

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

The Irving City Council met in work session July 22, 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 1:00 PM.

DISCUSSION TOPIC

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

1 Introduction of City Council Cycle Participants

Executive Assistant Linda Murray introduced the City Council Cycle Participants, Solid Waste Services Supervisor Roger Barron and Chief City Marshal Mark Eads.

2 Recognition of City Process Improvement Program and Results by State Repr. Linda Harper-Brown

City Manager Tommy Gonzalez reviewed the City's employee-driven improvements and introduced State Representative Linda Harper-Brown.

Representative Linda Harper-Brown recognized the City for its cost-savings initiatives and providing enhanced and exceptional services to residents, visitors, and businesses.

On behalf of the employees of the City, Mayor Gears and City Manager Tommy Gonzalez accepted this proclamation from the State of Texas.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 1:05 PM.

10 Legal Advice - Benavidez v. City of Irving
Texas Open Meetings Act § 551.071

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 2:30 PM.

3 Review of Regular Agenda

12 Resolution -- Approving the Fiscal Year 2009-2014 Consolidated Plan and 2009 Action Plan, Authorizing and Directing the Mayor to Submit the Fiscal Year 2009-2014 Consolidated Plan and 2009 Action Plan to the United States Department of Housing and Urban Development for Approval

Councilwoman Beth Van Duyne asked if approving the Consolidated Plan and Action Plan would include approving an increase in personnel.

Housing & Human Services Executive Director Vivian Ballou clarified that this resolution only sets up the budget for the next year.

22 Resolution -- Authorizing the City Council of the City of Irving, Texas to Enter into an Interlocal Agreement with the Dallas County Tax Office for Ad Valorem Tax Collection

Councilman Lewis Patrick asked what firm will handle the delinquent taxes.

City Manager Gonzalez confirmed that the City is still using the same company as in previous years.

25 Ordinance -- Amending Chapter 39 Entitled "Unclaimed Property" of the Code of Civil and Criminal Ordinances of The City of Irving, Texas, by Adding Article II Entitled "Shopping Carts"

Councilman Patrick requested a presentation on this item and stated his concern for the elderly that use the carts.

City Manager Gonzalez advised that customers using the carts will not be impacted.

Parks & Building Maintenance Director Chris Michalski gave a brief history of the shopping carts issues and reviewed the proposed permitting process and ordinance elements.

27 Resolution -- Approving an Increase in Library Fees

Councilwoman Rose Cannaday noted her opposition to the proposed fee increases.

Councilman Joe Philipp requested a presentation on this item.

Budget Administrator Bret Starr reviewed the benchmark cities' fees, noting that all City departments were asked to review the current fees. The fees will recover the cost of the service only.

Councilman Philipp agreed that this ordinance should be postponed, but he asked if staff had looked at the collection agency process.

Chief Financial Officer Max Duplant stated that staff will be looking at the collection process in Municipal Court in the near future and can review the Library's process at the same time.

Council agreed to pull item 27 and take no action at this time.

30 Ordinance -- Zoning Case #ZC09-0037 - Granting S-P-2 (Generalized Site Plan) for C-C (Community Commercial) Uses, Personal Storage Warehouse, and Auto Sales and

Display - Approximately 6.93 Acres Located at 3123 and 3125 West Airport Freeway (Northeast Corner of Imperial Drive and SH 183) - JDJR Engineers, Applicant - Herring Investments, Owner

Chief Planner Kenneth Bloom presented staff's recommendation, noting that the applicant is not in support of these changes.

Councilwoman Cannaday asked if the building designs will come back to Council for approval, noting the need to emphasize the consistency of design along the corridor.

Planner Bloom clarified that the building plans would not come back to Council for approval but the buildings will have to meet the new commercial design standards. He clarified that the applicant is not in agreement with staff's recommendations.

Mayor Herbert Gears requested more information on right-of-way landscaping requirements.

- 32** Ordinance -- Zoning Case #ZC09-0039 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) and R-10 (Single Family) Uses - Approximately 94.25 Acres Located in an Area Bounded by Hackberry Creek, Riverside Drive, Las Colinas Boulevard and Lake Carolyn - Hines LC, LLP, Owner/Applicant

Chief Planner Kenneth Bloom presented this item, noting staff's recommended provisions.

Councilwomen Cannaday and Van Duyne noted that the proposed design has already been built.

City Manager Gonzalez stated that the model home has been complete but if the zoning is not approved the model home will be converted to meet allowable zoning.

Council noted their support of the proposed design.

- 4** Review of Museum Concept Plan

Community Services Director Paul Gooch described the proposed museum and addressed previously considered locations. His presentation included staff's recommendation to build a new library in the Heritage District and locate the museum in the current Central Library building. He requested Council's consensus to put the plan into action.

Councilman Philipp asked if there had been bond authorization for a new library and requested a detailed project plan and cost estimates to redo the current library.

Director Gooch confirmed the bond authorization and stated that more detailed information would be available in three months and the projects will run parallel.

Councilwoman Cannaday noted that both the Library Board and the Museum Board approved the plan unanimously.

Councilman Sam Smith suggested marketing the Arts Center and the Museum together to attract day-long outings.

The Council's consensus was to move forward with this project.

- 5** Shopping Cart Ordinance

This item was discussed during the Review of the Regular Agenda.

6 2009-2014 HHS Consolidated Plan and 2009 Action Plan Discussion

This item was discussed in the Community Services Committee meeting.

7 Discuss Home Rule Charter Revisions

City Attorney Charles Anderson presented an update Home Rule Charter revision discussions. He noted that single-member districts were under consideration before the lawsuit ruling and reviewed the Charter Committee members' positions.

Councilman Philipp confirmed that the committee did not specify the form or format of the council composition under single-member districts.

Attorney Anderson reviewed the proposal to allow the city manager to sign contracts.

Councilman Philipp confirmed that Council would still vote on contracts above \$50,000.

Attorney Anderson reviewed the recommended changes to the treasurer position section including using the title CFO.

Councilman Philipp noted the need for the Charter to clearly confirm that the chief financial officer reports to the city manager.

Mayor Gears asked if the City must designate a treasurer if a chief financial officer is in place.

Attorney Anderson confirmed that due to state legislation a treasurer must be designated.

Attorney Anderson reviewed the recommended proposal to add language to allow economic development bonds to be issued.

Councilman Philipp requested more information and a recommendation from staff.

Attorney Anderson reviewed the recommended changes to the Charter CAP.

There followed a lengthy discussion on this issue.

Council requested the chief financial officer bring back more information to Council after meeting with the TMRS actuary.

Mayor Gears noted that the CAP and COLA are two different issues and addressing the CAP will be the first step.

Councilman Philipp requested this item be included on the Audit & Finance Committee meeting on August 5, 2009 with all financial modeling as it relates to the CAP and the COLA.

Councilmen Smith and Stopfer noted the need to look at the actual costs of the TMRS plan to the City.

The Council agreed to continue looking at a Charter election on single member districts. This will be brought back to the August 5 Work Session.

8 Planning & Inspections Department Processing Report

City Attorney Charles Anderson presented the Planning & Inspections permitting and plan review process, noting that staff reviews the plans for building code compliance, while the engineer that seals the plans certifies the building design.

Council and staff discussed the construction plan process and the required inspections.

Planning & Inspections Director Gary Miller confirmed that if substantive changes are made during the construction process, revised plans and further staff review is required.

Real Estate & Development Director Brenda McDonald detailed the inspector's function.

Councilwoman Van Duyne requested a list of required documents to be submitted to the City during the permitting process. She also suggested looking at incentives for builders to call for final inspections.

Councilman Philipp noted his support to archive electronic plans and suggested bringing this discussion to the Planning & Development Committee.

Mayor Gears clarified that the City is not being investigated by the state regarding the Cowboy's practice facility. He suggested all Council members that have questions regarding departmental processes to contact the appropriate directors.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 5:20 PM.

- 9 Personnel - City Secretary Position
Texas Open Meetings Act § 551.074
- 10 Legal Advice - Benavidez v. City of Irving
Texas Open Meetings Act § 551.071
- 11 Legal Advice - Allen v. City of Irving
Texas Open Meetings Act § 551.071

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 6:50 PM.

The meeting was adjourned at 6:51 PM.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary