

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
November, 5, 2008**

The Irving City Council met in work session November, 5, 2008. The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Beth Van Duyne	Irving City Council	Councilwoman	Present	
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	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

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

DISCUSSION TOPIC

1 Review of Regular Agenda

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

1 City Manager's Report - Strategic Plan Update

City Manager Tommy Gonzalez described the internal audit plan that was presented at the Audit & Finance Committee that morning.

7 Resolution -- Approving the Assignment of the Citicorp North America, Inc., Tax Abatement Agreement

Councilman Joe Philipp requested a presentation on this item.

Chief Financial Officer Max Duplant described the abatement agreement.

12 Resolution -- Approving an Engineering Services Agreement with Jacobs Engineering Group, Inc., for the Undergrounding of Existing Aerial Utilities at Various Locations

Councilwoman Beth Van Duyne questioned the locations of the undergrounding.

Managing Director Paul Gooch stated that the agreement allows the City to expedite engineering design plans when there is an opportunity to place utility lines underground.

15 Resolution -- Authorizing the Mayor to Execute an Agreement for Economic Development Incentives Between the City of Irving and Bank of the West to Provide for Facade and Landscape Enhancement Incentives

Councilman Philipp requested a presentation on this item.

Real Estate & Development Director Brenda McDonald described the enhancement of the corridor and the participation with Bank of the West.

Councilwoman Van Duyne noted her concern with spending City funds on private property.

Director McDonald clarified the owner's voluntary compliance with the newly adopted commercial design standards through the partnership, noting that these enhancements will stimulate the surrounding properties to improve their landscaping while beginning the corridor enhancements ahead of schedule.

- 16** Resolution -- Approving Addendum No. 1 to the Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce to Provide Economic Development Services for the City of Irving, Texas

Councilman Sam Smith requested a presentation on this item.

Real Estate Services Manager Doug Janeway described the change to the agreement with the Chamber of Commerce.

Councilman Philipp asked if the Council approved the funding.

Manager Janeway noted that this is a management agreement and the Chamber would come back to the Council when billboards are permitted.

Councilman Smith noted that this will generate additional revenue for the City.

- 17** Resolution -- Approving a Memorandum of Agreement Between the City of Irving and the Texas Department of Transportation for the Sale of Right-Of-Way and Drainage Easement on Property Located at the Northeast Corner of State Highway 183 and O'Connor Road to the Texas Department of Transportation for the State Highway 183 Improvements Project

The Council discussed the construction process on the Loop 12 and SH 183 section.

Councilwoman Van Duyne noted her concern with the large amount of construction debris around the major highways and that the construction site will be there for seven to ten years.

Manager Janeway confirmed that the partnership with TxDOT has a significant cost savings to the City.

Councilman Philipp suggested including construction screening in the agreement.

- 21** Resolution -- Approving Amendment No. 4 to the Construction Management at Risk Contract Between Austin Commercial, L.P., and the City of Irving, Texas, for the Irving Convention Center; and Authorizes Austin Commercial, L.P., to Award Bid Package 04 for Structural Concrete

Councilman Philipp requested a presentation on this item.

Convention & Visitors Bureau Executive Director Maura Gast presented a project update, described the current work on site.

- 33** Ordinance -- Amending Chapter 8 Entitled "Irving Building Standards Code" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, to Provide Regulations and an Appeal Process for the Crime Free Multi-Housing Standards

Mayor Herbert Gears requested a presentation on this item.

City Attorney Charles Anderson described the apartment applicant screening and appeal process.

Councilman Philipp questioned the proposed time frame for the appeal process, noting that three weeks was too long to schedule a hearing with a municipal judge.

The Council and staff discussed the costs associated with the criminal background checks and the court costs.

Councilman Philipp suggested lowering the court process to five days for an appeal.

City Manager Gonzalez stated that he will speak with the judges and have an answer before the regular City Council meeting.

Code Enforcement Director Teresa Adrian described the apartment risk rating system and training program.

- 34** Ordinance -- Amending the Civil and Criminal Code of Ordinances, Irving, Texas by Adding Chapter 29A "Crime Prevention", Article 1 Convenience Stores; Containing Findings, Definitions, Providing Requirement and Procedures for Registration and Operation of Convenience Stores and Providing for Penalty, Savings, Severability; and Effective Date

Chief Larry Boyd presented the ordinance amendments which include ATM security, surveillance cameras, alarm systems, window visibility and store employee training.

Councilman Philipp questioned the permit process for building conversions to convenient stores.

Director McDonald confirmed that such changes would require a new Certificate of Occupancy.

- 36** Ordinance -- Zoning Case #ZC07-0087 - Granting TOD (Transit Oriented Development) Uses - Approximately 9.75 Acres Located on the Southeast Corner of O'Connor Boulevard and Lake Carolyn Parkway - Icon Partners, Applicant - Woodmont TCI Group XIII, LP, Owner

Senior Planner Kenneth Bloom described the requested TOD uses on this property.

Mayor Gears confirmed that he had met with Icon representatives and they are working on marketing Phase One.

Councilman Philipp asked when the funding information would be available.

City Manager Gonzalez confirmed that it would be brought back to Council in two to three months.

- 37** 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 October 16, 2008)

- 38** 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 October 16, 2008)

Senior Planner Bloom presented companion items No. 37 and No. 38.

The Council discussed signage and allowable uses of the northeast property.

Councilman Allan Meagher asked if the utilities will be underground on these properties.

Director McDonald stated that staff will ask the applicant before the regular City Council meeting.

- 39** Ordinance -- Zoning Case #ZC08-0039 - Granting S-P-1 (Detailed Site Plan) for Hotel and R-AB (Restaurant with Alcoholic Beverage Sales) - Approximately 4.01 Acres Located on the Northeast Corner of Meridian Drive and Highpoint Drive - Noakes Engineering Co. Inc., Applicant - Jagdip Patel, Owner

Senior Planner Bloom presented this item.

Councilman Tom Spink asked ICVB Executive Director Maura Gast to give her input on the proposed hotel.

Executive Director Gast noted her support of the project which includes large meeting spaces.

Property owner Jagdip Patel described the roof top event area.

Councilman Philipp asked staff to work with the applicant to ensure a quality space.

- 40** Ordinance -- Zoning Case #ZC08-0048 - Granting S-P-2 (Generalized Site Plan) for P-O (Professional Office) Uses - Approximately 3.294 Acres Located at 819 and 901 North O'Connor Road - Divine Properties, Applicant/Owner

Senior Planner Bloom described the new landscaping and screening on the property.

- 41** Ordinance -- Zoning Case #ZC08-0055 - Requesting Exceptions to the Signage Requirements to Replace the Existing Monument Sign and Replace Two Signs on the Drive-Thru Canopy - Approximately .63 Acres Located at 110 Ohio Street - City of Irving, Applicant - Bank of America Texas N.A., Owner

- 42** Ordinance -- Zoning Case #ZC08-0056 - Requesting Exceptions to the Signage Requirements to Replace Two Existing Wall Signs and Replace the Pole Sign with a Monument Sign - Approximately 0.31 Acres at 330 West Irving Boulevard - City of Irving, Applicant - Bank of America Texas N.A., Owner

Senior Planner Bloom presented companion items No. 41 and No. 42.

Councilman Philipp asked if the design fit with the Heritage District.

Director McDonald confirmed that the design plans had been approved by the Preservation & Redevelopment Board.

Managing Director Gooch noted that the design is consistent with other monument signs in the area.

- 43** Ordinance -- Zoning Case #ZC08-0057 - Granting C-N (Neighborhood Commercial) Uses - Approximately 0.694 Acres Located at 3635 North Belt Line Road - Beltline Road Partners Arizona LLC, Applicant/Owner

Senior Planner Bloom presented the item, noting that the applicant has requested postponement. He confirmed that staff does not recommend approval of this item and added that there are currently sixteen similar facilities on North Belt Line Road.

Staff recommended this area be re-zoned for other retail usage.

Councilman Rick Stopfer noted his concern with re-zoning a property without the owner's participation.

Senior Planner Bloom clarified that the owner had been notified throughout the process but staff had not received a response from the owner.

Assistant Police Chief Terry Zettle described the potential police issues with the proposed use at this site and noted that similar facilities see an increase in crime and traffic congestion.

Director McDonald stated that the owner has the option to protest the case which would require a ¾ vote from Council but has not protested at the time of the meeting.

Councilman Philipp noted the poorly maintained condition of the property.

2 Energy Procurement Presentation

Contracts & Fuel Administration Director Ramiro Lopez presented the energy procurement review process and staff's recommendation to begin a contract with Gexa which will start January 1, 2009. His presentation also included a description of the current street light management agreement with Oncor.

Councilman Philipp suggested increasing the reporting efforts on street lights so that Oncor will increase response rate by including the "Eyes of Irving" or other incentive program.

3 Convenience Store Crime Reduction Ordinance

Police Chief Larry Boyd reviewed the proposed convenience store crime prevention ordinance, noting that 48% of business robberies occur in convenience stores. He clarified the key components to reducing the crime would be to anchor ATM machines, upgrade to quality surveillance cameras, unobstructed view into stores, and employee training. Chief Boyd described the implementation timeline which would include training within 90 days and equipment installation by 2010.

4 Code Enforcement Strategic Initiatives

Code Enforcement Director Teresa Adrian presented the Code Enforcement strategic initiatives, which included key performance indicators, corridor and neighborhood enhancements, intensified enforcement of multifamily, health codes, and public awareness.

5 Beer and Wine Election Update

City Attorney Charles Anderson presented the election update, noting that the Dallas County Commissioners will canvass the election results on November 17, 2008. His presentation also included the current alcoholic beverage regulations and the local permit process which will begin after the elections are canvassed. He stated that the entire process would take approximately 120 days to complete due to the large volume of applicants that TABC foresees.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 4:10 PM

- 6 Litigation - Hugo v. Nichols, et al.
- 7 Legal Advice - North Lake
- 8 Legal Advice - Convention Center Financing
- 9 Litigation - Gregory Wayne Wallis v. the City of Irving, Fred Curtis in His Individual and Official Capacity Harold Renfroe in His Individual and Official Capacity, John Doe, in His Individual and Official Capacity, Leasa Liles in Her Individual Capacity and Daniel Hagood

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 4:44 PM.

The meeting was adjourned at 4:45 PM

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary