

REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
October 21, 2010

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, October 21, 2010 at 7:10 p.m. The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Joe Philipp	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Roy Santoscoy	Irving City Council	Councilman	Present	
Mike Gallaway	Irving City Council	Councilman	Present	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

John Bonnot, Director of Business Recruitment with the Greater Irving–Las Colinas Chamber of Commerce, announced that Consolidated Electrical Distributors Inc. is relocating from West Village, California to Irving.

INVOCATION

The invocation was delivered by Pastor Andrew Jackson Jr., West Irving Church of God in Christ.

PLEDGE OF ALLEGIANCE

Councilman Patrick led those present in the pledge.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Gears asked Brian McGuire and Joe Matthews, members of the Advisory Committee on Disabilities, to come forward and announced that October is recognized as Disabilities Awareness Month.

Mayor Gears stated that 5th and 6th grade students throughout the Irving Independent School District participated in the city's annual Disabilities Awareness Month Poster Art Contest.

Mayor Gears recognized the following Honorable Mention students:

Joey Munoz, A.S. Johnston Elementary School

Aaron Barraza, Bowie Middle School

Jayden Thomas, Otis Brown Elementary School
Daisy Rodriguez, Stipes Elementary School
Elida Cadena, T.J. Lee Elementary School
Josalina Funes, T.J. Lee Elementary School
Gabrielle Nguyen, St. Luke's Catholic School

Mayor Gears also recognized the first place winners in this year's art contest:

Kaija Yule, W. T. Hanes Elementary School
Shella Samont, Stipes Elementary School
Febylein Tom, Stipes Elementary School
Brian Mendez, John Haley Elementary School
Illy Nelson, Otis Brown Elementary School

Judge Timothy Whisler swore in the following judges: Municipal Court Presiding Judge Rodney Adams and Municipal Court Judge Laura Anderson.

Wayne Lambert, Municipal Court Director, thanked Judge Whisler for his many years of service and presented Judge Anderson with her robe.

CITY COUNCIL AGENDA

1 City Operations Update

City Manager Tommy Gonzalez presented a video on the City's Operation Update.

CONSENT AGENDA

Motioned by Councilwoman Cannaday, seconded by Councilman Stopfer to approve consent agenda items 2-14.

Motion approved 9-0.

2 Approving Minutes for Wednesday, October 06, 2010

3 Approving Minutes for Thursday, October 07, 2010

4 Resolution No. RES-2010-315 -- Authorizing the Mayor to Enter into an Agreement with the Governor's Division of Emergency Management to Receive and Participate in the Fiscal Year 2008 Homeland Security Grant Program

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

- 5 Resolution No. RES-2010-316 -- **Approving and Adopting the Tarrant County 9-1-1 District 2010-11 Annual Budget**

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

- 6 Resolution No. RES-2010-317 -- **Approving an Economic Incentive Agreement Between the City of Irving and Michaels Stores, Inc.**

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

- 7 Resolution No. RES-2010-318 -- **Approving a Sister Cities/International Trade Development and Assistance Center Services Contract with the Greater Irving-Las Colinas Chamber of Commerce**

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

- 8 Resolution No. RES-2010-319 -- **Approving a Sales Contract for Right-of-Way Acquisition and Acknowledging the Receipt of Trust Agreement Identifying the True Owner of Property to be Purchased by the City of Irving in Accordance with Section 2252.092, Texas Government Code – Located at 1619 East Grauwylar Road – The Rodriguez Family Trust, Property Owner**

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

- 9 Resolution No. RES-2010-320 -- **Approving a Memorandum of Agreement Between the City of Irving and the Texas Department of Transportation for the Sale of Right-Of-Way on Property Located at 500 W. Las Colinas Boulevard for the Spur 348 Grade Separation Project**

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

- 10 Resolution No. RES-2010-321 -- **Approving a Memorandum of Agreement Between the City of Irving and the Texas Department of Transportation for the Sale of Right-Of-Way on Property Located at Southeast Corner of Spur 348 and Las Colinas Boulevard for the Spur 348 Grade Separation Project**

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

- 11 Resolution No. RES-2010-322 -- **Approving a Memorandum of Agreement Between the City of Irving and the Texas Department of Transportation for the Sale of Right-Of-Way on Property Located at South Line of Spur 348, East of Las Colinas Boulevard for the Spur 348 Grade Separation Project**

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

- 12 Resolution No. RES-2010-323 -- **Approving and Accepting the Proposals of CIGNA Healthcare - Connecticut General Life Insurance Company (CGLIC) and National Vision Administrators, L.L.C. (NVA) for Annual Contracts to Provide Employee Health Benefit Insurance Coverages**

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

- 13 Resolution No. RES-2010-324 -- **Approving and Accepting the Bid of Stagelight Inc., for the Power Distribution Package for Irving Convention Center**

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

- 14 Ordinance No. ORD-2010-9213 -- **Final Reading -- Granting a Franchise to B & B Waste Transit, Inc., for Solid Waste Collection Services Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas**

RESULT:	FINAL READING [UNANIMOUS] Next: 11/11/2010 7:00 PM
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Rick Stopfer, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy, Galloway

INDIVIDUAL CONSIDERATION

- 15 Ordinance No. ORD-2010-9215 -- **Amending Chapter 33 Entitled “Refuse, Garbage and Weeds” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Modifying the Provisions for Enclosure Screening Materials and the Allowable Locations of Commercial Containers**

Gary Miller, Planning and Inspections Director, presented an overview of the proposed dumpster enclosure amendments.

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

Ross Owen, 1225 E. Union Bower Rd.
Joe Mapes 504 N. Main, Euless, TX
Dorothy Owen, 1225 E. Union Bower Rd.

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

Edward Owen, 1225 E. Union Bower Rd.
Evan Owen, 1110 Owenwood Dr.

Motioned by Councilwoman Cannaday, seconded by Councilman Galloway to approve amending Chapter 33 Entitled “Refuse, Garbage and Weeds” of the code of civil and criminal ordinances of the city of Irving, Texas, by modifying the

provisions for enclosure screening materials and the allowable locations of commercial containers.

Motioned approved 9-0.

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

- 16 Ordinance No. ORD-2010-9216 -- **Amending Section 7-1 “Definitions”; Section 7-2 “General Provisions”; Section 7-3 “Special Provisions”; Section 7-4 “Prohibited Signs”; Section 7-5 “Nonconforming Signs”; Section 7-12 “Permits Required, Expiration, and Suspension or Revocation”; and Section 7-18 “Fee Schedule” of Chapter 7 “Billboards and Signs” of the Land Development Ordinances of the City of Irving, Texas**

Gary Miller, Planning and Inspections Director, presented an overview of the proposed sign amendments.

The following individual signed up to speak in favor of this item:
Steven Amador, 321 N. Story Rd

Motioned by Councilwoman Cannaday, seconded by Councilman Gallaway to amend the recommended ordinance changes to Section 7-3 (15) to allow four special event banner permits annually.

Motion failed 3-6.

Motioned by Councilman Philipp, seconded by Councilman Stopfer to approve amending Section 7-1 “Definitions”; Section 7-2 “General Provisions”; Section 7-3 “Special Provisions”; Section 7-4 “Prohibited Signs”; Section 7-5 “Nonconforming Signs”; Section 7-12 “Permits Required, Expiration, and Suspension or Revocation”; and Section 7-18 “Fee Schedule” of Chapter 7 “Billboards and Signs” of the Land Development Ordinances of the City of Irving, Texas.

Motion approved 9-0.

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

ZONING CASES AND COMPANION ITEMS

- 17 Ordinance No. ORD-2009-9142 -- **Amending the Comprehensive Plan to Change the Recommended Land Use from Office to Senior Living Residential and Granting S-P-2 (Generalized Site Plan) for C-O (Commercial Office) and Senior Living Facility Uses in Zoning Case #ZC09-0043 - Approximately 4.807 Acres Located at 3501 North MacArthur Boulevard - Baldwin Associates, Applicant - SCS Capital Group, LLC, Owner (Postponed at the February 18, 2010 City Council Meeting)**

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

Alan Naul, 3232 McKinney, Dallas, TX, representing the applicant presented the proposed senior living facility plan.

The following individual signed up to speak in favor of this item:
Michael Jarrett, 4706 Wild Turkey Trail, Arlington, TX

Mayor Gears closed the public hearing at approximately 8:27 p.m.

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve amending the comprehensive plan to change the recommended land use from Office to Senior Living Residential and Granting S-P-2 (Generalized Site Plan) for C-O (Commercial Office) and Senior Living Facility Uses in Zoning Case #ZC09-0043 - Approximately 4.807 Acres Located at 3501 North MacArthur Boulevard - Baldwin Associates, Applicant - SCS Capital Group, LLC, Owner subject to cementitious siding being limited to a maximum of 20% of any façade.

Motion approved 9-0.

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

- 18 Ordinance No. ORD-2010-9207 -- **Zoning Case #ZC10-0030 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) District Uses - Approximately 1.644 Acres Located at 1412 East Union Bower Road - JDJR Engineers and Consultants, Inc., Applicant - Carole Bogart, Owner (Postponed from October 7, 2010 City Council Meeting)**

Mayor Gears opened the public hearing at approximately 8:27 p.m.

Jim Dewey, JDJR Engineers, 2500 Texas Dr. #100, presented an overview of the requested redevelopment.

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

Dorothy Owen, 1225 E. Union Bower Rd.

Ross Owen, 1225 E. Union Bower Rd.

Anne Wedding, 1226 Ross Dr.

Linda Bodwell, 1411 Vance Dr.

Kathryn Gant, 1426 Vance Dr. (Ms. Bodwell ceded her time to Ms. Gant)

Bob Bodwell, 1411 Vance Dr.

Ray Muzyka, 1318 E. Union Bower Rd.

Amy Payne, 1201 Brookhurst St.

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

Carole Bogart, 1501 Daywood Ln. (ceded her time to Heather)

Heather Cawthon, 1413 Daywood Ln.

Robert Bogart, 1501 Daywood Ln.

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

Carol Boyle, 1330 Boyd Dr.

Susan Owen, 1110 Owenwood Dr.

Mike Boyle, 1330 Boyd

David Beaver, 1302 Milner Rd.

Ed Graham, 1319 E. Union Bower Rd.

Barbara Rimies, 1421 Vance Dr.

Edward Owen, 1225 E. Union Bower Rd.

Evan Owen, 1110 Owenwood Dr.

John Cartmill, 1405 Drexel Dr.

Mayor Gears closed the public hearing at approximately 9:20 p.m.

Public notices were sent to thirty-nine (39) property owners, with 25 letters and a petition with 19 signatures in support, and 112 letters and nine emails in opposition received. The opposition represents 57.12% of the property owners within 200 feet. Since property owners who have provided written opposition represent 20% or more of the land area within a 200 – foot radius of the property in question, state law requires a 3/4 vote of the entire council to approve the zoning case.

Mayor Gears, in an effort to reach a compromise, polled the Council by a show of hands, to see who would support the City's participation of \$90,000 to assist the developer in infrastructure improvements to the site if the developer reduces the number of lots to five - only three Councilmember's were in support: Mayor Gears, Councilman Stopfer and Councilman Gallaway.

Motioned by Councilman Patrick, seconded by Councilman Meagher to approve Zoning Case #ZC10-0030 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) District Uses - Approximately 1.644 Acres Located at 1412 East Union Bower Road - JDJR Engineers and Consultants, Inc., Applicant - Carole Bogart, Owner subject to an 8-foot fence be constructed as described by the applicant, restricting windows on the south side of houses adjacent to homes on Drexel, and 30' setbacks required on properties developed on E. Union Bower Road.

Motion failed 6-3. This denial is due to the required $\frac{3}{4}$ approval vote as described above of the City Council. Therefore, this zoning case has been denied.

RESULT:	DENIED [6 TO 3]
MOVER:	Lewis Patrick, Councilman
SECONDER:	Allan Meagher, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Philipp, Cannaday
NAYS:	Gerald Farris, Roy Santoscoy, Mike Gallaway

- 19 Ordinance No. ORD-2010-9217 -- **Amending the Comprehensive Plan to Change the Recommended Land Use from Low Density Residential to Senior Living Residential and Granting S-P-2 (Generalized Site Plan) for C-O (Commercial Office) and Senior Living Facility Uses in Zoning Case #ZC10-0037 - Approximately 7.2 Acres Located at 1525 Hard Rock Road - JDJR Engineers, Applicant - Edwin Bloomfield, Owner**

Mayor Gears opened the public hearing at approximately 10:14 p.m.

Jim Dewey, JDJR Engineers, 2500 Texas Dr. #100, presented an overview of the requested senior living residential facility.

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

Mayor Gears closed the public hearing at approximately 10:15 p.m.

Motioned by Councilman Philipp, seconded by Councilwoman Cannaday to amend the comprehensive plan to change the recommended land use from low density residential to Senior Living Residential and Granting S-P-2 (Generalized Site Plan) for C-O (Commercial Office) and Senior Living Facility Uses in Zoning Case #ZC10-0037 - Approximately 7.2 Acres Located at 1525 Hard Rock Road - JDJR Engineers, Applicant - Edwin Bloomfield, Owner.

Motion approved 9-0.

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

APPOINTMENTS AND REPORTS

20 Mayor's Report

Mayor Gears had no report at tonight's meeting.

21 Adjournment

The meeting adjourned at approximately 10:17 p.m.

Citizens' Forum

Fred LaVail, 1414 Lookout Circle- Mr. LaVail spoke of the issues with feral hogs damaging properties and described the diseases associated with these animals. He hopes for coordination between Animal Services and the Police Department in catching the feral hogs.

Herbert A. Gears, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary