

IRVING CITY COUNCIL
WORK SESSION
August 1, 2007

The Irving City Council met in work session August 1, 2007. The following members were present:

Mayor Herbert A. Gears
Council members
Thomas D. Spink
Beth Van Duyne
Allan E. Meagher
Lewis Patrick
Rose Cannaday
Rick Stopfer
Sam Smith
Joe Philipp

Mayor Gears called the meeting to order at noon.

1 City Manager's Report

Managing Director Paul Gooch discussed several events and projects in process.

10th Anniversary Transportation Summit – The City of Irving and Irving Convention and Visitors Bureau are preparing to welcome transportation leaders and government officials from around the country to The Westin DFW Airport for the 10th Anniversary Transportation Summit. The summit officially begins at 1 p.m. Aug. 7, with a Mayors Roundtable, and ends on Aug. 10 with a closing luncheon featuring a keynote address from U.S. Chamber of Commerce President Tom Donohue, and Federal Transit Administrator James Simpson. Prior to the opening session on Aug. 7, a Senate Transportation and Homeland Security Committee Hearing will be held, followed by a luncheon for local traffic reporters. Developed by the City of Irving 10 years ago, the Transportation Summit is the largest and most comprehensive public policy transportation conference in the nation

Graduation of Paramedics – The Fire Department has four new paramedics who have graduated from the UT Southwestern Medical Center at Dallas. Jacob Ammon, Gregg Groves, Matthew Hutsell and Roman Islas graduated from the seven-month course as part of the 101st Paramedic Class. Roman Islas received special mention for his research paper on the practice of faith in medicine. Matthew Hutsell received recognition as an honors student for his overall grade average. Gregg Groves was recognized as the class salutatorian with an average grade of 96.6 for all tests; he also was recognized for his research paper on selective spinal immobilization.

National Night Out – On Aug. 7, neighborhoods across Irving will turn on their porch lights for National Night Out, an annual, nationwide event designed to promote neighborhood safety. During the past few years, Irving has averaged between 25-35 National Night Out neighborhood events. The Irving Police Department is encouraging residents to organize events on a neighborhood level so they can get to know their immediate neighbors. Irving residents may contact the Irving Police Department's Crime Prevention Unit to register a block party.

New Animal Services Hardware/Software – Animal Services has received new computer hardware, and the new software is expected to be installed on Aug. 17. This new equipment will allow Animal Services to progress from a manual system to a more efficient and modern operating system. The state-of-the-art software will increase productivity and allow employees to better serve Irving residents.

New ICTN Programming – “Irving Living,” a half-hour program focusing on exciting places and activities in the Irving community, premieres Aug. 6 on ICTN 1. Hosts Robin Filbeck, Kelly Meagher, Diane Siebert and Cathy Whiteman will visit a new location each month and go “behind the scenes” to learn and discover more of what Irving has to offer. Upcoming shows include how to make a pizza, a tae kwon do class, learning the fundamentals of dirt-bike riding, and visiting a ballroom dancing class. ICTN 1 airs on cable Channel 16 (Time Warner) and Channel 30 (Verizon).

Central Library Renovation – A community meeting to review renovation plans for the Irving Central Library will be held at 7 p.m. Aug. 13 in the Central Library Auditorium, 801 W. Irving Blvd. Architects from PSA-Dewberry will present an update on the renovation plans. The meeting is being held as part of the monthly meeting of the Irving Library Board.

Irving Veterans Memorial Park – Planning and design has begun on the second phase of Irving Veterans Memorial Park, which is located on the east side of the Irving Central Library. Plans are being developed by MESA Design in conjunction with the Veteran's Memorial Park Committee. A plan review and public input meeting is set for 6:30 p.m. Sept. 5 at the Central Library Auditorium, 801 W. Irving Blvd. Plans will be based on the master plan previously prepared by MESA Design. The first phase of the project was completed in 2004. This next phase is scheduled to be completed spring 2009.

Georgia Farrow Recreation Center – West Park Recreation Center will be renamed Georgia Farrow Recreation Center at a dedication ceremony set for 6 p.m. Aug. 13. Farrow played an instrumental role in having the recreation center and park built for the community. She was a lifelong Irving resident who served on the Parks and Recreation Board and Parks Advisory Council. The ceremony will take place at the Georgia Farrow Recreation Center, located at 530 Davis Drive.

Road Construction Projects – All lanes of MacArthur Boulevard, from State Highway 183 to Rochelle Road, are complete and functional. Public Works/Traffic Operations has completed the installation of permanent pavement markings and traffic signs. Traffic on Belt Line Road, between Oakdale Road and Rock Island Road, has been moved to the new pavement section, which will eliminate roadway flooding.

1 DISCUSSION: Review Of Regular Agenda

The Council reviewed the items posted for action at the Regular Council meeting to be held at 7:00 P.M. on August 2, 2007. The following Council directions were noted.

7 Resolution -- Approving A Professional Services Contract With Wiginton Hooker Jeffrey, P.C., Architects For The Design Of The New Animal Shelter
Councilman Philipp requested a description of the new Animal Shelter and the contractual process.

Councilman Stopfer asked for the location of the project.

Managing Director Paul Gooch described the Animal Shelter project and noted that the location was generally on the S. H. 161 Corridor. He stated that the next step in the process will include schematic plans for facilities. This will be brought back to the Council for review.

Councilman Smith stated his interest is in the Council reviewing the working agreement including the obligations of each party- the City and the Humane Society.

Managing Director Paul Gooch noted that the agreement will be presented at a future work session, possibly the September 2nd meeting.

8 Resolution -- Authorizing The Mayor To Sign The Irving Public Library Technology Plan 2007-2010 For Submission To The Texas State Library

Library Director Patty Landers gave a PowerPoint presentation of the technology plan for Library Services in the next three years. This plan includes laptops for training, downloadable books and an upgrade in the library management system. There were no questions from the Council.

9 Resolution - Authorizing And Directing The City Manager To Develop Program Guidelines; Develop Participation And Eligibility Criteria For Civic And Charitable Organizations; And To Implement A Computer Reuse Program

Information Technology Director Hong Sae described the Irving material exchange program.

Managing Director Paul Gooch noted the positive impact this program would have on local organizations in need of computers.

Councilman Smith stated his support for this program and acknowledged Councilman Philipp for championing this idea.

14 Resolution -- Awarding A Contract To Earth Builders, L. P. For The La Villita Drainage Emergency Repair Project

Councilman Philipp requested a briefing on past unplanned expenditures since 2005 on the City's water and sewer lines.

Managing Director Paul Gooch stated he will present that at the next work session.

Councilman Stopfer noted the large amount of funds going to water main improvements also involve street improvements.

Traffic and Transportation Director Jim Cline noted that the City is working with GSW to do a study of the main sanitary sewer lines.

Councilman Philipp stated that the study will help plan for future improvements and can also be discussed as a part of the budget retreat.

18 Resolution -- Supporting DART, TRE Grade Separation Project With Commitment Of Additional \$3,000,000.00 From Future Capital Improvement Program Funding

Traffic and Transportation Director Jim Cline presented this program which includes "Quiet Zones" and improvements regarding the DART/TRE project. He explained that more funding is needed due to the rising cost of materials and that negotiations with DART will be completed this week.

Councilman Stopfer noted how important the "Quiet Zones" are to the citizens in the impacted area. He stated that the funding decision will be made by August 14th at the next DART board meeting which will hopefully give the citizens a timeline.

Councilman Philipp suggested notifying the neighborhood associations of the progress so the citizens will know how hard the staff is working on the establishment of the "Quiet Zones".

Councilwoman Van Duyne asked what the initial costs of this project were and the initial construction timeline.

Director Jim Cline clarified the funding commitments in 2004 were initially \$4.5 million with the expected construction to begin in 2005; the project is now projected to cost over \$70 million with a total commitment from the City of Irving totaling around \$7.5 million.

Councilwoman Van Duyne noted her concern for future delays and future funding needed due to delays.

Director Jim Cline stated the contract decision will be determined on August 15th and if decision is delayed, he suggested revisiting entire project.

Councilwoman Van Duyne requested language be included in the contract to ensure that there will be no more delays in construction. She asked if all the funding for this project came for the previous bond sales.

Director Jim Cline noted that changes in other improvement projects enabled funds to be moved and that the proposed \$3 million is available due to these changes. He also stated that the negotiations should lock in this pricing.

Councilman Stopfer clarified DART's bid and what Irving's scope included.

Mayor Gears clarified that the City of Irving was funding 10% of the initial project and with this increase will still be funding only 10% of a \$70 million project that will have a positive impact for the city.

Councilwoman Van Duyne noted her concern with the City of Irving's lack of control in the timeframe of the project.

Councilman Philipp requested the resolution include language noting a cap in funding with time constraints.

Director Jim Cline stated he will provide a revised resolution to the Council meeting tomorrow night for their consideration.

- 22** Ordinance -- Establishing A Municipal Setting Designation For The Heritage Square Senior Center Property Located At 200 South Jefferson Street To Prohibit The Use Of Ground Water Beneath The Property In Accordance With Subchapter W, "Municipal Setting Districts," Of Chapter 361, "Solid Waste Disposal Act," Of The Texas Health And Safety Code

Managing Director Paul Gooch described the need to "plug" old wells in the proposed Senior Center area and this closes out the project in accordance with the TCEQ requirements.

Councilman Philipp noted that these wells pose a health and safety issue and that plugging them is necessary.

Managing Director Paul Gooch stated that the Parks and Recreation department will initiate the new site process in the upcoming year for the second Senior Center.

- 23** Ordinance -- Zoning Case #5686 -- Granting S-P-1 (Detailed Site Plan) For Golf Course And R-AB (Restaurant Including The Sale Of Alcoholic Beverages For On-Premises Consumption) And Related Uses -- A 301.809 Acre Tract Located At 2000 East Shady Grove Road (Southeast Corner Of Loop 12 And Shady Grove) -- Twin Wells Golf Club, LLC, Applicant

Senior Planner Kenneth Bloom presented the zoning case and clarified the vote from the Planning and Zoning Commission was in favor 6-1.

Councilwoman Van Duyne asked what the concerns of the Planning and Zoning Commission included.

Senior Planner Kenneth Bloom noted that the concern involved a fence or separation between the golf course area and the Twin Wells Park, due to the alcohol consumption on the course.

Councilman Patrick stated that the sale of alcohol would actually control the alcohol use on the property.

Councilwoman Cannaday asked if the restaurant would have to follow the Restaurant/Alcohol Beverage sales agreement of 60% food and 40% alcohol.

Senior Planner Kenneth Bloom answered yes but that the restaurant anticipates only 20% of sales from alcohol.

Managing Director Paul Gooch stated that if a problem came from alcohol consumption near the park, the City could fence the area.

24 Resolution -- Authorizing The City Attorney To File Suit And Take All Legal Action Authorized By Chapter 54 Of The Texas Legal Government Code For The Property Located At 1706 Briarwood Lane

Environmental Services Manager Teresa Adrian described the long-time issues regarding Code Enforcement at the above address. The problems include nine citations by both Code Enforcement staff and the Marshal, outside storage, junk motor vehicles and an illegal business operated in the home. She stated that the property owners have until noon on August 2nd to comply and new pictures of the property will be available at the Council meeting tomorrow night.

Councilman Philipp requested comparative pictures to be presented at the Council meeting.

Councilman Smith asked how long the address has had issues.

Inspections Director stated that this address has been a problem for at least 10 to 12 years.

Councilman Philipp asked what fines could be worked off with community service.

City Attorney Charles Anderson clarified that court fines can be worked off; however, civil penalties cannot.

Councilman Philipp suggested creating a cap on workable hours.

Councilman Patrick asked about the condition on the interior of the house.

Environmental Services Manager Teresa Adrian stated that the exterior of the house was not substandard but she has not been given access to the interior.

Councilwoman Van Duyne suggested not letting property owners work off fines if the property is not in compliance.

Councilman Philipp stated that the Community Service Committee needs to discuss adjusting the thresholds in regards to fines. The Council concurred that this be deferred to the committee.

Councilwoman Cannaday agreed that limitations need to be set for severe offenders.

Councilman Smith noted that the City of Irving has been very patient and compassionate with repeat offenders in the past and stricter measures must be taken.

- 25** Resolution -- Requesting Sign Variance Case No. S00706-0016 Located At 1901 East Union Bower Road -- Russell Byrum Representing Gramsn Fuels, Incorporated, Applicant

Inspections Director Gary Miller presented this request.

Councilman Philipp stated his disappointment with the applicant's non-compliance and hopes the applicant would come back with a better solution than presented by staff today.

- 26** Resolution -- Designating A Venue Under Chapter 334, Texas Local Government Code, And Proposing Admissions, Parking, And Hotel Occupancy Taxes For A Tract Of Land Located On Las Colinas Boulevard South Of State Highway Spur 348

Managing Director Paul Gooch presented and discussed this inclusion in the November elections.

City Attorney Charles Anderson described calling the elections and the approval process.

- 27** Ordinance -- Amending Chapter 2 Entitled "Administration" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas, By Establishing Requirements For The Grant Of A License, Permit, Certificate Of Occupancy, Bid Or Other Privilege From The City of Irving

- 28** Ordinance -- Final Reading -- Amending Chapter 52 Entitled "Water And Sewer Rates" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas To Provide For Displaced Resident Fees And Procedures On Discontinuance Of Service

Managing Director Paul Gooch described both Item 27 and 28 as tools the City of Irving can use to ensure higher property standards. Item 28 would place a lien on the property for \$500 per unit to offset the costs of relocating the residents.

Councilman Philipp requested clarification on the charges assessed in Section 3E in the proposed ordinance. City Attorney Charles Anderson clarified this section.

Director Jim Cline noted that the delinquent amount has decreased 94% in the past year.

Councilman Smith asked how much notification the property owner gets when the City is planning to cut the water off.

Business Manager Aimee Kaslik described the notification process involving the tenants and the property owner.

2 DICUSSION: Building And Standards Update

City Attorney Charles Anderson presented tools and future actions the City of Irving will take on Building and Standards cases. The most recent example is vacation action initiated at the Chivas Square Apartments.

Mayor Gears clarified that displacement fees can come from the water department because the City is the water provider, this does not apply to other utilities.

Attorney Brenda McDonald noted that the Building and Standards Commission may assess civil penalties.

Councilman Philipp noted that not only water issues will trigger the displacement program, code and health issues also play a role.

Councilman Smith asked if the relocation funds were given directly to the residents.

City Attorney Charles Anderson clarified that the displacement funds are allocated to non-profit outside organizations, such as Irving Cares.

Managing Director Paul Gooch noted that revenues have been collected that may be utilized for this program, then recovered through liens placed on the property.

Attorney Brenda McDonald described the civil penalties that the Building and Standards Commission levied (\$101,000) which will be used to fund displacements. She also noted that a requirement is added to Chivas Square Apartments that the residents must receive their security deposits back before remodeling may occur.

Councilman Smith asked if the residents will receive administration assistance regarding the displacement money.

Attorney Brenda McDonald stated that the City is working with the third party providers to administer the funds through a voucher program which is still being developed.

Councilman Philipp asked if a new property owner could receive a new certificate of occupancy without the required upgrades.

Inspections Director Gary Miller clarified that the upgrades would be required before the certificate of occupancy is issued.

ACTION ITEM

3 Ordinance No. 8841 – First Reading – Amending Chapter 52 Entitled “Water And Sewer Rates” Of The Code Of Civil And Criminal Ordinances Of The City Of Irving, Texas To Provide For Displaced Resident Fees And Procedures On Discontinuance Of Service

Mayor Gears noted that the second reading of this ordinance will be at the Regular Meeting on August 2, 2007.

Councilman Patrick moved to approve the ordinance as presented for first reading. Seconded by Councilwoman Cannaday, the motion was approved by a vote of 9-0.

EXECUTIVE SESSION

Acting City Attorney Charles Anderson read the Mayor and Council into Executive Session at 2:18 p.m.

4 DISCUSSION: Economic Development – Status Of Negotiations On Lakes At Hilltop

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 2:37 p.m.

The meeting adjourned at 2:38 p.m.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary