – The Information Technology Department has upgraded the city's electronic document management system. In addition to new hardware, users will notice a faster and more user-friendly interface. Some of the upgraded features include a new indexing engine for faster full-text searches, as well as a Web client view.

## **Goal No. 9: Infrastructure Network**

**Milling and Overlay Program** – The Public Works/Streets Division completed the 2006-07 milling and overlay program that was delayed by a rainy summer and equipment problems. Some of the major projects completed consisted of Shady Grove Road from MacArthur Boulevard to Glenwick Lane; Story Road from Rock Island Road to Pioneer Drive; Parkside Avenue from Story Road to the west end; Neece Drive from Perry Street to the south end; Perry Street from Nursery Road to Irving Heights Drive; and Santa Clara Street from Britain Road to Northgate Drive.

**HVAC Replacements** – Building Services continues to replace outdated, inefficient HVAC equipment that has reached its life expectancy and can no longer be repaired. More energy-efficient units were installed at Irving Community Television Network, Heritage Park Building, and Senter Park Recreation Center. Also, a preconstruction meeting was held to move forward with the replacement of the cooling tower at the Central Library. The new tower is more energy efficient and is constructed of solid stainless steel, which will lead to an increased life expectancy for the equipment.

**Kinwest Parkway Connector** – The Kinwest Parkway connector paving project will be awarded to Austin Bridge & Road LP, subject to City Council approval on Nov. 15. This \$475,700 project will provide needed traffic circulation from Kinwest Parkway to Interstate 635 frontage roads. Construction is expected to begin in January, with completion by next summer.

**Wildwood Drive Paving Project** – The Wildwood Drive paving project, from Shady Grove Road to Sixth Street, has been completed for a cost of \$2.7 million, which is 2.5 percent below the budgeted amount. The contractor also met the established time to complete the project.

## **Goal No. 10: Environmentally Sustainable Community**

**Master Composter Training** – Solid Waste Services graduated 11 residents from the fall master composter training class. Course participants received instruction to help them build compost bins, and were provided with tools to teach others about backyard composting. Graduates are asked to volunteer 40 hours toward public outreach of composting and recycling.

**Cans for Cash Contest** – Irving's participation in a national recycling challenge has resulted in the collection of 126,840 cans, or 4,228 tons of aluminum. Cans were collected from the city's recycling drop-off centers, two Dallas Cowboys games at Texas Stadium, and at all Irving ISD schools. W.T. Hanes Elementary School collected 19,080 cans, the most from any Irving school, and will be rewarded with a special magic show on Nov. 15 to celebrate Texas Recycles Day. The contest was sponsored by the United States Conference of Mayors and Novelis Corporation, in partnership with Keep America Beautiful.

**Computer Reuse Program Update** – The Information Technology and Solid Waste Services departments will be submitting a grant to the North Central Texas Council of Governments (NCTCOG) to seek funding for a computer reuse program. The program is to help bring computers to low-income families by collecting and salvaging used computers from the city, and eventually from the business community. NCTCOG grant recipients are notified in March.

## **CONSENT AGENDA**

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The consent agenda, items #2 through #17, were considered for approval. Mayor Gears asked if anyone wished to pull an item from the consent agenda for individual consideration. Mayor Gears stated that Item No. 5 would be dropped from the Consent Agenda and no action would be taken. **Councilman Smith moved to approve the consent agenda, items #2 through #17, excluding Item No. 5. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0**

- 2 Resolution No. 11-15-07-449** -- Approving The City Council Work Session Minutes Of October 31, 2007, And The City Council Meeting Minutes Of November 1, 2007
- 3 Resolution No. 11-15-07-450** -- Requesting Consideration Of An Extension Of Injury Leave For Police Sergeant James Mitchell
- 4 Resolution No. 11-15-07-451** -- Requesting The Mayor To Authorize The City Of Irving To Receive Funds From The Office Of U. S. Department Of Homeland Security Federal Emergency Management Agency (Assistance To Firefighters Grant Programs)
- 5 File No. 11-15-07-452** -- Approving Award To Metro Fire Apparatus Specialists, Inc. For The Purchase Of Powered/Mechanical Extrication Tools And Equipment
- 6 Resolution No. 11-15-07-453** -- Approving A Memorandum of Understanding Extending The Nutrition Service Through September 30, 2008, Between The City Of Irving And Dallas County Department Of Health And Human Services Older Adult Services Program And The Dallas Area Agency On Aging To Provide Daily Meal Service To Senior Citizens At The Heritage Senior Activity Center
- 7 Resolution No. 11-15-07-454** -- Awarding A Contract To Cole Construction, Inc. For The MacArthur Boulevard Beautification Project - Phase I
- 8 Resolution No. 11-15-07-455** -- Awarding A Bid To Northstar Construction, Inc. In The Net Amount Of \$2,292,000.00 For The Construction Of The Sam Houston Trail Park, Phase I Development Project
- 9 Resolution No. 11-15-07-456** -- Authorizing The Mayor To Accept The Texas State Library And Archives Commission Loan Star Libraries Grant
- 10 Resolution No. 11-15-07-457** -- Approving An Addendum To The Agreement For Legal Services With Bickerstaff Heath Delgado Acosta LLP In Connection With The Voting Rights Act Lawsuit
- 11 Resolution No. 11-15-07-458** -- Awarding A Contract To Austin Bridge & Road, L. P. For The Kinwest Parkway Connector Between Kinwest Parkway And Interstate Highway 635 Frontage Road Project



- 12 **Resolution No. 11-15-07-459** -- Authorizing The Mayor To Execute An Agreement With Herzog Contracting Corp. For Installation Of Railroad Crossing Upgrades At Britain Road, Pioneer Drive And Union Bower Road To Establish Quiet Zones
- 13 **Resolution No. 11-15-07-460** -- Ratifying The Award Of A Contract To S. J. Louis Construction Of Texas, LTD For The Emergency Replacement Of The Cottonwood Creek Sanitary Sewer Interceptor At O'Connor Boulevard And Riverside Drive Project
- 14 **Resolution No. 11-15-07-461** -- Ratifying The Award Of The Existing Contract With Global Pump Company, LLC. For Emergency Bypass Pumping
- 15 **Resolution No. 11-15-07-462** -- Renewal Of Proposal And Approval Of Amendment No. 2 With TRISTAR Risk Management For Claims Administration And Risk Management Services
- 16 **Resolution No. 11-15-07-463** -- Approving Amendment With M/A-COM To The Enhanced Digital Access Communications System (EDACS) Features Extended (FX) Maintenance Agreement
- 17 **Resolution No. 11-15-07-464** -- Purchases Funded In The 2007-2008 Budget Or Subject To Funds Being Appropriated In Future Fiscal Years
  - (A) Award -- Approving Award To Advanced Public Safety For Hand-Held Ticket Writers
  - (B) Award -- Approving Award To A T & T For Telecommunication Services
  - (C) Bids -- Annual Bid For Fire Department Bunker Clothing Awarded To NAFECO, Metro Fire, Fire Supply Inc., And Municipal Emergency Services
  - (D) Bids -- Annual Bid For Temporary Personnel Services Awarded To EuroStaff, A Division Of EuroStaff Inc.; Business Professional Staffing; And TMG (The Moore Group, Inc.)
  - (E) Bids -- Annual Bid For Replacement Of Water Meters To Vanguard Utility Service, Inc.
  - (F) Bids -- Annual Bid For General Housekeeping And Cleaning Products Awarded To Pollock Paper Distributors And CMP Enterprises Inc. DBA JaniMart

This concludes the consent agenda approving items #2 through 17, excluding Item No. 5.

## ZONING CASES

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- 18 Ordinance No. 8885** -- Amending The Comprehensive Plan To Change The Recommended Land Use From "South Beltline Road Corridor, Entertainment Subdistrict" To "Light Commercial" And Granting S-P-2 (Generalized Site Plan) For ML-20 (Light Industrial) Uses In Zoning Case #ZC-07-0036 -- A 46.22 Acre Tract Located On The East Side Of South Beltline Road, North Of Hunter Ferrell Road -- Pate Engineers, Applicant **(Postponed At The October 4, 2007, City Council Meeting)**

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Mayor Gears asked for a staff presentation on this item.

Manager of Planning and Development Steven Reed andnoted that at the October 4, 2007 meeting the Council moved to postpone tis case to the November 15<sup>th</sup> meeting to allow time for the applicant to consider the City's request to improve the fencing and landscape for the future development of this property.

Neil Voth, Managing Director of Operations for FedEx, presented the case and noted that the company does agree to the landscape stipulations.

**Councilman Philipp moved to approve the ordinance as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.**

- 19 Ordinance No. 8886** -- Zoning Case ZC07-0044 -- Granting PUD (Planned Unit Development) For S-P-1 (Detailed Site Plan) For R-AB (Restaurant With The Accessory Use Of The Sale Of Alcoholic Beverages For On-Premise Consumption) Uses -- A 0.0843 Acre Tract Located At 4200 North MacArthur Boulevard -- Midori Sushi, Inc., Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Mr. Steve Lee, Manager of Midori Sushi, Inc. 4020 N. MacArthur #114 presented the case.

**Councilman Philipp moved to approve the ordinance as presented. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 8-0.**

- 20 Ordinance No. 8887** -- Zoning Case ZC07-0051 -- Granting S-P-1 (Detailed Site Plan) For R-AB (Restaurant With The Accessory Use Of The Sale of Alcoholic Beverages for On-Premise Consumption) Uses -- An Approximately 0.96 Acre Tract Located At 2849 West Airport Freeway -- Los Lupes Restaurant, Owner/Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Planning and Development Manager Steven Reed presented the case.

**Councilman Stopfer moved to approve the ordinance as presented. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 8-0.**

- 21 Resolution No. 11-15-07-465** -- Zoning Case ZC07-0052 -- Granting S-P-2 (Generalized Site Plan) For C-O (Commercial Office), Assisted Living Facilities, Independent Living Facilities For Senior Citizens, And Other Similar Uses -- A 4.9391 Acre Tract Located On The North Side Of Kinwest parkway At Parkridge Boulevard -- Kinwest Realty Management, Applicant

Mayor Gears introduced the item and stated that the applicant wished to postpone this item to the December 13, 2007 City Council meeting.

**Councilman Philipp moved to postpone this item to the December 13, 2007 City Council meeting. Seconded by Councilman Spink the motion was approved by a vote of 8-0.**

- 22 Resolution No. 11-15-07-466** -- Amending The Comprehensive Plan To Change The Recommended Land Use From Single Family - Low Density Residential To Light Commercial And Granting C-OU-2 (Commercial Outdoor) District In Zoning Case ZC07-0054 -- An Approximately 0.44 Acre Tract Located At 1427 East Shady Grove Road -- Natanael And Milagro Trubio, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Planning and Development Manager Steven Reed presented the case and stated that staff could not recommend approval of this case.

The following registered to speak in opposition of this item:

Doug Harper, 1117 S. Delaware Street

**Councilman Meagher moved to deny this case. Seconded by Councilman Spink, the motion was approved by a vote of 8-0.**

- 23 Resolution No. 11-15-07-467** -- Amending The Comprehensive Plan To Change The Recommended Land Use From Retail To Light Commercial And Granting S-P-1 (Detailed Site Plan) For Automobile Sales And Display, New Or Used Cars And Trucks, In Zoning Case ZC07-0058 -- An Approximately 1.721 Acre Tract Located At 1313 West Airport Freeway -- Winstead PC, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition.

Tommy Mann, 5400 Renaissance Tower, Dallas, Texas, representing the applicant presented the case.

Michael Mantus, 7203 J. Carpenter Freeway, Dallas, Texas 75247 read a letter and spoke in favor of this item.

Roger N. McMennamy, President and CEO of Auto Master, 44 Champions Boulevard, Rogers, Arkansas, 72758, also spoke in favor of this item.

The applicant, Jon Holbert, Vice President of Auto Master, 4088 E. Skillman Road, Dallas, Texas, also spoke in favor of this item.

The following registered in favor of this item, but did not wish to speak:

Thanusi Mantus, 4564 Bordeaux, Dallas, Texas

Larry Smith, 5320 Northaven, Dallas, Texas

Planning and Development Manager Steven Reed stated that staff recommended denial of this case.

**Councilman Meagher moved to approve a resolution denying this case. Seconded by Councilman Stopfer, the motion was approved by a vote of 7-1, with Councilwoman Cannaday voting in opposition.**

- 24 Ordinance No. 8888** -- Zoning Case ZC07-0059 -- Granting S-P-1 (Detailed Site Plan) For Retail, Restaurant And Outside Dining Uses -- A 1.1478 Acre Tract Located At 2501 West Airport Freeway -- CNLRS BEP, LP, Applicant

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Ryan Scott, Construction Manager for Woodmont Company, 21100 W. 6<sup>th</sup> Street, Fort Worth, Texas, presented the case.

**Councilman Patrick moved to approve the ordinance as presented. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 8-0.**

#### **INDIVIDUAL CONSIDERATION**

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- 25 Ordinance No. 8889** -- Canvassing The Returns And Declaring The Results Of The Special Election Authorizing Admissions, Parking, And Hotel Occupancy Taxes Pursuant To Chapter 334, Texas Local Government Code Held On Tuesday, November 6, 2007

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Managing Director David Leininger reviewed the content of the approval of this tax per the request of Councilman Philipp.

**Councilman Smith moved to approve the ordinance as presented. Seconded by Councilman Stopfer, the motion was approved by a vote of 8-0.**

- 26 Resolution No. 11-15-07-468** -- Authorizing The City Of Irving To File A Lawsuit To Remove Outside Storage At 2408 Brockbank Drive, Irving, Texas

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Director of Code Enforcement Teresa Adrian presented the case and noted that there is illegal outside storage on this property.

**Councilman Spink moved to approve the resolution as presented. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 8-0.**

- 27 Resolution No. 11-15-07-469** -- Authorizing The City Of Irving To File A Lawsuit To Remove Outside Storage At 1916 West Oakdale Road And 1920 Meyers Road, Irving, Texas

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Director of Code Enforcement Teresa Adrian presented the case.

**Councilman Philipp moved to approve the resolution as presented. Seconded by Councilman Spink, the motion was approved by a vote of 8-0.**

- 28 Resolution No. 11-15-07-470** – Approving A Revised Amendment No. 1 To The Loan Purchase And Sale Agreement Between The City Of Irving And Comerica Bank *(Supplemental Agenda Item)*

Mayor Gears introduced the item and asked if anyone wished to speak in favor or opposition. There were no speakers.

Deputy City Attorney Brenda McDonald explained this item.

**Councilman Stopfer moved to approve the resolution as presented. Seconded by Councilman Meagher, the motion was approved by a vote of 8-0.**

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#### APPOINTMENTS AND REPORTS

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- 29** Committee And Liaison Report/Meetings

There were no committee or liaison reports given.

- 30** Mayor's Report

There was no report given.

31 The meeting adjourned at 8:18 p.m.

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### CITIZEN FORUM

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Andrew Goldsmith, 3000 Wingren Road, addressed the Mayor and Council regarding immigration issues. He asked that all put their personal bias behind them so that Irving has growth.

Abimael Cerda, Accion America, stated that he and others are against the illegal immigration program as it is dividing families, the program Accion America is trying to educate people.

Alejandra Campos, 329 Lakeside Drive, also addressed the Mayor and Council about immigration laws and stated that she is puzzled because of the mission statement and the 24/7 CAP. She stated that many people are fearful, and this is causing turmoil in the city. She asked that the immigration issues be handled at a federal level and not at a city level.

Tita Tamayo, 1622 Maryland, also spoke about immigration issues and stated that there was discrimination going on in the City of Irving.

Cherie Tillman, 157 Cowboys Parkway, was not present to speak.

Lilley Pintor, 1325 English Street, expressed her concern about immigration issues. She also asked why the 1,630 records regarding deportation of people are not available.

Oscar F. Ramirez, 917 E. Ridgewood Drive, Garland Texas, was not present to speak

Lidia Martinez, 917 E. Ridgewood, Garland, Texas, in support of Accion America, stated that she is against the 24/7 CAP.

William Gonzalez, 8610 Southwestern Blvd, Dallas, Texas was not present to speak.

Conrad Oertwig/Ana Garcia, 122 S. Jefferson, owns a small insurance company in Irving and stated that he is a small business in Irving and is losing business because of all the immigration publicity.

Robert Cantu, 2701 Blue Lake Court, addressed the Mayor and Council about being pulled over by an Irving Police officer.

Alfredo Guizarnotgo, P.O. Box 153006, was not present to speak.

William E. Vasquez, 2902 Lowell Drive, had a translator speak for him. He stated that he is also against the Criminal Alien Program.

Francisco Espino, 3317 Herrington, also spoke against the Criminal Alien Program.  
Salazar, 2530 W. Pioneer, was not present to speak.

Doug Harper, 1117 S. Delaware, addressed the Mayor and Council about zoning cases.

George Stephenson, 2105 Druid Drive, addressed the Mayor and Council about the neglect in South Irving.

Jacqualea Cooley, 1633 Drexel, commended the city for upholding the laws of our country, state, and city.

Joe Lengfellner, 2644 Brookside, spoke to the Mayor and Council about the U.S. Mayor's Climate Protection Agreement that several cities have already signed. He stated that this is about fostering a cleaner better environment and how the global warming affects the city of Irving. He also presented a handout to the Mayor and Council.

Rico Reyes, 716 S. Deerfield Circle, Arlington, Texas, addressed the immigrations issue and stated that HUD is proud of how the City Of Irving has utilized the federally funded programs.

ATTEST:

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Herbert A. Gears, Mayor

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Janice Carroll, TRMC  
City Secretary