

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
November 8, 2012**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, November 8, 2012 at approximately 7:04 p.m. The following members were present / absent:

Attendee Name	Organization	Title	Status	Arrived
Beth Van Duyne	Irving City Council	Mayor	Present	
Mike Gallaway	Irving City Council	Councilman	Present	
Roy Santoscoy	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 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

INVOCATION

The invocation was delivered by Rev. Michael Fay, Pastor of Briery Fellowship of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was given by Carolina Ortiz, Connor Vaughn, and Riley Vaughn from Brandenburg Elementary.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Van Duyne presented the Arbor Day Proclamation to members of the Tree Board and Mike Griffith, Parks Manager.

Mayor Van Duyne asked Captain Bruce Jamison of the Salvation Army to come forward to promote the Red Kettle Campaign Kick Off.

Mayor Van Duyne presented the Irving Convention and Visitors Bureau 40th Anniversary Proclamation to current board members and past board chairpersons.

CITY COUNCIL AGENDA

1 City Operations Update

Todd Reck, Director of Water Utilities, presented the City's operations update.

2 Heritage Crossing Update

Steven Reed, Assistant Director of Development Services, provided an update on the Heritage Crossing development project.

3 Input from Citizens Regarding Ethics Policies

No one signed up to speak on this item.

CONSENT AGENDA

Motioned by Councilman Santoscoy, seconded by Councilman Farris to approve consent agenda items 4-36 and pull item 22 for individual consideration.

Motion approved 8-0-1.

Councilman Putnam abstained.

4 Approving Minutes for Wednesday, October 17, 2012

RESULT:	ACCEPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

5 Approving Minutes for Thursday, October 18, 2012

RESULT:	ACCEPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

6 Approving Minutes for Monday, October 22, 2012

RESULT:	ACCEPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

7 Resolution No. RES-2012-330 -- Approving an Intergovernmental Lease Agreement Between the City of Irving and the State of Texas, Specifically the Texas Health and Human Services Commission (HHSC), for the Lease of 4,175 Square Feet of Office Space at the Family Advocacy Center Located at 600 West Pioneer for Use by the Texas Department of Family and Protective Services

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 8 Resolution No. RES-2012-331 -- **Authorizing the Mayor to Enter into an Agreement with the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2012 Homeland Security Grant Program**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 9 Resolution No. RES-2012-332 -- **Authorizing the Mayor to Accept Grant Funds through the Fiscal Year 2012 Emergency Management Performance Grant (EMPG) Offered by the Governor's Division of Emergency Management**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 10 Resolution No. RES-2012-333 -- **Awarding a Contract with Progressive Waste Solutions of TX, Inc. for the Sale of Capacity at Hunter Ferrell Landfill**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 11 Resolution No. RES-2012-334 -- **Nominating Zale Corporation to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for Designation as a Qualified Business and an Enterprise Project Under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 12 Resolution No. RES-2012-335 -- **Approving One-Time Payment to Certain City of Irving Retirees Whose Retirement Effective Dates Are Prior to January 1, 2012**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 13 Resolution No. RES-2012-336 -- **Authorizing Staff to Negotiate a Professional Services Contract with Rooftech for Roof Replacement Projects**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 14 Resolution No. RES-2012-337 -- **Approving an Interlocal Agreement Between the City of Irving, the City of Grand Prairie and Dallas County Accepting a Trail Development Grant for the Construction of Campion Trails**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 15 Resolution No. RES-2012-338 -- **Approving an Interlocal Agreement Between the City of Irving and the Dallas County Utility and Reclamation District (DCURD) for the Desiltation and Maintenance Related to District Waterways**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 16 Resolution No. RES-2012-339 -- **Approving an Interlocal Agreement Between the City of Irving and the Irving Flood Control District Section I for the Improvements, Repairs and Maintenance Related to District Storm Drainage and Flood Control Facilities**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 17 Resolution No. RES-2012-340 -- **Approving an Engineering Services Agreement Between the City of Irving and Glenn Engineering Corporation for the Design of the O'Connor Utility and Paving Reconstruction Project**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 18 Resolution No. RES-2012-341 -- **Approving the Single Source Award to TRW, LP, for the Installation of Stone Masonry Compression Walls**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 19 Resolution No. RES-2012-342 -- **Awarding a Contract to RKM Utility Services for the Grauwylar Road - Carl Road to SH Loop 12 Phase 2 Project**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 20 Resolution No. RES-2012-343 -- **Accepting U.S. Environmental Protection Agency Grant for 2012 Brownfields Community-Wide Petroleum Assessments**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 21 Resolution No. RES-2012-344 -- **Accepting U.S. Environmental Protection Agency Grant for 2012 Brownfields Community-Wide Hazardous Substances Assessments**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 22 Resolution No. RES-2012-345 -- **Approving a Professional Services Agreement Between the City of Irving and Gateway Planning Group, Inc., for Heritage Crossing Consulting**

The following individuals signed up to speak in support of this item:
Carol A. Lucas, 410 S. Delaware, Irving, TX

The following individuals signed up to speak in opposition of this item:
Lee Lowrie, 512 S. Jefferson, Irving, TX

The following individuals signed up in support but did not wish to speak:
Lorraine Taylor, 321 S. O'Connor Rd., Irving, TX

Motioned by Councilman Gallaway, seconded by Councilman LaMorgese to approve a professional services agreement between the City of Irving and Gateway Planning Group, Inc., For Heritage Crossing Consulting.

Motion approved 6-3.

Council members voting in opposition to this motion include: Councilman Webb, Councilman Putnam and Councilman Spink.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Mike Gallaway, Councilman
SECONDER:	Brad LaMorgese, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Cannaday, LaMorgese, Farris
NAYS:	Dennis Webb, Joe Putnam, Thomas Spink

- 23** Resolution No. RES-2012-346 -- **Approving a Sales Contract for the Purchase of a Public Drainage Easement through Lots 81, 82, and 83, Lakeside Landing Townhomes No. 2 Addition Located at 9011 Westminster Drive**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 24** Resolution No. RES-2012-347 -- **Authorizing and Supporting the City's Application to TxDOT for Transportation Enhancement Funding for the Trinity Railway Express (TRE) Hike and Bike Trail**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

25 Resolution No. RES-2012-348 -- Awarding Single Source Renewal to ESRI for the Geographic Information System Software Maintenance

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

26 Resolution No. RES-2012-349 -- Approving and Accepting the Bids of Stroud Safety Apparel and Susan Perrenot dba CoolStuff for an Annual Contract to Provide Uniform Outerwear

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

27 Resolution No. RES-2012-350 -- Approving and Accepting the Bid of Encon for an Annual Contract and Approving the Award to Dream Ranch through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard Program) to Provide Printer Supplies

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 28 Resolution No. RES-2012-351 -- **Approving and Accepting the Proposal of AOT Public Safety Corporation dba Public Safety Corporation for an Annual Contract to Provide Alarm Management Services**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 29 Resolution No. RES-2012-352 -- **Approving the Single Source Purchase from GT Distributors Inc., for Tasers**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 30 Resolution No. RES-2012-353 -- **Approving and Accepting the Bids of DACO Fire Equipment, Municipal Emergency Services, and North America Fire Equipment Co., Inc., (NAFECO) to Provide Bunker Clothing**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

31 Resolution No. RES-2012-354 -- Renewing the Contract with BLX Group, LLC (formerly Bond Logistix, LLC) for Arbitrage Consultant Services

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

32 Resolution No. RES-2012-355 -- Renewing the Annual Contract with Unica Janitorial Services to Provide Custodial Services for the Irving Arts Center

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

33 Resolution No. RES-2012-356 -- Approving and Accepting the Bids of Municipal Water Works Supply, Fortiline Inc., and Ferguson Enterprises, Inc., For Annual Contracts to Provide Brass Fittings

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 34** Resolution No. RES-2012-357 -- **Approving and Accepting the Bids of Municipal Water Works Supply and HD Supply Waterworks for Annual Contracts to Provide Couplings, Clamps, and Services Saddles**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 35** Resolution No. RES-2012-358 -- **Rejecting All Bids for Freeway, Street and Solar Lighting Maintenance and On-Call Services**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

- 36** Ordinance No. ORD-2012-9395 -- **Budget Adjustment #1 to the 2012-13 Fiscal Year Budget**

RESULT:	ADOPTED [8-0-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
ABSTAIN:	Joe Putnam

INDIVIDUAL CONSIDERATION

- 37** Resolution No. RES-2012-359 -- **Supporting the SH 183 Expansion Project Along with the City of Dallas, Dallas County, and the Texas Department of Transportation (TxDOT) and Appointing a Representative for the Senate Bill 1420 Committee**

Motioned by Councilman Farris, seconded by Councilman Gallaway to approve Supporting the SH 183 Expansion Project Along with the City of Dallas, Dallas County, and the Texas Department of Transportation (TxDOT) and Appointing Ramiro Lopez as the Representative for the Senate Bill 1420 Committee.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Farris, Councilman
SECONDER:	Mike Gallaway, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

ZONING CASES AND COMPANION ITEMS

- 38** Ordinance No. ORD-2012-9396 -- **Zoning Case #ZC12-0055 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.21 Acres Located at 2601 Quail Ridge - James Cox, Applicant/Owner**

Mayor Van Duyne opened the public hearing at approximately 7:59 p.m.

James Cox, 4601 Quail Ridge, Irving, TX - Mr. Cox is the applicant and has asked for a variance. He is available to answer any questions.

Mayor Van Duyne closed the public hearing at approximately 7:59 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman Spink to approve Zoning Case #ZC12-0055 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.21 Acres Located at 2601 Quail Ridge - James Cox, Applicant/Owner.

Motion approved 9-0

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 39 Ordinance No. ORD-2012-9397 -- **Zoning Case #ZC12-0056 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) - Approximately 0.99 Acres Located at 1000 West John Carpenter Freeway - Fuzzy's Tacos, Applicant - Taco Venture VII, LLC, Owner (Postponed at the November 8, 2012 City Council Meeting)**

It was noted that the applicant requested postponement of this item.

Motioned by Councilman Santoscoy, seconded by Councilman LaMorgese to postpone this item.

Motion approved 9-0.

RESULT:	POSTPONED [UNANIMOUS] Next: 12/13/2012 7:00 PM
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Brad LaMorgese, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 40 Ordinance No. ORD-2012-9398 -- **Zoning Case #ZC12-0064 - Granting S-P-1 (Detailed Site Plan) for Automotive Rental with Used Automobile Sales as a Permitted Accessory Use to Allow Used Auto Sales in Conjunction with Automobile Rental Operations - Approximately 1.45 Acres Located at 1700 East Airport Freeway - the Hertz Corporation, Applicant - Susan Schneider, Owner - (Postponed at the November 8, 2012 City Council Meeting)**

It was noted that the Planning and Zoning Commission has recommended postponement of this item.

Motioned by Councilman Santoscoy, seconded by Councilman LaMorgese to postpone this item to December 13, 2012.

Motion approved 9-0.

RESULT:	POSTPONED [UNANIMOUS] Next: 12/13/2012 7:00 PM
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Brad LaMorgese, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 41 Ordinance No. ORD-2012-9399 -- **Zoning Case #ZC12-0066 - 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) - Approximately 3,465 Square Feet Located at 925 West Royal Lane, Suite #140 - Bamboo Garden Restaurant, Applicant - Minnova Group 2 LLC, Owner**

Mayor Van Duyne opened the public hearing at approximately 8:02 p.m.

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 8:02 p.m.

Motioned by Councilman Gallaway, seconded by Councilman Santoscoy to approve Zoning Case #ZC12-0066 - 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) - Approximately 3,465 Square Feet Located at 925 West Royal Lane, Suite #140 - Bamboo Garden Restaurant, Applicant - Minnova Group 2 LLC, Owner.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Gallaway, Councilman
SECONDER:	Roy Santoscoy, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

- 42 Ordinance No. ORD-2012-9400 -- **Zoning Case ZC12-0049 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses with a Variance to the Separation Requirements Between an Establishment Selling Alcoholic Beverages and a Public School - Approximately 3.2 Acres**

**Located at 515 South MacArthur Boulevard - O'Brien Architects, Applicant;
Kroger Texas, LP, Owner**

Mayor Van Duyne opened the public hearing at approximately 8:03 p.m.

Gary Huddleston, 515 South MacArthur Blvd., Irving, TX - Mr. Huddleston, the applicant, presented an overview of his request for a variance to sale beer and wine at the Kroger Store located on 515 S. MacArthur Blvd. He included a plan to implement aesthetic improvements outside as well as inside the Kroger Store.

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

Kimberly Aaron, North Texas Food Bank, 4500 S. Cockrell Hill, Dallas, TX
Beth Galloway, 615 Lake Point Dr., Irving, TX
Diana Franzetti, 928 Bluebird Dr., Irving, TX
Loren Byers, 918 E. Tanglewood, Irving, TX
Danielle Deyarmin, 1331 E. Airport Freeway, Irving, TX
Bob Young, 7248 La Cosa, Dallas, TX
Michael Gonzales, 603 Scenic Dr., Irving, TX
JoAnn Goin, 3025 Luzon Rd., Irving, TX
YoLanda Lockett, 5221 N. O'Connor Blvd, Suite 190, Irving, TX
Beth Bowman, 5201 N. O'Connor Blvd, Suite 100, Irving, TX
Robert Martinez, 1000 Lake Carolyn Parkway, Irving, TX

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

Margie Stipes, 1602 Upton Place, Irving, TX
William Few, 1424 Abbott, Irving, TX
Joan Few, 1424 Abbott, Irving, TX
Amy Stevenson, 2421 Park Crest Ct., Irving, TX
Mark Dyer, 7411 Primrose, Irving, TX
Beca DeLoach, 1205 Ichabod Ct., Irving, TX
Clyde DeLoach, 1205 Ichabod Ct., Irving, TX
Robert Corser, 311 W. 7th, Irving, TX
Kensley Stewart, 3916 Tacoma, Irving, TX
Charles Mach, 709 Bowman, Irving, TX
Doug Harper, 16 Fair Green Dr., Trophy Club, TX

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

Mary Douglas, 1927 Briarwood Lane, Irving, TX
Roland Medina, 1600 N. MacArthur Blvd., Irving, TX
Joe Bethke, 515 S. MacArthur Blvd., Irving, TX
Bob Rarick, 2201 W. Grauwlyer, Irving, TX
Gary DeLong, 1604 Rock Cliff, Flower Mound, TX
Janice Walker, 3352 Ralen Ct., Fort Worth, TX
Kirsten Bechner, 2201 W. Grauwlyer St., Irving, TX
Shiraz Shalwani, 305 Cimarron Trl., Irving
Cathy Hiam, 2004 Robinson St., Irving, TX

Sue Rivera, 515 South MacArthur, Irving, TX
Kourtney Trahan, 585 South MacArthur, Irving, TX
Lorraine Taylor, 321 S. O'Connor Rd., Irving, TX
Clem Lear, 4643 O'Connor Ct., Irving, TX
Jeff Pruitt, 1518 Bryan St., Irving, TX
Ginnie Burnett, 1518 Bryan St., Irving, TX
James Baker, 2724 Lake Gardens, Irving, TX
Paul Romeo, 419 Staffordshire, Irving, TX
Raquel Flores, 515 S. MacArthur, Irving, TX
Norman Sanchez, 515 S. MacArthur, Irving, TX
Rick Lindsey, 509 E. Rochelle Rd., Irving, TX
Lisa Sturgeon, 1809 W. Oak, Irving, TX
Chandra Hill, 313 W. 12th Street, Irving, TX
Gary Huddleston, 1331 E. Airport Freeway, Irving, TX

The following individuals signed up in opposition but did not wish to speak:

Wes Pyfer, 1920 Sandy Lane, Irving, TX
Carol Pyfer, 1920 Sandy Lane, Irving, TX
Raleigh Mae Stevenson, 2421 Park Crest Ct., Irving, TX
Richard A. Buck, 2703 Alan-A-Dale, Irving, TX
Alla Merle Buck, 2703 Alan-A-Dale, Irving, TX
Joyce B. Beaver, 2029 Ryan St., Irving, TX
James Beaver, 2029 Ryan St., Irving, TX
John Van Buren, 2404 Creekside Circle So., Irving, TX
Melva White, 1912 Anna Dr., Irving, TX
Keith White, 1912 Anna Dr., Irving, TX
Woody Schober, 1014 Olde Towne, Irving, TX
Carol Schober, 1014 Olde Towne, Irving, TX
Nichlus Mosty, 514 Roberts Ave., Irving, TX
Julie Mosty, 514 Roberts Ave., Irving, TX
Deborah Gallaway, 700 Ricker Ct., Irving, TX
Karen Harmon, 717 Lexington, Irving, TX
Delhi Ekambo, 519 Dyer St., Irving, TX
Helen Mack, 709 Bowman, Irving, TX

Mayor Van Duyne closed the public hearing at approximately 9:36 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Farris to approve Zoning Case ZC12-0049 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses with a Variance to the Separation Requirements Between an Establishment Selling Alcoholic Beverages and a Public School - Approximately 3.2 Acres Located at 515 South MacArthur Boulevard - O'Brien Architects, Applicant; Kroger Texas, LP, Owner.

Motion approved 6-3.

Council members voting in favor of this item include: Mayor Van Duyne, Councilman Santoscoy, Councilman Webb, Councilman Farris, Councilwoman Cannaday and Councilman LaMorgese.

Council members voting in opposition to this item include: Councilman Putnam, Councilman Spink and Councilman Gallaway.

RESULT:	ADOPTED [6 TO 3]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Santoscoy, Webb, Cannaday, LaMorgese, Farris
NAYS:	Mike Gallaway, Joe Putnam, Thomas Spink

APPOINTMENTS AND REPORTS

- 43** Resolution No. RES-2012-360 -- **Confirming the Reappointment of Kerry Jones by the City Manager as a Commissioner to Serve on the Fire Fighters' and Police Officers' Civil Service Commission to Fill a Three-Year Term Expiring November 2015**

Motioned by Councilman Farris, seconded by Councilman Spink to confirm the reappointment of Kerry Jones by the City Manager as a Commissioner to Serve on the Fire Fighters' and Police Officers' Civil Service Commission to Fill a Three-Year Term Expiring November 2015.

Motion approved 9-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Farris, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink

44 Resolution No. RES-2012-361 -- Annual Appointments to Boards, Commissions, and Committees, to Fill Two-Year Terms Expiring November 2014, and Various Unexpired Terms

Motioned by Councilman Farris, seconded by Councilman Spink to make the following Annual Appointments to Boards, Commissions, and Committees, to Fill Two-Year Terms Expiring November 2014, and Various Unexpired Terms:

Irving Advisory Committee on Disabilities to reappoint:

Doug Mobley, Place 2
Marcia Pulich, Place 4
Bob Davies, Place 10

and appoint:

Laura Holmes, Place 6
Stella Ashley, Place 8

and appoint

Charles Kirk, Place 3
Joe Matthews, Place 5
to terms expiring November 2013

and

Mary Tatro as an Ex Officio member

Irving Animal Services Advisory Committee to reappoint:

Sarah Kammerer, Place 2
Dr. Billy Burkett, Place 4

and appoint

Kate Mayo, Place 6

and

Holly Elms as an Ex Officio member

Irving Arts Board to reappoint:

Robin Beggs, Place 2
Francesca Funk, Place 4
Elaine Niemeier, Place 6
Jo-Ann Bresowar, Place 8
Richard Stewart, Place 10

Irving Board of Health to reappoint:

Dr. Michael Chiu, Place 2
Stephen Schellenberg, Place 4
John Drake, Place 6
Mary Kay Hartley, Place 8

Building and Standards Commission to reappoint:

Michael Havens, Place 2
Oscar Ward, Place 4
Rennener Lorica, Place 2 (Alternate)
Deo Nabar, Place 4 (Alternate)

Construction Board of Appeals to reappoint:

Larry Taylor, Place 2
Raymond Brown, Place 4
Richard Comstock, Place 6

and appoint

Brea Gate, Place 7
to a term expiring November 2013

Irving Convention and Visitors Bureau Board of Directors to reappoint:

Lisa Sturgeon, Place 2
Robert Martinez, Place 4
Chris Arrington, Place 6
Bob Bula, Place 10
Greg Malcom, Place 12
Luis Argote, Place 2, Non-voting Hospitality
Susan Skaggs, Dallas Cowboys Football Club
Robert Galecke, University of Dallas
Jacky Knox, Dallas County Utility & Reclamation District (DCURD)
Dan Matkin, Past ICVB Board Member

Board of Directors of the Dallas County Flood Control District No. 1 to reappoint:

Donna Leipsic
To a term expiring August 2014.

Green Advisory Board to appoint:

Johnnie Pegus, Place 12
Mary Husa, Place 14

and appoint

Pamela Ducas, Place 13
John Barrett, Place 15
to terms expiring November 2013

Housing and Human Services Board to reappoint:

Cynthia Faust, Place 2

and appoint:

Antwon Wimbish, Place 4
Yolanda Carroll, Place 6
Wendy Burton, Place 8

and appoint

Dorothy Ferrell, Place 5
Gregory Williams, Place 9
to terms expiring November 2013

Irving Library Board to reappoint:

Robert Gerard, Place 2
Virginia Meler, Place 4
Martha Watson, Place 8

and appoint:

Mary Mooreman, Place 6

Irving Museum Board to reappoint:

Shirley Chowritmootoo, Place 4
James Connolly Jr., Place 6
Dr. Clay Gilbert, Place 8

and appoint:

Roberta Carnley, Place 2

Parks and Recreation Board to reappoint:

Scott Huber, Place 2
Mike Kwiatkowski, Place 4
J. Fitzmaurice Boyle, Place 6
Trivella Smith, Place 8

and appoint:

Steven Schreur, Place 3
to a term expiring November 2013

Planning and Zoning Commission to reappoint:

Chris Allen, Place 1
Sushil Patel, Place 3

and appoint:

Dan Niemeier, Place 2
Robert LaRose, Place 4

Youth Council to reappoint:

Gary Schepf, Place 2
Doug Fox, Place 4
Paula Parks, Place 6

Zoning Board of Adjustments and Appeals to reappoint:

Randy Necessary

and appoint

Sheila Johnson
John Threadgill (Alternate)
Tom Fullerton (Alternate)

Motion approved 8-0.

Councilman Webb was absent during the motion.

RESULT:	ADOPTED [8-0]
MOVER:	Gerald Farris, Councilman
SECONDER:	Thomas Spink, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Putnam, Cannaday, LaMorgese, Farris, Spink
ABSENT:	Dennis Webb

45 Mayor's Report

It was the consensus of the Council to hold Citizen's Forum before going into Executive Session.

Citizens' Forum

Citizens are invited to speak for three (3) minutes on matters relating to City government and on items not listed on the regular agenda.

Lee Lowrie, 512 S. Jefferson, Irving, TX - Ms. Lowrie did not speak.

Doug Harper, 16 Fair Green Drive, Trophy Club, TX - Mr. Harper spoke regarding using cheaper plastic bags to line a reusable plastic bins as opposed to the heavier blue plastic bags currently used in Irving.

Kensley Stewart, 3916 Tacoma, Irving, TX - Mr. Stewart requested again that the City Council short agenda include the costs of items to enhance transparency.

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

EXECUTIVE SESSION

Legal Advice - Oak Villas Apartments

Council convened into executive session pursuant to Section 551.071 of the Texas Local Government Code at approximately 10:46 p.m.

Council reconvened from executive session at approximately 11:13 p.m.

46 Adjournment

The meeting adjourned at approximately 11:14 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary