

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
May 27, 2009**

The Irving City Council met in work session May 27, 2009. 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	Absent	
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 9:10 AM.

DISCUSSION TOPIC

1 Introduction of City Council Cycle Participants

Executive Assistant Linda Murray introduced the City Council cycle participants, Community Programs Supervisor James Smith and Park Planner Terry Read.

2 Recognition of City Staff for Quality Texas Foundation's Achievement Award

City Manager Tommy Gonzalez presented a video, recognizing the exceptional work of the City staff throughout the past year that culminated in the staff receiving the "Achievement Award" from the Quality Texas Foundation for Performance Excellence.

Councilman Joe Philipp gave an overview of the Texas Foundation Achievement Award, noting that the City of Irving was the only municipality recognized.

Council congratulated the City staff on this significant accomplishment.

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

3 Review of Regular Agenda

6 Resolution -- Supporting "The Potential Economic and Fiscal Impacts of Transit-Oriented Development along the DART Orange Line" Report Findings

Professor Bernard Weinstein, Director of Applied Economics for the University of North Texas presented an overview of the DART Orange Line study. He addressed the economic impact of the Orange Line, noting that a direct connection from Dallas to DFW Airport encompasses a \$5 billion investment and thousands of jobs that will be created. He confirmed that an alternate alignment would not create the same impact or the ridership opportunities available with a direct-connect from Dallas and through

Irving. Dr. Weinstein also stated that a direct connection to the DFW Airport will keep the airport competitive with other major cities.

Councilman Joe Philipp asked if Dr. Weinstein had contacted Dallas County or the DFW Airport during the data retrieval process.

Dr. Weinstein clarified that this was an independent study with no organizational contact beyond the City's Chamber of Commerce.

Councilwoman Beth Van Duynes questioned the impact of construction delays versus the direct-connect alignment being aborted.

Dr. Weinstein noted that both scenarios pose negative economic impacts as the assumptions are based in current dollars and the construction costs have been continuously rising.

Greater Irving/ Las Colinas Chamber of Commerce President Chris Wallace noted that the study will be sent to the DART Board of Directors, the Dallas County Commissioners, and the DFW Airport Board.

Councilwoman Rose Cannaday stated that a re-alignment would also have a negative impact on current Irving hotels; instead of remodeling their existing Irving properties, they may move their facilities to another city.

Councilman Rick Stopfer suggested sending the study to the Regional Transportation Council.

Mayor Herbert Gears asked that City Attorney Charles Anderson review the legal obligations that DART has agreed to with the City to assure that the Orange Line is completed to the DFW Airport. He also stated that it is important that the City of Dallas partner with Irving on this project.

14 Resolution -- Approving an Addendum to an Agreement Between the City of Irving and American Traffic Solutions for Automated Red Light Program and Right of Way Use

Councilman Philipp requested a presentation on this item.

Traffic Engineering Manager Dan Vedral stated that this item extends the current contract.

Councilman Philipp asked how the City evaluates the reduction in accidents at the red light camera locations.

Manager Vedral confirmed that the City evaluates the number of accidents as well as the severity of accidents.

Councilman Philipp requested a summary of the reductions to be provided to State Representative Linda Harper-Brown to support keeping this program alive and defeat proposed legislation.

Councilman Sam Smith asked if the contract could be extended longer.

Manager Vedral clarified that the vendor has agreed to extend the contract to 2013.

- 15** Resolution -- Authorizing the Mayor to Execute a Parking Lease Agreement Between SP Millennium Center, L.P. and the City of Irving to Provide Additional Parking for the Entertainment Venue

Mayor Gears requested a presentation on this item.

Real Estate & Development Director Brenda McDonald described the terms of the parking agreement in detail.

Councilman Philipp noted his concern with the non-refundable payments outlined in the agreement and questioned the City's recourse if service by the property owner is not provided.

Director McDonald clarified that payments would begin at the approval of the Certificate of Occupancy and she described the City's rights to the property, noting this agreement provides minimum risk to the City and a cost savings.

Mayor Gears noted that this agreement would also increase the value of the property.

Director McDonald confirmed that "Brimer" parking taxes can be collected at the Urban Towers when the parking structure is used by the Entertainment Venue.

- 20** Resolution -- Request for Approval to Apply for and Accept Neighborhood Stabilization Program (2) Funding in the Amount of \$5,000,000.00

Councilwoman Beth Van Duyne requested a presentation on this item.

Housing & Human Services Manager Vicki Ebner described the funding that would be used for foreclosed and vacant properties with the Irving Housing Finance Corporation as the development organization.

Councilwoman Van Duyne requested a copy of the application before the regular Council meeting and a note of any additional personnel required.

Manager Ebner confirmed that if a counselor is needed, the City would hire a contracted person on a short-term basis.

Councilman Smith asked when the City would hear if the application was approved.

Manager Ebner stated that the application is due by July 15, 2009, and the City should find out within 45 days of submittal.

City Manager Tommy Gonzalez noted that he had met with Housing & Human Services Chairman Phil Smith to look at projects throughout the City that might be eligible for funding.

- 27** Resolution -- Rejecting Bids for an Animal Incinerator/Crematory System

Councilman Philipp requested more information on this item.

Facility Development Director Casey Tate clarified that staff is recommending rejection of the bids due to unspecified size requirements. The City will rebid this item with more specific requirements.

- 30** Ordinance -- Consider and Take Action on an Ordinance Authorizing the Issuance of City of Irving, Texas, General Obligation Refunding and Improvement Bonds, Series 2009, in an Aggregate Principal Amount Not to Exceed \$53,615,000; Providing for the Award of the Sale Thereof in Accordance with Specified Parameters; Authorizing the Execution and Delivery of a Purchase Contract Relating to Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement, an Escrow Agreement and a Disclosure Counsel Engagement Letter; Approving the Official Statement; and Enacting Other Provisions Incident and Relating to the Subject and Purposes of This Ordinance
- 31** Ordinance -- Consider and Take Action on Ordinance Providing for the Issuance of City of Irving, Texas, Waterworks and Sewer System New Lien Revenue Refunding and Improvement Bonds, Series 2009, in an Aggregate Principal Amount Not to Exceed \$30,000,000; Providing for the Award of the Sale Thereof in Accordance with Specified Parameters; Authorizing the Execution and Delivery of Bond Purchase Agreement Relating to Such Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement, a Disclosure Counsel Engagement Letter and an Escrow Agreement; Approving the Official Statement and Enacting Other Provisions Incident and Relating to the Subject and Purposes of This Ordinance

Councilman Philipp requested more information on these companion items.

Chief Financial Officer Max Duplant described the General Obligation Bonds and the proposed refinancing of the current debt, noting that these items sets the parameters, and the City will go to market on the best day next week.

Councilman Philipp listed the projects that will be funded, which include parks and water reclamation initiatives and noted one million dollar cost savings due to staff's efforts.

- 32** Resolution -- Settlement of a Lawsuit with Shin Ho "Sam" Kim D/B/A Texas Lunch Box

City Attorney Charles Anderson noted that this item will be discussed in Executive Session.

- 34** Ordinance -- Zoning Case #ZC09-0011 - Granting S-P-1 (Detailed Site Plan) for Telecommunications Tower and Equipment Building - Approximately 1,200 Square Feet Located at 409 North Briery Road - Zone Systems, Inc., Applicant - Dessert Dreams, Inc., Owner

Urban Development Manager Steven Reed presented this item, noting that a $\frac{3}{4}$ vote of the entire Council is required to approve the zoning request.

Councilman Stopfer noted his concern regarding the maintenance requirements in place for a flag on the flagpole.

Manager Reed clarified that Council may include a stipulation on the site plan to require a flag at all times if they wish.

Director McDonald noted that the proposed tower is a flagpole design but currently does not require a flag to be on the pole and she described the objections from the neighboring property.

- 35** Ordinance -- Zoning Case #ZC09-0022 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.49 Acres Located at 1510 and 1518 Jody Lane (North Side of Jody Lane at Sunnybrook Drive) - JDJR Engineers, Applicant - Bueal and Phyllis George, Owners

Urban Development Manager Steven Reed described staff's recommendation, noting that a ¾ vote of the entire Council is required to approve the zoning request.

Councilman Smith stated that the City has received another petition in opposition from the neighborhood association members, and it is included in the Council's addendum book.

Mayor Gears asked if the proposed houses would be one or two story.

Manager Reed noted that staff has not received floor plans for the properties but the lots are large enough for either design.

Councilman Philipp asked if the applicant had met with the neighboring homeowners.

Director Brenda McDonald stated that the applicant had sent out letters to the neighbors and tried to meet with them but did not have a large turnout. Staff has recommended to the applicant to meet with the homeowners before the Council meeting.

Mayor Gears asked if the applicant would consider building two houses instead of three.

Director McDonald confirmed that applicant's wish to develop three lots would be to his best interest economically.

Councilman Philipp noted the need to upgrade the neighborhood with redevelopment.

Mayor Gears asked the City Manager if the City has funds to help demolish the current rental property which may incentivize the property owner to develop two lots versus three. He also requested information on the other properties owned by the applicant throughout the City.

Council agreed that the applicant should meet with the neighboring homeowners.

4 Heritage Tree Study

Intergovernmental Services Director Ramiro Lopez introduced the Heritage Tree Study.

Heritage District Neighborhood Association President Lorraine Taylor presented the study findings. Her presentation included an overview of the tree count and requested that the City preserve the native trees in the Heritage District during the redevelopment process. She also presented a video of the residents involved in the tree count.

Dallas Regional Forester Micah Pace described the street tree survey project. He described the gross annual benefits and economic value of the 653 street trees in the Heritage District. His recommendation included a formal urban forestry program which would increase and maintain canopy coverage and improve care of young trees.

Councilman Philipp asked if staff had reviewed an urban forestry program.

City Manager Gonzalez confirmed that a forestry program is included in Strategic Plan and will be discussed at the Council's planning retreat in June.

Mayor Gears noted his support of an urban forestry program.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 11:40 AM.

- 5** Legal Advice - Benavidez v. City of Irving
Texas Open Meetings Act § 551.071
- 6** Personnel - City Manager - Annual Evaluation
Texas Open Meetings Act § 551.074

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 1:05 PM.

The meeting was adjourned at 1:06 PM

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary