

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
April 22, 2009**

The Irving City Council met in work session April 22, 2009. 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	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 12:15 PM.

**DISCUSSION TOPIC**

Executive Luncheon (11:30 a. m. - 12:00 p. m.)

**1** Introduction of City Council Cycle Participants

Senior Management Analyst Melissa Baker introduced the City Council Cycle participants, Executive Assistant, for the City Manager's Office, Misty Rios and Office Supervisor, for Code Enforcement, Shareen Altum.

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

**2** Review of Regular Agenda

**4** Resolution -- Supporting the DART DFW Orange Line Phase III Direct Connection to DFW International Airport Via a Terminal A & B Station

Councilman Rick Stopfer described the importance of the direct connect to Terminal A & B for the City's hoteliers, future convention center and development. He also reviewed the proposed TLOTA bill; noting his concern that other project may effect Irving's commitments and future commitments as a current DART member city.

The Council discussed the state legislative process regarding the TLOTA bill and the impact the Cottonbelt Railroad will have on Dallas County and the DFW Airport if a direct connect is taken out of the plans.

Councilman Joe Philipp asked the Council to consider attending the next DART Board meeting with other Irving supporters of the original Orange Line plans.

Councilwoman Beth Van Duyne asked what power the City Council has to hold the DART Board accountable for past promises or can the City request a commitment in writing.

City Attorney Charles Anderson stated that staff will look to see if the City has any legal ability to hold DART to their commitments to Irving.

Mayor Herbert Gears noted that changing the airport connection to the Cottonbelt would require additional funding from the airport.

The Council agreed that this is a regional issue that must also be addressed by the North Central Texas Council of Governments' Regional Transportation Commission.

Councilman Lewis Patrick asked that this item be pulled from the consent agenda for a presentation at the Regular meeting.

Dallas County Commissioner Ken Mayfield addressed the Orange Line and the Dallas County Commissioners' support of a direct connection into the DFW Airport. He suggested that the City and the County Commissioners strategize together to promote this position.

Councilman Philipp suggested including the Greater Irving/ Las Colinas Chamber of Commerce staff in the strategy meetings.

Councilwoman Van Duyne suggested the City's and the County's legal office work together as well.

**6** Resolution -- Supporting Legislation to Facilitate Municipal Emergency Services Through Emergency Services Districts and Related Tools

Councilwoman Van Duyne requested a presentation on this item.

City Manager Tommy Gonzalez described this amendment to an existing bill being considered in this legislative session. He said this will support the legislation needed to address the large, unreimbursed costs of providing excellent ambulance service.

Councilman Philipp noted that these costs will be a budget issue.

**7** Resolution -- Opposing Proposed State Legislation Relative to Restricting the Effective Operation of Homeowners' Associations

Councilman Patrick requested a presentation on this item.

City Manager Gonzalez explained the need for Homeowners' Associations to maintain their authority in enforcing deed restrictions.

Councilman Patrick noted his concern with Homeowners' Associations foreclosing on properties.

Councilman Stopfer and Councilwoman Van Duyne described the Homeowners' Associations' responsibilities and proposed bill.

The Council requested that staff distribute the City's resolution to all the Neighborhood Association presidents, the Las Colinas Association and the Valley Ranch Association, to include Bob Foreman.

**15** Resolution -- Awarding a Contract to SYB Construction Co., Inc., for the 2008 Sanitary Sewer Main Replacement, Section IV Project

Community Services Director Paul Gooch requested that this item will be pulled from the agenda for further review by staff.

**17** Resolution -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of Single-Family Residence Located at 1419 Sixth Street - Sierra Plateau, LTD., Assignor

**18** Resolution -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of Single-Family Residence Located at 1423 Sixth Street - Sierra Plateau, LTD., Assignor

Director Gooch described the purchase agreements.

Councilman Patrick asked if this will mean more park amenities.

Director Gooch confirmed that the park will be master planned in the future with additional amenities and parking.

**19** Resolution -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of 38.24 Acres of Land Located at the South East Corner of SH161 and Belt Line Road, CSE Commercial Real Estate, LP, Assignor

Real Estate Services Assistant Director Doug Janeway described the property purchase for the public safety complex, noting that additional information will be given in Executive Session.

**31** Ordinance -- Authorizing the Abandonment of 16' Alley Between West Irving Boulevard and Second Street, One-Half Block East of South O'Connor Road

Councilman Patrick requested a presentation on this item.

Assistant Director Janeway confirmed that there were no issues with this abandonment at the request of the McDonalds Corporation.

Councilman Philipp asked when construction would begin on the McDonalds.

Real Estate & Development Director Brenda McDonald stated that construction is slated to begin in June on the complete demolition of the existing structure and the construction of the new McDonalds structure. Construction should be complete within 90 days of start date.

**33** Resolution -- Denying Temporary Use Permit #G0903-0232 to Allow a Snow Cone Stand at 511 Gilbert Road - Lonnie and Freddie Brigham, Applicants

It was noted that this request has been withdrawn by the applicant.

**34** Ordinance -- Amending Chapter 19 Entitled "Junk and Wrecking Yards", Article III "Junked Motor Vehicles" of the Code of Civil and Criminal Ordinances of the City of Irving to Provide a Procedure for Notice to the Owner and Abatement by the Owner or the City

Councilman Philipp requested a presentation on this item.

Police Chief Larry Boyd described the junked motor vehicle abatement process.

Councilman Philipp asked if this amendment will change the definition of a junked motor vehicle.

Legal Advisor Les Moore confirmed that the definition would not change but the timeline to abate a junked motor vehicle will be reduced.

- 35** Resolution -- Street Name Change - ZC09-0002 - Changing the Name of Bridlewood Lane to Stallion Crossing - City of Irving, Applicant (Postponed at April 9, 2009 City Council Meeting)

Urban Development Manager Steve Reed noted that staff has kept in contact with the residents and will contact the school as to their street name preference.

- 36** Resolution -- Street Name Change ZC09-0021 - Changing the Name of Lake Crest Drive to Lakemont Drive - City of Irving, Applicant

Chief Planner Ken Bloom presented this item, noting that there are no residents on this street and the department has modified the street naming process to avoid future duplications.

- 37** Ordinance -- Zoning Case #ZC09-0009 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 1.2 Acres Located at 1122 N. Irving Heights (East Side of Irving Heights, North of Union Bower) - Gene Kizziar, Applicant - Raymond Davis, Owner

Chief Planner Ken Bloom presented this item.

Councilman Philipp asked if staff supported this carport request.

Director McDonald stated that staff must support ordinance and request denial, however, as Council reviews carport requests on a case by case basis, staff is not highly opposed to the proposed site plan.

- 40** Ordinance -- Zoning Case #ZC08-0042 - Granting S-P-1 (Detailed Site Plan) for Assisted Living Facility - Approximately 1.07 Acres Located at 1717 West Irving Boulevard (East Side of Irving Boulevard, North of Pioneer) - Jamison Diversified, LLC/Lori Davis, applicant/owner

Chief Planner Ken Bloom presented this item.

Councilman Philipp questioned adjacent property development.

Director McDonald noted that staff is working with the property owner on a unified development plan that would include the adjacent property, which is also owned by Lori Davis.

- 41** Ordinance -- Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, by Adding Section 52-35E, Nondepository Financial Institutions, to Regulate the Location of Establishments Defined as Nondepository Financial Institutions - City of Irving, Applicant

Councilman Patrick asked if there are any legal issues with this ordinance amendment.

Director McDonald noted that it has not been challenged in Texas and other states have totally outlawed this type of business.

The Council discussed the negative impact of this type of business on the City.

Councilman Philipp asked if there is a variance process in place.

City Attorney Anderson confirmed that there is a process in place.

Councilman Tom Spink agreed that the City should limit the number of these businesses as suggested by the Mayor.

## EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 2:41 PM.

- 3 Legal Advice - Benavidez v. City of Irving  
Texas Open Meetings Act § 551.071
- 4 Legal Advice--Jim Drive Apartments  
Texas Open Meetings Act § 551.071
- 5 Legal Advice--Billar De Acapulco  
Texas Open Meetings Act § 551.071

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 3:23 PM.

The meeting was adjourned at 3:24 PM

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Herbert A. Gears, Mayor

ATTEST:

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Janice Carroll, TRMC  
City Secretary