

**IRVING CITY COUNCIL  
WORK SESSION  
February 20, 2008**

The Irving City Council met in work session February 20, 2008. The following members were present:

**Mayor**

Herbert A. Gears

**Council members**

Thomas D. Spink

Rose Cannaday

Allan Meagher

Rick Stopfer

Joe Philipp

Lewis Patrick

Beth Van Duyne

Sam Smith

Mayor Herbert Gears called the meeting to order at 12:00 pm.

**1 DISCUSSION:** Review Of Regular Agenda

The Council reviewed the agenda and the following directions were noted.

**1** City Manager's Report

City Manager Gonzalez deferred the Manager's Report to the regular Council meeting.

**9** Resolution -- Approving Assignment Of Contract Of Sale For The Acquisition Of The Property Located At 1616 Canyon Oaks Drive -- L. A. Garcia, Assignor

Public Works Director Jim Cline described the that the bridge at this location is interfering with the flow of Delaware Creek and flooding due to water back up can occur..

Real Estate Services Manager Doug Janeway stated that the project would include the removal of the current bridge and the intent is to gain access to the property and the home on this property from an adjoining neighborhood. The property, after the drainage issue is solved can then be sold to an individual, and the City will recoup the purchase price.

**10** Resolution -- Approving Assignment Of Contract Of Sale For The Acquisition Of 2.2 Acres Of Land Located At 1215-1219 And 1300 Riverview Drive -- B. Garcia, Assignor

Real Estate Services Manager Doug Janeway described the acquisition and noted that the land is vacant.

Mayor Herbert Gears questioned the funding source utilized by the Parks and Recreation Department. He noted that if it is purchased with park bond funds it is restricted to that use only.

Managing Director Paul Gooch agreed that the property will be designated as park property but it will be used only for the expansion of Campion Trail.

**14** Resolution -- Authorizing Staff To Negotiate An Engineering Services Agreement With Nathan D. Maier Consulting Engineers, Inc. For A Water Supply Study

Councilwoman Beth Van Duyne questioned what other firms were considered for the project as their names were not provided.

Assistant Water Utilities Director Todd Reck provided those names but emphasized that this item is just authorizing negotiations with the firm and "NDMCE" was chosen by staff due to their relevant project experience, familiarity with the project and good performance on previously completed Irving projects.

Council discussed the contract negotiation process.

Councilwoman Van Duyne asked when Council would see a cost estimate for the study.

Assistant Water Utilities Director Todd Reck stated that the estimate would be presented at the next meeting.

Councilman Joe Philipp requested a list of the other firms considered by included on the following agenda item form. He noted the importance of the safety of the water system and requested that language relevant to water safety be included in the contract.

**18** Resolution -- Purchases Funded In The 2007-2008 Budget Or Subject To Funds Being Appropriated In Future Fiscal Years

(D) Award -- Approving Award to Leaders Without Borders For Development Of An Updated Employee Training Curriculum

(E) Award -- Approving Annual Award To Leaders Without Borders For Leadership Consulting

Councilwoman Van Duyne requested clarification on item D and E.

Managing Director Nancy Bartlett described the contract and noted that Carlos Sanchez heads the company which will provide training initiatives as well as consulting services regarding leadership training.

City Manager Gonzalez noted this position has been out sourced as a training position has been eliminated.

**20** Ordinance -- Supplementing Chapter 21 Entitled "Motor Vehicles And Traffic", Article III "Operation Of Vehicles Generally" Of The Code Of Civil And Criminal Ordinances Of The City Of Irving And Enacting A New

Section 21-61.1 "Use Of Hand-Held Communications Devices Prohibited In School Zones;" Providing For A Penalty Clause; Providing For A Severability Clause; Providing For Incorporation Into The Code Of Ordinances; And Providing An Effective Date

Police Chief Larry Boyd described the ordinance and noted that the ordinance if approved will take effect on August 1, 2008 for the new school year.

Councilman Sam Smith questioned if staff had contacted the Irving Independent School District for their input.

Chief Boyd stated that staff had not yet met with school representatives but will shortly.

Councilwoman Van Duyne questioned the fine range and noted her concern with the fine being too high.

Chief Boyd clarified that the judge determines the fines but the \$500 limit is set by the state.

Director of Municipal Court Services David Galvan advised that \$64.00 of the fine goes to the state.

Mayor Gears questioned if the ordinance was in line with other cities' laws.

Chief Boyd stated that the ordinance is similar to other cities but also restricts texting which is not included in other cities' ordinances.

- 21** Ordinance -- Re-Enacting Chapter 56 Entitled "Curfew Hours For Minors" Of The Civil And Criminal Ordinances Of The City Of Irving, Texas, Providing For A Curfew For Persons Under The Age Of Seventeen In The City Of Irving

Chief Boyd gave an overview of the proposal.

Councilwoman Van Duyne asked for a clarification of the curfew hours.

Chief Boyd provided the curfew hours in the ordinance and stated that this is an effective tool and clarified that the tickets would be written to the juvenile unless 10 years old or younger.

- 23** Ordinance -- Special Fence Plan ZC07-0055 -- Approving A Variance To The Screening Fence Requirements Of Ordinance No. 8032 (Zoning Case #5261) -- An Approximately 4.5 Acre Tract Located At The Northwest Corner Of West Country Club Drive And Las Brisas Drive -- Head Construction, Applicant

Mayor Gears stated that the applicant has requested postponement.

- 24** Ordinance -- Zoning Case ZC07-0061 -- Granting S-P-1 (Detailed Site Plan) For Hotel And R-AB (Restaurant Including The Accessory Use Of The Sale Of Alcoholic Beverages For On-Premise Consumption) Uses -- An approximately 2 Acre Tract Located At 4800 Plaza Drive (Northwest Of Heathrow Drive) -- Countrywide Hospitality, LLC, Applicant

Senior Planner Kenneth Bloom presented the case.

Councilwoman Rose Cannaday asked if the applicant had been in contact with DFW Airport for any other restrictions regarding construction.

Mr. Bloom stated that the applicant will have to complete the standard FAA permits before construction begins.

Councilman Thomas Spink questioned the room rate range proposed.

Mr. Bloom stated that the applicant has stated the room rate would range from \$110 to \$150 per night.

- 25** Ordinance -- Zoning Case ZC07-0074 -- Granting S-P-1 (Detailed Site Plan) For C-N (Neighborhood Commercial) Uses -- An Approximately 0.06345 Acre Tract Located At 942 West Airport Freeway -- Cartwright Construction, Applicant

Senior Planner Kenneth Bloom presented the case.

Managing Director David Leininger noted the signage options.

Councilman Allan Meagher asked if the property would be affected by the expansion of S. H. 183.

Mr. Bloom stated that the property would be purchased.

Deputy City Attorney Brenda McDonald suggested giving the owner the option to remove either sign on the property. The Council agreed with this option.

- 26** Ordinance -- Granting S-P-1 (Detailed Site Plan) For C-OU-2 (Commercial Outdoor - 2) District Uses In Zoning Case #ZC07-0080 -- An Approximately 0.40 Acre Tract Located At 1521 East Irving Boulevard -- Scott Hawkins Separate Property Trust, Applicant

- 27** Resolution -- Approving Landscape Variance ZC08-0003 -- An Approximately 0.40 Acre Tract Located At 1521 East Irving Boulevard -- Scott Hawkins Separate Property Trust, Applicant

Senior Planner Kenneth Bloom presented companion items 26 and 27 and noted that the Planning and Zoning Commission approved the case subject to 10 stipulations and the applicants complied with eight and two substitutions.

Council discussed signage and ownership of the adjacent property.

Sharon Barbosa-Crain, representing the applicant, clarified the property ownership concerns raised by Councilman Joe Philipp.

- 28** Resolution -- Temporary Use Permit #G0801-0051 -- To Allow Temporary Mobile Units In The Parking Lot Of The Molina Medical Center Located At 1901 West Irving Boulevard -- Oscar Molina, Applicant

Planning and Inspections Director Gary Miller presented the case.

Councilwoman Van Duyne questioned the time needed to expand the existing building and the need for the mobile units during construction. She also noted her concern for setting a precedent for temporary buildings.

Councilwoman Cannaday asked if the mobile units would create noise that would disturb the residential property north of the property.

Director Miller stated that the units would not create excessive noise.

Councilman Sam Smith noted his concern with the volume of patients using the temporary structures.

Director Miller did note that the structures have already been placed on site and are currently operational.

- 29** Resolution -- Authorizing Revisions And Amendments To The Contract Between The City Of Irving And Austin Commercial In Regard To The Performance Of Construction Manager At Risk Duties Pertaining To The Irving Convention And Events Center

- 30** Resolution -- Authorizing The City Of Irving To Retain The Beck Group As Owners' Representative In Regard To The Construction Of The Irving Convention And Events Center

Managing Director Leininger clarified the final contract language and described the Construction Manager at Risk process for companion items 29 and 30.

Mayor Gears asked who monitors the cost effectiveness during the bidding and construction process.

Managing Director Leininger stated that the owner representative would oversee the sub-contractor bids.

Mayor Gears questioned the final cost of the project.

Managing Director Leininger clarified that the direct cost is estimated at \$84 million and the probable total cost reaching \$145 million. He noted that staff will bring back the schematic design, construction cost estimates and schedule at the end of March.

Councilman Philipp requested clarification regarding the contract costs and the cancellation clause.

Managing Director Leininger stated that the City is obligated to a minimum of \$240 thousand but not required to go forward.

Assistant City Attorney Rodney Adams stated that the contract gives the City flexibility and he described the pre-construction services.

- 31** Resolution -- Amendment No. 1 To Maloney Strategic Communications For Services Related To The Design Of Interior Graphics And Visual Messaging In Various Public Spaces At The Civic Center And Authorizing The Preservation And Redevelopment Board To Retain Maloney

Communications To Prepare A Website For All Commercial And Institutional Property Owners In The Heritage District For The Purpose Of Creating A "Virtual Shopping Mall" For Downtown Irving

Councilwoman Cannaday spoke in favor of this program and commended Maloney Communications. She noted that this was presented at a Preservation and Redevelopment Board Meeting and it was approved by the board.

Managing Director Paul Gooch clarified that this program would take the place of the Heritage Festival.

Council discussed the importance of the Heritage Festival and other programs in South Irving.

Council agreed to move forward with the "Virtual Shopping Mall" project and requested staff to work with the organizers of all previous downtown events and see what can be planned for September.

Mayor Gears requested the event funding be presented in the upcoming 2007/08 budget considerations.

**2 DISCUSSION:** Emergency Management / Homeland Security Regional Exercise

Emergency Management Coordinator Pat McMacken gave an overview of the recent regional exercise.

Councilman Philipp questioned the citizen notification process.

Mr. McMacken and Information Technology Director Hong Sae stated that this process is currently under review.

Council agreed that the mass communication initiative be deferred to the Communications Committee which would also include Police and Fire programs.

**4 DISCUSSION:** DART Update

Public Works Director Jim Cline updated the Council on the Orange Line objectives. The presentation included the key activities, the project timeline, which included construction starting in December of 2008, and a description of the project steering team.

City Manager Gonzalez stated that the communication strategy includes monthly updates to the Council and quarterly reports from the DART President and Chairman.

Councilman Philipp suggested including the City's DART representative in the reporting process.

Director Cline confirmed that Mr. Danish will be included in the March 12, 2008 presentation to Council.

**5 DISCUSSION:** Sadeghian 1H Gas Well Permit

Planning and Inspections Director Gary Miller described the drill site and the site requirements and noted that Intercom will be the City's advisor for this project.

Council questioned the noise levels on the site.

Councilman Philipp asked what was within 1,000 feet of the drill site.

Jack Newman with Dale Resources described the property survey and noted that the drilling is continuous "24/7" but there will be sound abatement. He stated that anyone may go to [www.daleresources.com](http://www.daleresources.com) to listen to noise samples.

**6 DISCUSSION: IHFC**

Mayor Gears recessed the Work Session at 3:30 p.m. to conduct the Irving Housing Finance Corporation Board Meeting.

Mayor Gears reconvened the Work Session at 4:27 p.m.

**EXECUTIVE SESSION**

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 4:28 p.m.

**7** Litigation -- City Of Irving vs. Shin Ho "Sam" Kim D/B/A Texas Lunch Box

**8** Legal Advice -- Water Resource Development

**7** Resolution -- Approving Benefit Dispute Agreement Authorizing Payment Of Workers' Compensation Death Benefits According To The Texas Labor Code To Rafael Esparza, Sr., And Christina Esparza, The Parents Of Deceased City Of Irving Police Officer Andrew Albert Esparza

**32** Resolution -- Appointments To Boards, Commissions And Committees To Fill Two Year Terms Expiring November 2009, And To Various Unexpired Terms

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 5:45 p.m.

The meeting adjourned at 5:46 p.m.

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Herbert A. Gears, Mayor

ATTEST:

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Janice Carroll, TRMC

City Secretary