

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
October, 15, 2008**

The Irving City Council met in work session October, 15, 2008. The following members were present/absent:

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Herbert Gears	Irving City Council	Mayor	Present	
Beth Van Duyne	Irving City Council	Councilwoman	Absent	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Present	
Sam Smith	Irving City Council	Councilman	Present	
Joe Philipp	Irving City Council	Councilman	Absent	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

Mayor Herbert Gears called the meeting to order at 12:30 PM.

**DISCUSSION TOPIC**

**1** Review of Regular Agenda

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

- 17** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 1100 Hidden Ridge for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - LMI Rosemont, LLC, Property Owner
- 18** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 5020 Riverside Drive for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - 5000 Riverside Associates, L. P., Property Owner
- 19** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 5100 Riverside Drive for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - Inez Bloomingdale, Property Owner
- 20** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 3820 Teleport Boulevard for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - Transcontinental Realty Investors, Inc., Property Owner
- 21** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 3838 Teleport Boulevard for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - Transcontinental Realty Investors, Inc., Property Owner
- 22** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 5021 Teleport Boulevard for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - American Realty Trust, Inc., Property Owner

- 23** Resolution -- Authorizing Eminent Domain Proceedings for the Acquisition of Property Located at 2615 Spur 482 for the Dallas Area Rapid Transit (DART) Light Rail Transit (LRT) Orange Line Project - Services Development Corporation, Property Owner
- Mayor Gears clarified the authorization process to establish property pricing for the Light Rail project.
- Real Estate & Development Director Brenda McDonald noted that the City hopes that it will not be necessary to file an eminent domain lawsuit for any right-of-way easements but items 17 through 23 gives the City authorization. This is needed to keep the Orange Line on schedule.
- 25** Resolution -- Approving Agreement for NASA/ART: 50 Years of Exploration Exhibit
- Councilman Sam Smith requested a presentation.
- Executive Director Richard Huff described the NASA art exhibit and the partnership with the Smithsonian.
- 41** Resolution -- Approving an Economic Development Incentive Agreement with GE Aviation for Rebate of Taxes Paid on "Freeport" Inventory
- Chief Financial Officer Max Duplant clarified the incentive agreement.
- Mayor Gears requested Chamber of Commerce, Economic Development Vice President John Bonnot to present the agreement highlights at the regular meeting.
- 47** Ordinance -- Zoning Case ZC08-0019 - Granting S-P-1 (Detailed Site Plan) for C-C (Community Commercial) District Uses - Approximately 0.89 Acres Located at 3202 W. Irving Blvd. - East Bluff LLC, Applicant (Postponed From June 12, 2008)
- Senior Planner Kenneth Bloom presented the item.
- Real Estate & Development Director Brenda McDonald described the owner's cooperation with staff to improve the property's design.
- 49** Ordinance -- Zoning Case #ZC08-0029 - Granting S-P-1 (Detailed Site Plan) for Convenience Store and Gasoline Sales Uses - Approximately 0.7425 Acres Located at 1101 West Airport Freeway - Quick-Way Retail Associates II, Ltd., Owner - Winstead PC, Applicant (Postponed From September 18, 2008)
- 50** Ordinance -- Zoning Case #ZC08-0051 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses - Approximately 0.7185 Acres Located at 1025 W. Airport Freeway - 7-Eleven, Inc., Owner - City of Irving, Applicant (Postponed From September 18, 2008)
- Senior Planner Kenneth Bloom presented these companion items.
- Urban Development Manager Steven Reed noted that the property owners are working on deed restrictions issues and may request another postponement. Staff will update the Council once a decision by the applicant has been made at the Regular Meeting.
- Councilwoman Rose Cannaday asked if the Airport Freeway widening will affect the subject properties.

Public Works Director Jim Cline confirmed that the expansion would impact the properties south of State Highway 183 while the impact on the northern properties would be minimal.

Councilman Allan Meagher questioned the City regulations for abandoned service stations.

Director McDonald clarified that state regulations require the tanks to be removed if a property is abandoned for twelve months. She also noted that the City does not have an ordinance requiring demolition of an abandoned property; if a property is not maintained. The decision would have to be made through the Building and Standards Commission process.

Councilman Smith requested staff explore an ordinance regulating abandoned buildings.

Director McDonald confirmed that staff will bring back information regarding regulation options.

- 52** Ordinance -- Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas by Comprehensively Regulating Residential Carports Including But Not Limited to Location, Building Materials, and Other Requirements; Repealing Section 52-32b.(i) Regarding Applications for Zoning Changes for Carports; and Amending Portions of Section 52-36 Regarding Parking Requirements for Residential Zoning Districts and Section 52-40(l) Regarding Carports in Residential Zoning Districts - City of Irving, Applicant

Director McDonald gave an overview of the four proposed ordinance amendments on the agenda and how the amendments will impact the Strategic Goals of Land Use, Vibrant Neighborhoods, and Economic Development.

Manager Reed described the proposed amendments to the carport regulations, which includes prohibiting new carports visible from a public street without a zoning change request, requiring a two-car garage for new homes over 1,400 square feet, repealing the residential blocks allowing carports, and adopting a policy regarding carport construction. He also presented amendments that staff recommends but were not part of the Planning and Zoning Commission's recommendation.

Mayor Gears questioned the proposed two-car garage requirement and the expenses associated with this requirement. He noted his concern with the proposed garage conversion regulations

Councilman Lewis Patrick noted his concern the garage conversion regulations and the lack of space available for new garage construction.

Councilman Meagher stated his support of the garage conversion amendment as a way to maintain the quality of life for the surrounding property owners.

Council stated their support for staff's recommendation to require two-car garages on all new homes.

- 53** Ordinance -- Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas by the Addition of a New Section 52-35c Commercial Design Standards Comprehensively Regulating the Required Materials and Design of Nonresidential Structures - City of Irving, Applicant

Manager Reed described the proposed commercial design standards which included building material requirements and design elements for new construction and extensively remodeled properties.

Director McDonald clarified the staff's recommendation regarding metal buildings that are visible from the street.

- 54** Ordinance -- Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas by the Addition of a New Section 52-35d Convenience Store Design Standards Comprehensively Regulating the Required Materials and Design of Convenience Stores - City of Irving, Applicant

Manager Reed described the proposed convenience store design standards which included building material requirements as well as conversion regulations and additional parking requirements based on square footage.

City Attorney Charles Anderson noted that staff will bring back further regulations for convenient store from the Police Department regarding safety measures to the next meeting.

- 55** Ordinance -- Amending Section 52-49 Sale, Serving or Storage of Alcoholic Beverages to Add Private Schools to the Uses for Which There Must be Separation Between the Use and an Establishment Selling Alcoholic Beverages, Modify the Method of Measuring the Separation Between Public and Private Schools and an Establishment Selling Alcoholic Beverages, Provide for a Variance to the Separation Requirements Between Certain Residentially Zoned Property and Property Zoned Transit Mall Overlay District or Transit Oriented Development District, and Provide that the City Council May Grant a Variance to the Separation Requirements Between Certain Uses and an Establishment Selling Alcoholic Beverages in an Area Bounded by the Trinity Railway Express Railroad on the North, Macarthur Boulevard on the West, Shady Grove Road on the South and Britain Road on the East - City of Irving, Applicant

Manager Reed presented the proposed ordinance amendments.

Councilman Rick Stopfer asked if the amendments would impact existing businesses.

Manager Reed stated that the amendments would not affect existing restaurants unless the property is expanding which would result in a new zoning case.

Manager Reed described the proposed amendment providing the Council an opportunity to grant a variance to an applicant, within the Heritage Crossing District, that does not meet the separation requirement of 300 feet.

Councilwoman Cannaday asked if Mr. McDougal had contacted the churches and schools in the Heritage Crossing district for their input.

Delbert McDougal with Heritage District, LLC, stated that he had spoken with the pastors in the area, and they have no issues with the ordinance as presented.

Councilman Patrick asked for clarification regarding alcohol sales from a convenient store next to a residential neighborhood.

City Attorney Anderson confirmed that, under state law, there is no separation requirement between a convenient store and a residential area.

**2** Fleet Operations - Selection as a Top 100 Fleet Department

Contracts & Fuel Administration Director Ramiro Lopez presented an update on fleet operations.

Council thanked staff for improving the City's fleet operations.

**3** Texas Film Commission Presentation - Incentive Legislation

This item was discussed first.

Texas Film Commission President Bob Hudgins gave a presentation to Council regarding the film industry and the important role that North Texas plays in the future of the film industry. He described the Texas Film Commission's goals of producing feature films, television, and commercials in Texas by promoting the region's location and economic incentive options. He also compared the state's incentive program to other competitive states.

Mayor Gears noted the importance of promoting the film industry in the City of Irving.

**4** Housing and Human Services Presentation - Program Overview

Housing & Human Services Board Chairman Phil Smith described the five-year consolidated plan that will be submitted to HUD in 2009, and asked Council to provide guidance and goals for the Housing & Human Services Board.

Housing & Human Services Executive Director Vivian Ballou gave an overview of the current housing programs and described the eligibility requirements associated with federal funding. Her presentation also included the role of the Housing Finance Corporation and its funding opportunities.

Councilman Stopfer questioned the CHDO funding to local agencies.

Director Ballou clarified that Housing & Human Services allocates 15% of HOME funds for local agencies and distributes the funds through a proposal process.

Councilman Smith asked for the definition of "low to moderate income".

Director Ballou confirmed that the income qualifications are based on family size.

Mayor Gears noted that the last study conducted showed that 70% of citizens could not afford to purchase a home in Irving based on the standard "affordable" definition.

Director Ballou described the Housing Finance Corporation standards, client qualifications, and new programs offered by the department.

After lengthy discussion, the Mayor Gears noted his concern with providing tax credits to multi-family housing.

Councilman Smith noted his support for senior housing initiatives.

Mayor Gears stated that Council will continue to review the Housing & Human Services Department programs and discuss the five-year consolidated plan.

**5** Agenda Posting Requirements - Attorney General's Opinion GA-0668

Mayor Gears described the Attorney General's opinion regarding posted agenda wording.

## EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 4:15 PM.

6 Real Property Deliberations - State Highway 114/ Loop 12 Project

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 4:40 PM.

The meeting was adjourned at 4:41 PM

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Herbert A. Gears, Mayor

ATTEST:

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Janice Carroll, TRMC  
City Secretary