

REGULAR MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
January 10, 2013

The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, January 10, 2013 at approximately 7:09 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

Teddie Story, Irving Cares, 440 S. Nursery Rd., Irving, TX - Ms. Story, CEO of Irving Cares, spoke regarding the recent domestic violence incident that occurred at Irving Cares. She stated that the staff and clients are saddened by the event and that counseling is being provided for anyone who needs it. Ms. Story added that they are working with city officials and will continue to provide services to the community in a safe environment.

INVOCATION

The invocation was delivered by Pastor Minister Greg Beauchamp of South Mac Church of the City of Irving, Texas.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was given by Ezequiel Cordova from Lively Elementary.

PROCLAMATIONS AND ANNOUNCEMENTS

Mayor Van Duyne presented the Spirited Youth Award to third quarter recipient Hasan Yaqub and fourth quarter recipient Chris Alexander.

Mayor Van Duyne presented the High Spirited Citizen Award to Diann Contestabile.

CITY COUNCIL AGENDA

1 City Operations Update

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

2 Heritage Crossing Update

There was no Heritage Crossing Update at tonight's meeting.

3 Input from Citizens Regarding Ethics Policies

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

CONSENT AGENDA

Motioned by Councilman Santoscoy, seconded by Councilman LaMorgese to approve consent agenda items 4-33; pull items 14, 31 and 32 for individual consideration and withdraw item 25.

It was noted that Councilman Gallaway abstained from item 8.

Motion approved for consent agenda 8-0-1.

4 Approving Minutes for Wednesday, December 12, 2012

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

5 Approving Minutes for Thursday, December 13, 2012

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

6 Resolution No. RES-2013-1 -- Approving a Texas Traffic Safety Program Grant Agreement Between the City of Irving and the State of Texas, Acting by and through the Texas Department of Transportation, for a Selective Traffic Enforcement Program (STEP) Grant for DWI Enforcement

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

7 Resolution No. RES-2013-2 -- Approving a Memorandum of Understanding Between the City of Irving and Dallas County for Prisoner Transport Assistance Services

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

- 8 Resolution No. RES-2013-3 -- **Approving an Interlocal Agreement Between the City of Irving and Dallas County Community College District-Brookhaven College School of Emergency Medical Services**

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

- 9 Resolution No. RES-2013-4 -- **Approving an Interlocal Agreement Between the City of Irving and North Central Texas Trauma Regional Advisory Council**

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

- 10 Resolution No. RES-2013-5 -- **Approving the Implementation of an Expanded Advertising Program to Promote Special Events in FY2012-13, Contingent on Approval of Financial Services' Budget Adjustment Request in the Amount of \$75,000.00.**

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

11 Resolution No. RES-2013-6 -- **Approving the City of Irving Investment Policy**

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

12 Resolution No. RES-2013-7 -- **Authorizing Reimbursement Agreement in an Amount Not to Exceed \$6,500,000 with Gables Residential for Public Infrastructure Improvements Within the Tax Increment Reinvestment Zone No. One**

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

Katy Slade, Gables Apartments - 2650 Cedar Springs Rd., Suite 800, Dallas, TX

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

James Baker, 2724 Lake Gardens, Irving, TX

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

13 Resolution No. RES-2013-8 -- **Approving a Professional Services Agreement Between the City of Irving and Komatsu/Rangel, Inc., dba Komatsu Architecture for the Design and Construction Administration of the Valley Ranch Library Interior Finish Out**

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

14 Resolution No. RES-2013-9 -- Awarding a Contract to Ratcliff Constructors, LP for the Construction of South Irving Library

Motioned by Councilman Gallaway, seconded by Councilman Farris to approve a resolution Awarding a Contract to Ratcliff Constructors, LP for the Construction of South Irving Library.

Motion approved 8-1.

Councilman Putnam voted in opposition to the motion.

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

15 Resolution No. RES-2013-10 -- Approving Addendum No. 2 to an Engineering Services Agreement Between the City of Irving and Freese and Nichols, Inc., for the Design of the Delaware Creek Channel Improvements Project

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

- 16 Resolution No. RES-2013-11 -- **Approving Change Order No. 1 to SYB Construction Company, Inc., for Union Bower and River Hill Water and Wastewater Main Improvements Project**

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

- 17 Resolution No. RES-2013-12 -- **Approving a Marketing and Economic Incentive Agreement Between the City of Irving, Texas and Kansas City Explorers, Inc.**

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

- 18 Resolution No. RES-2013-13 -- **Approving Special Events Permit for the 2013 Playtri Festival Produced by Ali Zaher Enterprises Db a as Playtri Racing Which Includes Their Annual Playtri Triathlon and the International Triathlon Union Pan American Cup Triathlon, to be Held June 1-2, 2013 at the Irving Marriott Las Colinas Located at 223 West Las Colinas Blvd., Irving, Texas.**

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

- 19 Resolution No. RES-2013-14 -- **Approving Special Events Permit for the Annual NCR Sprint for Cancer 5K, 10K and Fun Run Sponsored by Urban Towers and Produced by Racing Systems Inc. to be Held April 20, 2013 at the Urban Towers Located at 222 West Las Colinas Blvd., Irving, Texas.**

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

- 20 Resolution No. RES-2013-15 -- **Creating and Approving an Internal Loan Between the Irving Arts Center and the City of Irving's General Fund for Capital Projects**

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

- 21 Resolution No. RES-2013-16 -- **Authorizing Staff to Negotiate a Professional Services Contract for Architectural Design and Consultant Services for Restroom Renovations for the Irving Arts Center**

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

- 22** Resolution No. RES-2013-17 -- **Supporting the State Highway 114 Project and TxDOT's Request for Comprehensive Development Agreement Authority from the 83rd Texas State Legislature**

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

- 23** Resolution No. RES-2013-18 -- **Rejecting the Bids for Police Department Uniforms**

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

- 24** Resolution No. RES-2013-19 -- **Renewing the Annual Contract with Taylor's Summit Electric Service, Inc., for Electrical System Repair Service**

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

- 25 Resolution No. RES-2013-20 -- **Approving and Accepting the Bid of the Lowest Responsive, Responsible Bidder for an Annual Contract for Ice Control Sand**

It was noted that this item has been withdrawn and no action taken

RESULT:	WITHDRAWN NO VOTE
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- 26 Resolution No. RES-2013-21 -- **Approving and Accepting the Bid of Cowtown Redi Mix, Inc., For An Annual Contract for Concrete**

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

- 27 Resolution No. RES-2013-22 -- **Approving the Purchase from Freightliner of Austin for a 2014 Hydraulic Vacuum Truck through the State of Texas Local Government Statewide Cooperative Purchasing Program Administered by the Texas Association of School Boards (the BuyBoard Program)**

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

- 28 Resolution No. RES-2013-23 -- **Approving and Accepting the Bid of Saturn of Arlington dba Holt Chrysler Jeep Dodge for an Annual Contract for Repair Services & Optional Body Repairs for Dodge Vehicles**

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

- 29 Ordinance No. ORD-2013-9420 -- **Calling a Regular Municipal Election to be Held on Saturday, May 11, 2013, for the Purpose of Electing the Position of City Council Places One (1), Two (2), and Seven (7), and Calling a Subsequent Run-Off Election, If Necessary**

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

- 30 Ordinance No. ORD-2013-9421 -- **Amending Chapter 16B Entitled "Convention and Visitors Bureau and Arts Center" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Amending the Qualifications of Members and Terms of Office; and Providing a Severability Clause.**

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

31 Ordinance No. ORD-2013-9422 -- Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives to Incorporate the Downtown Facade Enhancement Incentive Program

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve an ordinance Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives to Incorporate the Downtown Facade Enhancement Incentive Program.

Motion approved 7-2.

Council members voting in opposition to the motion include: Mayor Van Duyne and Councilman Putnam.

RESULT:	ADOPTED [7 TO 2]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
NAYS:	Beth Van Duyne, Joe Putnam

32 Ordinance No. ORD-2013-9423 -- Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives to Incorporate the Neighborhood Housing Incentive Program

Motioned by Councilman Santoscoy, seconded by Councilwoman Cannaday to approve an ordinance Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives to Incorporate the Neighborhood Housing Incentive Program.

Motion approved 6-2-1.

Council members voting in opposition to the motion include: Mayor Van Duyne and Councilman Putnam.

Councilman Farris abstained from the vote.

RESULT:	ADOPTED [6-2-1]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Spink
NAYS:	Beth Van Duyne, Joe Putnam
ABSTAIN:	Gerald Farris

33 Ordinance No. ORD-2013-9424 -- Budget Adjustment #2 to the 2012-13 Fiscal Year Budget

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

James Baker, 2724 Lake Gardens Dr, Irving, TX

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

INDIVIDUAL CONSIDERATION

34 Resolution No. RES-2013-24 -- Amending City Council Rules of Procedure

Motioned by Councilman Putnam, seconded by Councilman LaMorgese to approve amending the City Council Rules of Procedure.

Motion approved 8-1.

Councilman Gallaway voted in opposition to this motion.

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

ZONING CASES AND COMPANION ITEMS

- 35** Ordinance No. ORD-2012-9409 -- **Zoning Case #ZC12-0059 - Granting S-P-2 (Generalized Site Plan for R-7.5 (Single Family) and Charter School Uses - Approximately 9.53 Acres Located at 1401 S. MacArthur Blvd. - Uplift Education, Applicant/Owner - (Postponed at the December 13, 2012 City Council Meeting)**

Mayor Van Duyne opened the public hearing at approximately 7:45 p.m.

Eric Goodloe, 3807 Cypress Point Cove, Round Rock, TX - Mr. Goodloe, the applicant in this case, gave a brief presentation addressing resident concerns.

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

George Kraus, 2112 Robinson, Irving, TX

Daniel Rivas, 1502 Westwood, Irving, TX

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

James Baker, 2724 Lake Gardens Dr, Irving, TX

Mayor Van Duyne closed the public hearing at approximately 7:58 p.m.

Motioned by Councilwoman Cannaday, seconded by Councilman Santoscoy to approve Zoning Case #ZC12-0059 - Granting S-P-2 (Generalized Site Plan for R-7.5 (Single Family) and Charter School Uses - Approximately 9.53 Acres Located at 1401 S. MacArthur Blvd. - Uplift Education, Applicant/Owner.

Motion approved 9-0.

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

- 36 Ordinance No. ORD-2012-9413 -- **Zoning Case #ZC12-0062 - Granting S-P-2 (Generalized Site Plan) for C-C (Community Commercial) Uses and Outside Storage of Motor Vehicles, Boats, RVs and Trailers Allowed on Tract 1, and Sales and Display of New or Used Cars or Trucks and Outside Storage of Motor Vehicles, Boats, RVs and Trailers on Tract 2 - Approximately 2.65 Acres Located at 2300 Imperial Drive - JDJR Engineers, Applicant - Herring Investments, LLC, Owner - (Postponed at the December 13, 2012 City Council Meeting)**

Mayor Van Duyne opened the public hearing at approximately 7:58 p.m.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, Irving, TX - Ms. Barbosa-Crain spoke on behalf of the applicant and requests that this item be approved.

The following individuals signed up to speak in opposition to this item:
Doug Stanley, 5800 Campos Circle E, Suite 210A, Irving, TX

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

Judy Anderson, 135 S. Jefferson St., Irving, TX
Jennifer Garcia, 5208 Lakeshore Dr., Irving, TX
George Stephenson, 2105 David Dr., Irving, TX

Mayor Van Duyne closed the public hearing at approximately 8:04 p.m.

It was noted that the opposition represents 20.50% of the land within 200 feet; therefore a $\frac{3}{4}$ vote is required to approve this request.

Motioned by Councilwoman Cannaday, seconded by Councilman Santoscoy to approve Zoning Case #ZC12-0062 - Granting S-P-2 (Generalized Site Plan) for C-C (Community Commercial) Uses and Outside Storage of Motor Vehicles, Boats, RVs and Trailers Allowed on Tract 1, and Sales and Display of New or Used Cars or Trucks and Outside Storage of Motor Vehicles, Boats, RVs and Trailers on Tract 2 - Approximately 2.65 Acres Located at 2300 Imperial Drive - JDJR Engineers, Applicant - Herring Investments, LLC, Owner.

Motion approved 9-0.

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

- 37 Ordinance No. ORD-2012-9415 -- **Zoning Case #ZC12-0065 - Granting S-P-1 (Detailed Site Plan) for P-O (Professional Office) and Animal Hospital Uses - Approximately 0.768 Acres Located at 3014 North O'Connor Road - J. Lee Architect, Applicant - 810 JJK Enterprises, Inc., Owner - (Postponed at the December 13, 2012 City Council Meeting)**

Mayor Van Duyne opened the public hearing at approximately 8:22 p.m.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, Irving, TX - Ms. Barbosa-Crain spoke on behalf of the applicant and requests that this item be approved.

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

Paul Pittman, 222 Las Colinas Blvd. #155, Irving, TX

James King, 2804 N. O'Connor Rd., Irving, TX

Jennifer Jones, Irving, TX

Mark Hartman, 3009 Vassor Dr. Irving

June Lee, 6822 Winding Rose Trail, Irving, TX

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

Bill Driscoll, 2940 N. O'Connor Rd. #125, Irving, TX

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

It was noted that the opposition represents 21.58% of the property within 200 feet; therefore, a $\frac{3}{4}$ vote is required for approval.

Motioned by Council Santoscoy, seconded by Councilman Farris to approve Zoning Case #ZC12-0065 - Granting S-P-1 (Detailed Site Plan) for P-O (Professional Office) and Animal Hospital Uses - Approximately 0.768 Acres Located at 3014 North O'Connor Road - J. Lee Architect, Applicant - 810 JJK Enterprises, Inc., Owner.

Motion approved 7-2.

Council members voting in opposition to this motion include: Councilwoman Cannaday and Councilman LaMorgese.

RESULT:	ADOPTED [7 TO 2]
MOVER:	Roy Santoscoy, Councilman
SECONDER:	Gerald Farris, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Putnam, Farris, Spink
NAYS:	Rose Cannaday, Brad LaMorgese

- 38 Ordinance No. ORD-2012-9410 -- Zoning Case #ZC12-0071 - Granting S-P-2 (Generalized Site Plan) for ML-20 (Light Industrial) Uses - Approximately 4.860 Acres Located at 200 Creative Way - Carlos Fernandez, Applicant - Xochitl, Inc., Owner- (Postponed at the December 13, 2012 City Council Meeting)**

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

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

Carlos Fernandez, 580 Decker Dr. #270, Irving, TX - Mr. Fernandez is representative for the applicant on this item.

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

Motioned by Councilwoman Cannaday, seconded by Councilman Santoscoy to approve Zoning Case #ZC12-0071 - Granting S-P-2 (Generalized Site Plan) for ML-20 (Light Industrial) Uses - Approximately 4.860 Acres Located at 200 Creative Way - Carlos Fernandez, Applicant - Xochitl, Inc., Owner.

Motion approved 9-0.

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

- 39 Ordinance No. ORD-2013-9425 -- Zoning Case #ZC12-0075 - Repealing Ordinance No. 2010-9193 that Granted PUD (Planned Unit Development) for S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premise Consumption) Uses to Reinstate the Previous PUD (Planned Unit Development) for C-N (Neighborhood Commercial) Uses - Approximately 2,537 Square Feet Located at 8600 North MacArthur Boulevard., Suite 132 - CPS Commercial Builders LLC, Applicant - MacArthur Plaza, LP, Owner**

Mayor Van Duyne opened the public hearing at approximately 8:43 p.m.

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

Mayor Van Duyne closed the public hearing at approximately 8:43 p.m.

Motioned by Councilman Santoscoy, seconded by Councilman LaMorgese to approve Zoning Case #ZC12-0075 - Repealing Ordinance No. 2010-9193 that Granted PUD (Planned Unit Development) for S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premise Consumption) Uses to Reinstate the Previous PUD (Planned Unit Development) for C-N (Neighborhood Commercial) Uses - Approximately 2,537 Square Feet Located at 8600 North MacArthur Boulevard., Suite 132 - CPS Commercial Builders LLC, Applicant - MacArthur Plaza, LP, 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

- 40** Ordinance No. ORD-2013-9426 -- **Amending Section 52-49 - Sale, Serving or Storage of Alcoholic Beverages to (1) Revise the Minimum Percentage of Food Sales Relative to Alcoholic Beverage Sales in a Restaurant Zoned S-P-1 (R-AB), in All or in Parts of the City (2) Revise the Minimum Requirements for an Application for S-P-1 (R-AB) Zoning, (3) Revise the Reporting Period for Food and Alcoholic Beverage Sales from Quarterly to Semi-Annually, (4) Provide that the City Council May Grant a Variance to the Distance Requirement Between an Establishment Selling Alcoholic Beverages and Churches, Schools, Public Hospitals and Residences, and (5) Require City Owned Facilities Whose Construction or Operation is Funded in Whole or in Part by Hotel Occupancy Tax Revenue to Comply with the Requirements of Section 52-49(A); - City of Irving, Applicant**

Mayor Van Duyne opened the public hearing at approximately 8:44 p.m.

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

Clem Lear, 4643 O'Connor Court, Irving, TX
JoAnn Goin, Glory House, 109 S. Main St., Irving, TX
David Cole, I-Fratelli, 7701 N MacArthur Blvd./105 E. Rochelle Rd., Irving, TX
Mark Dailey, Flowserve Corporation, 5215 N. O'Connor Blvd., Irving, TX
Aaron Stephenson, 100 Highland Park Village #320, Dallas, TX
Bruce Wall, 301 West 16th St., Irving, TX
Rick Bidne, 122 W. John Carpenter Freeway #530, Irving, TX
Jill Martinez, 1000 Lake Carolyn Parkway #4216, Irving, TX

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

Al Zapanta, 2516 Clearsprings Dr., Irving, TX
John Gessner, 4803 Broadway, Addison, TX
Ken Robertson, KBS Real Estate, 620 Newport Center Dr., Suite 1300, Newport Beach, CA
George Kraus, 2112 Robinson, Irving, TX
Fran Mathers, Via Real, 4020 N. MacArthur Blvd, Irving, TX
Luis Argote, Four Seasons, 4150 W. MacArthur Blvd., Irving, TX
Nancy Russell, Ebby Halliday, 7520 N. MacArthur Blvd, Irving, TX
Mark Dickenson, Cushman and Wakefield, 5215 N. O'Connor Blvd, Irving, TX
Katy Slade, The Gables Group, 2650 Cedar Springs Rd., Suite 800, Dallas, TX
John Rutledge, Venture Commercial Real Estate, 8235 Douglas Ave., Suite 720, Dallas, TX
Rakesh Patel, 2166 Kimbrough Dr., Irving, TX
Jeri Johnson, Microsoft Corp., 7000 N. S.H. 161, Irving, TX
Ben Pisklak, The Gables Group, 2650 Cedar Springs Rd, Suite 800, Dallas, TX
Brian Bossone, The Cellar, 330 E. Las Colinas Blvd., Irving, TX
Bryan James, Champs, 855 W. John Carpenter Freeway, Irving, TX
Rudy Martinez, AT&T, 2401 E. Randol Mill Rd., Irving, TX
Robert Martinez, Microsoft, 1000 Lake Carolyn Parkway #4216, Irving, TX
Mike Dunlap, HMS, 5615 High Point Dr. and 3653 Vienna St., Irving, TX
Dennis Leibovitz, Retail Collection, 2525 McKinney St., Suite 700, Dallas, TX
Greg Coghlan, 912 Balleywood Rd, Irving, TX
Lori Bungler, HOLT CAT, 1005 Stone Gate Dr, Irving, TX
Brian Rudolph, FM Smoke House, 660 Walnut Ridge Dr., Irving, TX
Joe Mapes, P.O. Box 141864, Irving, TX
Fred Henritze, Brookdale Group, Towers at Williams Square, 5215 N. O'Connor, Irving, TX
John Watson, Lawyers Realty Group, 7420 Bradford Pear, Irving, TX
Chris Wallace, Greater Irving Las Colinas Chamber of Commerce, 5201 N. O'Connor, Irving, TX

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

Margie Stipes, 1602 Upton Place, Irving, TX
Joyce Cox, 1601 Finley Rd., Irving, TX
Syed Rahman, 4421 Rainier St. #200, Irving, TX
Dennis Adams, 2119 McClure, Irving, TX
Bob Dodson, 804 McCoy, Irving, TX
Michael McPhail, 815 Dixon, Irving, TX
Mark J. Dyer, 7411 Primrose, Irving, TX
Thomas Box, 4416 Caesar Lane, Irving, TX
Dr. Debra Romanick Baldwin, 913 S. Glen Vista Dr., Irving, TX
Janet M. Wall, 301 W. 16th St., Irving, TX
Ken Branam, 1412 Moss Rose Circle, Irving, TX
Kensley Stewart, 3916 Tacoma St., Irving, TX
Frances Hollinghead, 3038 Saint Lo Dr., Irving, TX

The following individuals signed up to speak in oppositions of this item (continue):

Will Cole, 3524 Colgate Lane, Irving, TX
Beca DeLoach, 1205 Ichabod Ct., Irving, TX
Clyde DeLoach, 1205 Ichabod Ct., Irving, TX
Sarah G. Corbett, 2523 Salida St., Irving, TX
Bobby Joe Raper, 633 W. Arawe Pl., Irving, TX
Gail Conder Wells, 609 Guadalajara Circle, Irving, TX
Don J. Wilson, 1410 Ronne Dr, Irving, TX
Robert Corser, 311 W. 7th, Irving, TX
Loren Byers, 918 E. Tanglewood Dr., Irving, TX
Don Hatch, 3832 W. Pioneer Dr., Irving, TX
Lucia Rottenberg, 2220 Indian Creek Dr., Irving, TX
Bill Behm, 1409 Atlanta Dr., Irving, TX
Joe Jordan, 2708 Trail Ridge, Irving, TX
Esther Brooks, 1709 Creek Ridge Ct., Irving, TX

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

Jennifer Pouey, 1001 Lake Carolyn Pkwy #427, Irving, TX
Brett Madden, 10 Kirkland Park Village, Dallas, TX
Steve Katzwan, Villas at the Studios of Las Colinas, Irving, TX
Edouard Poney, 1001 Lake Carolyn Pkwy #427, Irving, TX
Victoria Schell, 1001 Lake Carolyn Pkwy #223, Irving, TX
Linda Milne, 1001 Lake Carolyn Pkwy # 303, Irving, TX
Zane Lomack, 210 W. Union Bower, Irving, TX
Lisa Johnston, 909 Lake Carolyn, Irving, TX
Mart Nelson, 3664 Vienna, Irving, TX
Randy Lemerand, 508 Forest Circle, Irving, TX
Patricia Danko, 3712 E. Cranston Ct., Irving, TX
Jerry Kelley, 100 Casa Grande Ct., Irving, TX
Jean Kelley, 100 Casa Grande Ct., Irving, TX
Joy Goodrum, 412 E. 7th St., Irving, TX
Gail McRee, 4647 O'Connor Ct., Irving, TX
Jeff Youngblood, 4537 N O'Connor Rd. #2224, Irving, TX
Mohammed Zafaruddin, 3622 Sadge Lane, Irving, TX
Robert Martinez, 1000 Lake Carolyn Pkwy # 4216, Irving, TX
Luke Niles, 5343 N. MacArthur Blvd #3138, Irving, TX
Roland Medina, 1600 N. MacArthur Blvd, Irving, TX
Michael Randall, 613 Murl Drive, Irving, TX
James Cassels, 312 Steeplechase, Irving, TX
Fran Cassels, 312 Steeplechase, Irving, TX
Kim Harrington, 616 Cox Dr., Irving, TX
Chris Arrington, 616 Cox, Irving, TX

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

Oscar Ward, 608 Farine Dr., Irving, TX
Liliana Gears, 4214 Spy Glass Hill, Irving, TX
Herbert Gears, 4214 Spy Glass Hill, Irving, TX
Shirley Halteman, 1316 Lindhurst, Irving, TX
Chuck Halteman, 1316 Lindhurst, Irving, TX
Kaye Ward, 608 Farine Dr., Irving, TX
Angela Walker, 3305 Coker St., Irving, TX
Dorothy Vaughn, 434 Huntington Dr., Irving, TX
Rehda Smithwick, 508 N. MacArthur Blvd., Irving, TX
James Schulze, 1020 N. Rogers Rd., Irving, TX
LaRue Teer, 1416 Colony, Irving, TX
Jackie Aebersold, 1405 Colony Dr, Irving, TX
Doug and Sue Harper, 16 Fair Green Dr., Trophy Club, TX
Elgin Reich, 1532 River Oaks Dr., Irving, TX
Virginia Reich, 1532 River Oaks Dr, Irving, TX
John Tiller, 3224 Kathy Lane, Irving, TX
Don C. Butler, 1710 Henderson Ct., Irving, TX
Ray Lunsford, 1213 Mistletoe Dr., Irving, TX
John Van Buren, 2404 Creekside Circle, Irving, TX
Jerry W. Sorrell, 700 N. Cheyenne Ct., Irving, TX
Susanne Sorrell, 700 N. Cheyenne Ct., Irving, TX
Rosemary Raley, 1017 Sleepy Hollow Dr. N, Irving, TX
Jean McConnell, 1803 W. 7th St., Irving, TX
Stan McConnell, 1803 W. 7th St., Irving, TX
John B. Valerius, 1909 Canterbury, Irving, TX
Leska Valerius, 1909 Canterbury, Irving, TX
Larry and Sue Ann Pittman, 1905 Stardish Dr., Irving, TX
Bill Fletcher, 1314 Sunnybrook, Irving, TX
Weldon Taylor, 2014 Winthrop, Irving, TX
Peggy McNeedy, 907 N. Glen Vista, Irving, TX
Joe Briscoe, 4006 Double Oak, Irving, TX
Juanita Briscoe, 4006 Double Oak Lane, Irving, TX
Ralph Coleman, 501 Hanover Lane, Irving, TX
Mary Chapin, 1013 N. Sleepy Hollow, Irving, TX
John Huffman, 321 S. Main, Irving, TX
Sue Huffman, 321 S. Main, Irving, TX
Richard A. Buck, 2703 Alan-A-Dale, Irving, TX
Merle Buck, 2703 Alan-A-Dale, Irving, TX
Dr. Richard Bischofhausen, 1809 Williams Rd., Irving, TX
Claire Bischofhausen, 1809 Williams Rd., Irving, TX
Glenn R. Mash, 1502 Glenbrook Dr., Irving, TX
James Baker, 2724 Lake Gardens, Irving, TX
Doris Mash, 1502 Glenbrook Dr., Irving, TX
Vernon and Linda Proctor, 1111 Elby St., Irving, TX

The following individuals signed up in opposition to this item but did not wish to speak (continued):

Raleigh Mae Stevens, 2421 Park Crest Ct., Irving, TX
James Hollinghead, 3038 Saint La Dr., Irving, TX
Connie Gifford, 2649 Lockley Chase, Irving, TX
Virginia Coats, 1000 S. Cheyenne Ct., Irving, TX
Deborah Fusco, 1806 Dory Lane, Irving, TX
Jerry Buck, 608 Brookhaven, Irving, TX
Charles Coats, 1000 Cheyenne Ct. South, Irving, TX
George Stephenson, 2105 Druid Dr., Irving, TX
Bettye Cole, 3524 Colgate, Irving, TX
Louise Henderson, 805 E. 4th, Irving, TX
Pat Kamenicky, 904 Ash St., Irving, TX
Raymond Keith White, 1912 Anna Dr., Irving, TX
Linda Fisher, 1619 Dale Place, Irving, TX
Melva White, 1912 Anna Dr., Irving, TX
Bob Mayo, 2513 LaSalle, Irving, TX
Barry O'Neal, MD, 1614 Post Oak Dr., Irving, TX
Norma O'Neal, 1614 Post Oak Dr., Irving, TX
Bobby Beall, 1501 Green Oaks, Irving, TX
Elena Blake, 812 Murl Dr., Irving, TX
Freda Boatright, 1702 Waldrop, Irving, TX
Curtis Conatser, 1303 Cottonwood Valley Circle North, Irving, TX
Teresa Conatser, 1303 Cottonwood Valley Circle North, Irving, TX
Janice Daniel, 525 Rawls Circle, Irving, TX
Sandra McDonald, 117 Jenny Kay, Irving, TX
Bill Holcomb, 813 Lang St., Irving, TX
Betty McConnell, 332 Brairwylde Dr., Irving, TX
Mary Dixon, 1723 North Bristol Court, Irving, TX
Ronda Burris, 4022 Double Tree, Irving, TX
Harry Reese, 3705 Cranston Ct. West, Irving, TX
Mavis Schroeder, 610 Beacon Hill, Irving, TX
E.D. Skip Schroeder, 610 Beacon Hill, Irving, TX
Nancy Wilson, 2911 Bryn Mawr Dr., Irving, TX
Frank Goodman, 715 W. Grauwylde, Irving, TX
Patricia Owen, 1506 Ross Dr, Irving, TX
Marilyn Wilson, 1410 Ronno, Irving, TX
Don Van Slyke, 2617 Castle St., Irving, TX
Ronald Crow, 1506 Ross, Irving, TX
Delhi Ekambo, 519 Dyer St., Irving, TX
Robert Miller, 2108 Royal Oaks Dr., Irving, TX
Patti Reese, 3705 Cranston Ct. West, Irving, TX
Marion White, 513 McCoy, Irving, TX
Joe A White, 513 McCoy, Irving, TX
Kristi Pena, 408 W. 6th St., Irving
Aurora R. Lopez, 1309 Milner Rd., Irving, TX

The following individuals signed up in opposition to this item but did not wish to speak (continued):

Theodore Cole, 1137 Anderson, Irving, TX
Wanda Riddle, 2932 Stilo Dr., Irving, TX
Mohammad Hassain, 2708 Alhambra Dr., Irving, TX
Alma Lou Staniford, 2428 Douglas, Irving, TX
Ernestine Overland, 400 Lake Isle Circle, Irving, TX
Carolyn Ruttesch, 2225 W. 11th St., Irving, TX
Ahmed Hussein, 2504 Glacier St., Irving, TX
Brenda Jordan, 2708 Quail Ridge, Irving, TX
George Kuttesch, 2225 W. 11th St., Irving, TX
James Keojampa, 1406 Westwood Dr., Irving, TX
Ashfao Khan, 2535 Kent Dr., Irving, TX
Leo Glenn Mullen, 1811 Robinson, Irving, TX
Joe Matthews, 3313 Dartmouth, Irving, TX
Angela Y. Behm, 1409 Atlanta Dr., Irving, TX

Mayor Van Duyne closed the public hearing at approximately 11:28 p.m.

Charles Anderson, City Attorney, reminded the City Council that although the City has the option to lessen the restrictions of the food/alcohol sales ratio, once that change is made the council cannot later increase the level of restrictions. Currently, the ordinance allows for 60/40 ratio of food to alcohol sales; however, variances have been granted to identified areas of the City. In response to questions from Mayor Van Duyne, Mr. Anderson stated it is the opinion of his office that the City can preserve the current 60/40 ordinance and the City Council could also establish different ratios for identified overlay districts. This would allow for the current 60/40 ordinance to remain in effect for many areas of the City.

First Motion:

Motioned by Councilman Putnam to refer this to the Community Services Committee for further review.

Motion died for lack of a second.

Second Motion:

Motioned by Councilman Farris, seconded by Councilman Spink to remove item (4) from consideration which states "provide that the city council May Grant a Variance to the Distance Requirement Between an Establishment Selling Alcoholic Beverages and Churches, Schools, Public Hospitals and Residences" from consideration from this ordinance.

Councilman Farris and Councilman Spink withdrew their motion.

Third Motion:

Motioned by Mayor Van Duyne, seconded by Roy Santoscoy to postpone this item to the January 24, 2013 special meeting.

Motion approved 8-1

Councilman Putnam opposed the motion.

RESULT:	POSTPONED [8 TO 1] Next: 1/24/2013 5:00 PM
MOVER:	Beth Van Duyne, Mayor
SECONDER:	Roy Santoscoy, Councilman
AYES:	Van Duyne, Gallaway, Santoscoy, Webb, Cannaday, LaMorgese, Farris, Spink
NAYS:	Joe Putnam

APPOINTMENTS AND REPORTS

41 Resolution No. RES-2013-25 -- Appointments to Boards, Commissions, and Committees, to Fill Unexpired Terms to the Irving Convention & Visitors Bureau and Zoning Board of Adjustments

Motioned by Councilman Farris, seconded by Councilman Spink to appoint Debbie Haacke to Place 8 on the Irving Convention & Visitors Bureau to a term expiring November 2014 and appoint Jessica Hardy as an alternate to the Zoning Board of Adjustments to a term expiring November 2014.

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

42 Resolution No. RES-2013-26 -- Appointments to the Tax Increment Reinvestment Zone No. 1 Board to Fill Two-Year Terms Expiring January 2015

Motioned by Councilman Farris, seconded by Councilman Spink to appoint John Haigler, William D. Palmer and Albert Zapanta to the Tax Increment Reinvestment Zone No. 1 Board to terms expiring January 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

43 Resolution No. RES-2013-27 -- Appointing a Board Chair to the Tax Increment Reinvestment Zone No. 1 Board with a Term Expiring January 2014

Motioned by Councilman Farris, seconded by Councilman Spink to appoint Mark Cronenwett at Board Chair to the Tax Increment Reinvestment Zone No. 1 Board to a Term Expiring January 2014.

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 Mayor's Report

The Mayor had no report at tonight's meeting.

Councilman Santoscoy announced that he would not be running for re-election in the May 2013 General Election.

45 Adjournment

The meeting adjourned at approximately 12:29 a.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.

Lucia Rottenberg, 2220 Indian Creek Dr, Irving, TX - Ms. Rottenberg thanked council for automated water bills and she thanked the police department for their prompt response when she called in a suspicious car in her neighborhood.

Emma West, 3639 W. Northgate #152, Irving, TX - Ms. West asked that the street lights be changed on William D Hanes.