

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
June 10, 2009**

The Irving City Council met in work session June 10, 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	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

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

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

2 Review of Regular Agenda

Work Session Item #3 was heard prior to discussion of the Regular Agenda.

9 Resolution -- Authorizing the Mayor to Execute an Amended and Restated Entertainment Center Development Agreement with Las Colinas Group, LP

Councilman Joe Philipp requested that the timeline on this project be updated, and brought back to Council. He said that he would also like Mrs. McDonald to explain how these costs were arrived at and explain the Beck agreement in the supplement. He also noted that the contract has been changed from version one to version four.

Real Estate & Development Director Brenda McDonald reviewed the agreement amendments, noting the increase in construction costs for additional seating and parking are based on the schematic plans.

Mayor Herbert Gears clarified that final construction pricing will be available after construction plans are completed.

Director McDonald stated that she will provide an itemized summary of projected constructions costs to the City Council. She also outlined the development agreement.

The City Council and staff discussed the changes in costs and possible funding opportunities based on proposed state legislation.

Councilwoman Beth Van Duyne questioned the current payments to the Las Colinas Group, LP and the need for a M/WBE agreement when that service could be provided by the City staff.

Director McDonald confirmed that only predevelopment funds have been paid to the vendors.

Councilman Tom Spink asked if the parking garage could be utilized by a future adjacent hotel.

Director McDonald clarified that the parking garage is not designed with hotel parking included, but it can be expanded by adding additional levels.

10 Resolution -- Authorizing the Mayor to Sign an Amended and Restated Entertainment Center Lease Agreement with Las Colinas Group, LP

Director McDonald described the flow of funds for the Entertainment Venue.

Rob Collins with Vinson & Elkins reviewed the change in the taxing language made to the agreement to maximize the City's funding options.

Councilman Philipp requested an updated timeline.

Councilman Spink asked for a presentation by the Live Nation representative.

Greg Wintner with Live Nation described the design changes that will attract additional programming to the venue.

6 Resolution -- Approving a Completion Agreement with Liberty Mutual Surety to Complete Construction of the City of Irving Animal Shelter and Dog Park Project Under the Performance Bond

Councilwoman Beth Van Duyne asked if staff had conducted community outreach to assure that all concerned citizens know what the status is.

Community Services Director Paul Gooch confirmed that staff has spoken with concerned citizens and noted that this agreement allows for continued construction with the same completion date of December 29, 2009.

City Manager Tommy Gonzalez noted that an overview was presented at the Community Services Committee meeting.

Councilman Sam Smith asked that the presentation given to the Community Services Committee be available to the public.

City Manager Gonzalez stated that staff will bring the presentation back at the June 24, 2009 worksession.

16 Resolution -- Approving and Accepting the Proposal from Bank of America, N.A., for an Annual Contract for Bank Depository Services

Councilman Allan Meagher questioned payments to the bank as outlined in the agreement.

Chief Financial Officer Max Duplant clarified the bank fees charged for every transaction; noting that Bank of America was the best proposal received by the City.

- 26** Ordinance -- Amending Chapter 8 Entitled "Irving Building Standards Code" of the Code of Civil and Criminal Ordinances of the City of Irving by Adding Article X. "Vacant Building Registration"

Councilman Joe Philipp requested a presentation on this item.

Police Chief Larry Boyd gave an overview of the registration program, noting this is a tool for Code Enforcement to hold vacant building owners accountable for maintaining their property.

Senior Assistant City Attorney Jennifer Richie described the ordinance which creates an inventory of vacant buildings and includes a revocation of the Certificate of Occupancy provision.

Police Lieutenant Jonathan Timpf described the negative impact vacant buildings have on a neighborhood.

Councilman Philipp questioned the appeal process.

Attorney Richie confirmed the section in the Code of Civil and Criminal Ordinances that allows for appeals.

Chief Boyd clarified that the vacant building registration is for commercial properties only.

- 28** Resolution -- Approving Preliminary/Final Plat - Sixth and Seventh Addition - Approximately 0.3291 Acres Located on the West Side of South Rogers Road, Between West Sixth Street and West Seventh Street - ZKB Properties, Applicant - ZKB Properties, Marvin Randle and City of Irving, Owners

Chief Planner Kenneth Bloom presented this zoning case.

Councilman Lewis Patrick asked the location of the easement lines.

Planner Bloom confirmed that the easement is split evenly.

Councilman Meagher questioned the lot size.

Planner Bloom clarified that the proposed lots are R6; as approved in a zoning case last fall.

- 33** Ordinance -- Zoning Case #ZC09-0003 - Amending the Comprehensive Zoning Ordinance No. 1144 by Adding Section 52-32h. Heritage Crossing Redevelopment District, and Creating the Heritage Crossing Redevelopment District - City of Irving, Applicant

Urban Development Manager Steven Reed presented this zoning case. He noted the ordinance establishes design standards for the Heritage District; to include building design and landscaping requirements.

The City Council and staff discussed the proposed color guidelines for the District, and the wording in the ordinance on this subject.

Real Estate & Development Director Brenda McDonald noted that the City Council will review all proposed development; noting, the language is not intended to dictate architectural style or limit creativity or variety.

3 Presentation of Entertainment Venue Schematic Design - HKS Architects

This presentation was received prior to the review of the Regular Agenda.

Mike Nicolaus with HKS, Inc., presented a detailed visual update of this project.

Lou Dickstein with Texas Hospitality Group described the performance hall design, including the seating, suites, and backstage area. He noted that the retractable ceiling will create flexibility for programming as the seat capacity can change depending on the need.

Councilman Lewis Patrick asked for the maximum capacity as he would like for the theater to be able to handle high school graduations.

Mr. Nicolaus clarified the maximum capacity is 6500 with a standing room design but 5200 is the seated capacity.

Councilwoman Rose Cannaday questioned access to the APT system and handicap accessibility.

Mr. Nicolaus confirmed that the venue would be ADA compliant.

4 IHFC Board Meeting

Mayor Gears recessed the Work Session and convened the Irving Housing Finance Corporation meeting at 2:40 PM.

Mayor Gears adjourned the Irving Housing Finance Corporation meeting and reconvened the Work Session meeting at 3:00 PM.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 3:14 PM.

- 5 Legal Advice - Benavidez v. City of Irving
Texas Open Meetings Act § 551.071
- 6 Land Acquisition - DART Orange Line Right-of-Way
Texas Open Meetings Act § 551.072
- 34 Resolution -- Selection of Mayor Pro Tem and Deputy Mayor Pro Tem by the City Council

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 4:45 PM.

The meeting was adjourned at 4:46 PM.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary