

**REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
October 18, 2012**

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, October 18, 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	

ORGANIZATIONAL SERVICE ANNOUNCEMENTS

INVOCATION

The invocation was delivered by Senior Pastor Joshua Prices of Celebration Worship Center of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was given by Adam Hunter from W.T. Hanes Elementary.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Van Duyne presented a proclamation to Ranae Fletcher for 25 years of service as a school crossing guard.

Mayor Van Duyne recognized the Police Explorers who participated in the Fort Worth Police Department Explorer SWAT Camp and received one 1st and two 2nd place awards.

Mayor Van Duyne recognized the PAL boxers that participated in the 2012 Ringside World Boxing Championships held in Kansas City, Mo. Jaime Guerrero and Alejandro Guerrero won 1st place; and Miguel Nunez and Fabian Alvarado won 2nd place.

CITY COUNCIL AGENDA

1 City Operations Update

Susan Rose, Assistant Director of Business and Civic Affairs, presented a video on the City's operations.

2 Heritage Crossing Update

Kevin Kass provided an update on the Heritage Crossing development project.

3 Input from Citizens Regarding Ethics Policies

The following individuals signed up to speak on this item:
Joe Mapes, PO Box 141864, Irving, TX

CONSENT AGENDA

Motioned by Councilman LaMorgese, seconded by Councilman Farris to approve consent agenda items 4-27; pull items 14 and 16 for individual consideration and items 15 and 18 have been withdrawn per staff's recommendation.

Motion approved 9-0

4 Approving Minutes for Wednesday, September 26, 2012

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

5 Approving Minutes for Thursday, September 27, 2012

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

6 Approving Minutes for Wednesday, October 03, 2012

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

7 Approving Minutes for Thursday, October 04, 2012

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

8 Resolution No. RES-2012-308 -- Authorizing Additional Funding for a Legal Services Agreement with The Chamberlain Law Firm

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

9 Resolution No. RES-2012-309 -- Approving Settlement in City of Irving, Texas v. William N. Barstow

The following individuals signed up to speak in support of this item:
Kensley Stewart, 3916 Tacoma St., Irving, TX

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

- 10 Resolution No. RES-2012-310 -- **Approving an Interlocal Agreement Between the City of Irving and the North Central Texas Council of Governments for the Regional Stormwater Management Program, Two Letters of Authorization for the Regional Stormwater Monitoring Program and Regional Stormwater Management Program, and a Funding Commitment Response Form for Regional Public Works Program and Authorizing Fiscal Year 2013 Funding for the Regional Stormwater Monitoring Program, the Regional Stormwater Management Program, and the Regional Public Works Program**

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

- 11 Resolution No. RES-2012-311 -- **Approving a Discretionary Service Agreement Between the City of Irving and Verizon, for the Undergrounding of Facilities on MacArthur Boulevard from Metker to Northgate**

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

- 12 Resolution No. RES-2012-312 -- **Awarding a Contract to Concord Commercial Services, Inc., for the Glass Block Replacement at the Criminal Justice Center Court Building**

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

- 13 Resolution No. RES-2012-313 -- **Relating to Entertainment Center Concessionaire Non-Disturbance Agreements with Blue Marble 360, LLC; B Concessionaire-Las Colinas, LLC; BB Concepts, LLC; and B Retail, LLC**

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

- 14 Resolution No. RES-2012-314 -- **Approving a Sales Contract for the Acquisition of an 0.901 Acre Tract of Land Located At 1003 Oakland Drive – JPMorgan Chase Bank, National Association, Successor in Interest from the FDIC as Receiver of Washington Mutual Bank F/K/A Washington Mutual Bank, F.A, Property Owner**

Councilman Gallaway asked for a follow-up presentation from staff. Doug Janeway provided a presentation.

The following individuals signed up to speak in opposition of this item:
Joe Mapes, PO Box 141864, Irving, TX
Kensley Stewart, 3916 Tacoma St., Irving, TX

Motioned by Councilman Putnam, seconded by Councilman Santoscoy to approve a Sales Contract for the Acquisition of an 0.901 Acre Tract of Land Located At 1003 Oakland Drive - JPMorgan Chase Bank, National Association, Successor in Interest from the FDIC as Receiver of Washington Mutual Bank F/K/A Washington Mutual Bank, F.A, Property Owner

Motioned approved 6-3.

Council members voting in opposition to this motion include: LaMorgese, Gallaway, and Cannaday.

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

- 15 Resolution No. RES-2012-315 -- **Approving an Application Filing with the Texas Water Development Board (TWDB) to Seek Financial Assistance for the West Irving Creek Interceptor Project**

This item has been withdrawn per staff's recommendation.

RESULT:	WITHDRAWN NO VOTE
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- 16 Resolution No. RES-2012-316 -- **Approving a Contract with the Bear Creek Development Corporation for the Development of Vacant Lots on Tudor Lane**

No one signed up to speak on this item.

Motioned by Councilman Webb, seconded by Councilman LaMorgese to Approve a Contract with the Bear Creek Development Corporation for the Development of Vacant Lots on Tudor Lane

Motioned approved by 9-0.

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

- 17 Resolution No. RES-2012-317 -- **Approving a Contract with Irving Community Development Corporation for the Development of Vacant Lots on Tudor Lane**

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

18 Resolution No. RES-2012-318 -- Authorizing the Acquisition and Renovation of a Property Located at 618 N. Rogers

This item has been withdrawn per staff's recommendation.

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

Kenneth Ewing, 2524 Crestview Circle, Irving, TX

RESULT:	WITHDRAWN NO VOTE
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19 Resolution No. RES-2012-319 -- Authorizing the Irving Convention and Visitors Bureau to Purchase Advertising Space in the Media

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

20 Resolution No. RES-2012-320 -- Renewing the Annual Contract with Maloney Strategic Communications, Inc., for Advertising Agency Representation

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

- 21 Resolution No. RES-2012-321 -- **Approving and Accepting the Bids of Already Gear, Inc., and Susan Perrenot dba CoolStuff for Annual Contracts to Provide Uniforms for Field Employees**

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

- 22 Resolution No. RES-2012-322 -- **Approving and Accepting the Bid of Staples Advantage for an Annual Contract to Provide Office Supplies**

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

- 23 Resolution No. RES-2012-323 -- **Renewing the Annual Contract with Western-BRW Paper Company, Inc., for Office Paper**

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

- 24 Resolution No. RES-2012-324 -- **Approving and Accepting the Bids of Sunbeam Foods Inc., and Southern Foods Group, LLC, dba Oak Farms/Schepps for Annual Contracts to Provide Prisoner Food**

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

- 25 Resolution No. RES-2012-325 -- **Renewing the Annual Contract with Dyna Pak Corp., for Polyethylene Refuse and Recycling Bags**

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

- 26 Resolution No. RES-2012-326 -- **Terminating and Approving Contracts with West, a Thomson Reuters Business (West Publishing Corporation) for Computer Assisted Legal and Investigative Research Services and West Complete Library**

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

- 27 Resolution No. RES-2012-327 -- **Rejecting All Bids for Concrete Repair or Installation of Sidewalks, Streets, and Alleys**

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

INDIVIDUAL CONSIDERATION

- 28 Resolution No. RES-2012-230 -- **Adopting an Ethics Code and Policies for the City of Irving**

The following individual signed up to speak in opposition of this item:
Joe Mapes, P.O. Box 141864, Irving, TX

Motioned by Councilman Santoscoy, seconded by Councilman Farris to postpone Adopting an Ethics Code and Policies for the City of Irving.

Motion approved 9-0.

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

ZONING CASES AND COMPANION ITEMS

- 29** Resolution No. RES-2012-328 -- **Street Name Change - ZC12-0060 - Renaming the Street Called Hackberry Road to Chartwell Drive - Billingsley Company, Applicant**

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

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

Elena Corry Bell, 500 Colony Ct., Irving, TX
Virginia Meler, 8520 Mill Creek Rd., Irving TX

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

Tom Caperton, 1633 Boundbrook Ln., Irving, TX
Patty Landers Caperton, 1633 Boundbrook Ln., Irving, TX

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

Motioned by Councilman Webb, seconded by Councilwoman Cannaday to approve Street Name Change - ZC12-0060 - Renaming the Street Called Hackberry Road to Chartwell Drive - Billingsley Company, Applicant.

Motion denied 4-5.

Council members voting in favor of this motion include: Mayor Van Duyne, Webb, Farris, and Cannaday.

Council members voting in opposition of this motion include: Putnam, Spink LaMorgese, Santoscoy, and Gallaway.

RESULT:	DENIED [4 TO 5]
MOVER:	Dennis Webb, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Beth Van Duyne, Dennis Webb, Rose Cannaday, Gerald Farris
NAYS:	Gallaway, Santoscoy, Putnam, LaMorgese, Spink

- 30 Ordinance No. ORD-2012-9392 -- **Zoning Case ZC11-0003 - Granting S-P-1 (Detailed Site Plan) for ML-20 (Light Industrial) Uses - Approximately 1.31 Acres Located at 312, 318 and 328 North Jefferson and 220 and 230 Mavis Street - Arturo Figueroa, Joseph H. and Mercedes Acosta and Auto Body Services, Applicants/Owners**

Mayor Van Duyne opened the public hearing at approximately 8:25 p.m.

The following individuals signed up to speak in opposition of this item:
JoAnn B. Walker, 1512 Ben Dr., Irving, TX

Mayor Van Duyne closed the public hearing at approximately 8:39 p.m.

Motioned by Councilman LaMorgese, seconded by Councilman Farris to approve Zoning Case ZC11-0003 - Granting S-P-1 (Detailed Site Plan) for ML-20 (Light Industrial) Uses - Approximately 1.31 Acres Located at 312, 318 and 328 North Jefferson and 220 and 230 Mavis Street - Arturo Figueroa, Joseph H. and Mercedes Acosta and Auto Body Services, Applicants/Owners.

Motion approved 8-1.

Councilman Spink voted in opposition of this motion.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Brad LaMorgese, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris
NAYS:	Thomas Spink

- 31 Ordinance No. ORD-2012-9393 -- **Zoning Case #ZC11-0008 - Granting S-P-2 (Generalized Site Plan) for P-O (Professional Office) and Educational, Religious and Cultural Uses - Approximately 2.81 Acres Located at 2140 East Irving Boulevard, 2136 Circle Drive and 2140-2144 Rosebud Drive - WAT DFW of Texas, Applicant/Owner**

Mayor Van Duyne opened the public hearing at approximately 8:40 p.m.

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 8:42 p.m.

It was noted that the opposition to this case represents 20.23% of the land within 200 feet of the subject property; therefore, a $\frac{3}{4}$ vote is required for approval.

Motioned by Councilman Santoscoy, seconded by Councilman Putnam to approve Zoning Case #ZC11-0008 - Granting S-P-2 (Generalized Site Plan) for P-O (Professional Office) and Educational, Religious and Cultural Uses - Approximately 2.81 Acres Located at 2140 East Irving Boulevard, 2136 Circle Drive and 2140-2144 Rosebud Drive - WAT DFW of Texas, Applicant/Owner.

Motion approved 8-1.

Councilman Gallaway voted in opposition of this motion.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Joe Putnam, Councilman
AYES:	Van Duyne, Santoscoy, Webb, Putnam, Cannaday, LaMorgese, Farris, Spink
NAYS:	Mike Gallaway

- 32 Ordinance No. ORD-2012-9394 -- **Zoning Case #ZC12-0048 - Amending the Comprehensive Plan to Change the Recommended Land Use to Low Density Residential and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 5.43 Acres Located on the West Side of SH 161, South of South Innisbrook Drive - JDJR Engineers, Applicant - Christ Temple Church, Inc, Owner**

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

No one signed up to speak on this item.

Mayor Van Duyne closed the public hearing at approximately 8:46 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman LaMorgese to approve Zoning Case #ZC12-0048 - Amending the Comprehensive Plan to Change the Recommended Land Use to Low Density Residential and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 5.43 Acres Located on the West Side of SH 161, South of South Innisbrook Drive - JDJR Engineers, Applicant - Christ Temple Church, Inc, Owner.

Motion approved 9-0.

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

APPOINTMENTS AND REPORTS

33 Mayor's Report

The Mayor noted that former Councilman Sam Smith died last week and asked for a moment of silence.

34 Adjournment

The meeting adjourned at approximately 8:50 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary

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.

Joe Mapes, PO Box 141864, Irving, TX - Mr. Mapes did not speak.

Mary Rhodes, 5125 Delaware St. #6, Irving, TX - Ms. Rhodes spoke regarding the changes made with DART Para-transit that are causing the elderly and disabled in her neighbor multiple problems. Ms. Rhodes stated that she has missed multiple doctor appointments and other appointments due to the changes made with DART Para-transit.

Emma West, 3639 W. Northgate #152, Irving, TX - Ms. West spoke regarding the need for additional street lights on William DeHaas Rd.

Kensley Stewart, 3916 Tacoma St., Irving, TX - Mr. Stewart did not speak.

Julio Vasquez, 2338 N. MacArthur Blvd. #1019, Irving, TX - Mr. Vasquez spoke regarding the poor living conditions and high water bills at Oak Villa Apartments.

Arnoldo Briceno, 2312 N. MacArthur Blvd. #1157, Irving, TX - Mr. Briceno spoke of the poor response from management at the Oak Villa apartments regarding broken air conditioners and an infestation of bugs and rodents in his apartment.

Adriana Jackson, 2308 N. MacArthur Blvd. # 2024, Irving, TX - Ms. Jackson did not speak.

Denise Mesia, 2434 N. MacArthur Blvd. #1418, Irving, TX - Ms. Mesia did not speak.

Cyndi Avila, 2438 N. MacArthur Blvd. #1511, Irving, TX - Ms. Avila spoke regarding the very poor living conditions at the Oak Villa Apartments that include: leaking sewage around the property, the water being turned off for most of the day, rodent infestation, and high drug activity.

Carlos Quintanilla, 421 S. Dwight, Dallas, TX - Mr. Quintanilla asked the City Manager and City Council to assist in resolving the problems at the Oak Villa Apartments.