

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
September 23, 2009**

The Irving City Council met in work session September 23, 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	Late	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Late	
Rick Stopfer	Irving City Council	Councilman	Absent	
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 11:00 AM.

**DISCUSSION TOPIC**

**1** Introduction of City Council Cycle Participants

Executive Assistant Linda Murray introduced the Council Cycle Participants, Legal Services Supervisor Belinda Rowlett and Senior Librarian Stephanie Gimble.

**2** Review of Regular Agenda

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

**1** City Manager's Strategic Plan Update

City Manager Tommy Gonzalez recognized Senior Assistant City Attorney Jennifer Richie, Police Sergeant John Mitchell, and Assistant Police Chief Steve Ramsey with an On the Spot Award for their work for the Apartment Crime Reduction Program.

**2** Ordinance -- Public Hearing and Adoption of the 2009-10 City of Irving Fiscal Year Budget

City Manager Gonzalez noted that the staff has made adjustments based upon the Council's decision not to increase the water, sewer and sanitation rates. He stated that this adjustment will require only a delay in projects, but will not create a hardship for the City. He reminded the Council that Irving is the lowest of the metroplex benchmark cities in these rates.

Mayor Gears noted that since property values have gone down and the Council has agreed not to increase the tax rate, he asked what the percentage decrease in taxes has been.

Budget Administrator Bret Starr said he did not know but will provide that information. Later in the meeting, he advised that this represents a 9.9% decrease in taxes.

Councilman Philipp stated that he agreed to the tax decrease and deferring any increase in rates. However, he stated that water, sewer, and sanitation are core issues and they should again be considered by the Council this fall. He asked that facts and a plan of action be brought back to the Council as infrastructure must be replaced before it fails.

Councilwoman Cannaday and Councilman Smith agreed.

- 8** Resolution -- Authorizing the Mayor to Represent the City of Irving in Members Meetings of The Las Colinas Association, Sign Proxy Statements, Vote for Directors, and Any Amendments to the Declarations Which May be Proposed

Mayor Gears asked why this item is on the agenda.

City Manger Tommy Gonzalez advised that he is seeking clarification as to who should be authorized to represent and vote for the City in matters pertaining to the Las Colinas Association as the City now owns property in Las Colinas.

After discussion, it was agreed that the City Manager, rather than the Mayor, will be placed in this position and directed the City Attorney to correct the resolution.

- 9** Resolution -- Authorizing Staff to Negotiate a Professional Services Contract with CTL/Thompson and Alpha Testing for the Annual Geotechnical Engineering and Construction Materials Testing and Inspection Contract

Councilman Philipp asked who has been performing this service.

City Engineer Mike Walter answered that this firm has been providing this service to the City for years. He clarified that this contract is for City infrastructure projects only; however, often developers will use this firm as well for their core testing.

Real Estate Development Director Brenda McDonald advised that testing is required for all infrastructure put in by private developers.

- 11** Resolution -- Awarding a Contract to Weir Bros., Inc., for the Texas Stadium Demolition Project

Assistant Director of Real Estate Development Doug Janeway reviewed the bid process that was provided by Jacobs Engineering on five of the top seven bidders. He stated that the most effective way to demolish the stadium is by implosion and this should occur in early 2010.

He advised that this bid has been contested by another bidder, and will be discussed in Executive Session.

Councilwoman Cannaday asked if any of the steel could be salvaged to be recycled to be used for a memorial of some kind to the stadium, i.e., a fountain.

Mr. Janeway stated that he will check with the contractor as he has the ownership of all salvaged steel.

The Mayor stated that staff is working on a ceremonial event to be held at the time of demolition.

Councilman Philipp requested an electronic copy of the bid analysis study prepared by Jacobs.

**16** Resolution -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of a Single-Family Residence Located at 506 Larry Drive - Sierra Plateau, Ltd., Assignor

**17** Resolution -- Approving an Assignment of Contract of Sale to the City of Irving for the Acquisition of a Single-Family Residence Located at 614 Westwood Drive - Sierra Plateau, Ltd., Assignor

Community Services Director Paul Gooch stated that the purchase of the home at 506 Larry Drive provides for better access to Centennial Park. The owner is ready to sell and it is being purchased at appraised value. The purchase of the home at 614 Westwood will allow for the realignment of 6<sup>th</sup> Street and additional beautification of the streetscape. He noted that the owner does not want to sell and city is offering above market value to defer the costs of an eminent domain process.

Councilwoman Cannaday asked if Sierra Plateau is a McDougal company.

Mr. Gooch answered that this is a McDougal company.

**21** Resolution -- Approving Amendment of the Irving Housing Finance Corporation Bylaws to Allow Purchase of Non-Foreclosure Property

Councilwoman Van Duyne asked for a presentation on this item.

Executive Director Vivian Ballou stated that this amendment to the bylaws allows the HFC to purchase houses before they go into foreclosure.

Councilman Spink asked if the HFC will have the ability to do a reverse mortgage.

Mrs. Ballou answered that a reverse mortgage can be used by the HFC.

Councilwoman Van Duyne asked if there was grant money in place to implement the broadening of this program.

Mrs. Ballou stated that the City did have funding and the grant that is being asked for on this agenda will provide additional funding for this program.

Councilman Philipp noted that the grant and the use of the funds had been discussed at Chairman Smith's Community Services Committee at length. He stated that he was in favor of this change, but he asked that adequate checks and balances be put in place through the City's Financial Services Department and the Treasurer of the Housing Finance Authority.

**23** Resolution -- Approving the City Arts Services Program as the Third Part of the Irving Arts Board's New Financial Assistance Program

Executive Director Richard Huff presented a review of the City Arts Services Program.

There followed discussion of the program and the Council's representation on this committee. It was agreed that the Council appointments will set up through the City Secretary's Office similar to the board appointment process. Also it was agreed that the Arts Board would not have the ability to remove Council appointments to this committee.

- 24** Resolution -- Approving and Accepting the Bid of Mart-Caudle Corp dba Walnut Hill Wrecker for an Annual Contract to Provide Wrecker Service and Auto Pound Operation  
Councilman Philipp asked if Walnut Hill Wrecker Service has provided quality service to the City.

Police Chief Larry Boyd advised that they have received very few complaints on the services that they provide.

At this time, Mayor Gears stated that Work Session Item Number Nine will now be heard as Chief Boyd had to leave the meeting soon.

- 9** Report on the Warren Institute Study “the C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program”

Chief Boyd presented a report to the Council refuting many of the claims made by the study conducted by the Warren Institute and the corresponding article on this study published in the Dallas Morning News. The following points were made:

- Errors were made in calculating the number of arrests and type of arrests by ethnicity category.
- Arrests for all race categories rose in the summer of 2007 due to other Police initiatives such as COMSTAT and DWI grant funding.
- Errors were made in calculating the percentage of felony offenses referred to ICE; it was reported as only 2% when felony offenses account for 15%.

There followed a lengthy discussion as to how this correct information should be disseminated to the citizens of Irving, but the Council agreed that they are not interested in sending this information to those that produced this flawed study. The Council also expressed their confidence in the integrity of the Chief and the entire Police Department.

Further the Council agreed to get this information presented today to the Spanish speaking media.

Mayor Gears stated that the Council will now return to the review of the regular agenda.

- 29** Ordinance -- Amending Chapter 22 Entitled “Noise” of the Code of Civil and Criminal Ordinances of the City of Irving to Provide Specific Definitions and Enforcement of Noise Violations

Police Legal Advisor Les Moore reviewed this new ordinance.

Mayor Gears asked if this pertained to roosters and/or fowl.

Mr. Moore said that it did identify fowl; however, he clarified that the noise must be deemed unreasonable.

Mayor Gears stated that the Council will now consider work session item number three, as the outside consultants must leave soon.

**3** Identity Marking

Director of Corporate Communications Laurie Kunke introduced this item. She advised that Chairman Cannaday's Communication Committee has taken the lead on this project and worked with the Interstar Group and Propel to develop the identity marking that will be presented today. She presented a brief history of the logo and then introduced Jane Schlansker from the Interstar Group.

Ms. Schlansker reviewed the process and introduced the proposed logo that incorporates the head of a mustang horse with a flowing mane. The colors used are a green and a blue which represents the greening of the environment and the blue of the water. She noted that a bronze shade was being used for the lettering.

Councilwoman Cannaday stated that the larger issue of "branding" for the City can now be looked at it in a broader context.

Councilwoman Cannaday also addressed the process utilized by the staff and the committee to reach this consensus.

After discussion the Council agreed to bring this back to a future regular meeting for formal approval.

Mayor Gears returned to the review of the Regular agenda.

**30** Ordinance -- Repealing Housing and Human Services Board Appointment and Supervision of the Executive Director Under Section 63-3 of Chapter 63 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas

Councilman Smith advised the Council that it was a unanimous decision by the Community Services Committee to change the Housing and Human Services Executive Director position's reporting structure so that she reports directly to the City Manager rather than to the Housing and Human Services Board.

Councilman Philipp stated that he is in favor of integrating the department with the other City departments, but he is also still in favor of the following goals of the Housing and Human Services Department:

- 1) Affordable housing construction,
- 2) Redevelopment of housing in the city,
- 3) Foreclosure prevention strategies.
- 4) Emergency shelter grants
- 5) Various human services programs

Councilman Spink stated the board does not agree with this change as she is the expert in this area and this removes her authority to make decisions.

It was clarified that this change has no impact on any other city board. The Council agreed that the Housing and Human Services board will continue to act in its capacity as an advisory board to the City Council.

**31** Ordinance -- Amending the City of Irving General Obligation Bonds, Series 2007 to Reallocate \$2,255,000 Fire Facilities Bond Proceeds to Library Facilities Purposes

**32** Ordinance -- Amending the City of Irving General Obligation Bonds, Series 2008 to Reallocate \$1,580,000 Fire Facilities Bond Proceeds to Library Facilities Purposes

Mayor Gears explained that these are companion items each represent different bond issuances; however, the goal is the same on both. As Fire House Number Four will not be built on MacArthur to save the tree, the city will reallocate these funds to begin construction on the West Branch Library. The funds will not sit idle.

Councilman Van Duyne said that she has been receiving many calls from citizens on this and many are concerned about the legality of this decision.

Budget Administrator Bret Starr reviewed this recommended process and clarified that the City will lose 4.5% in interest earned if this is not done. He assured the Council that the city will still have funds to build the fire house in the future.

City Manager Tommy Gonzalez stated that in four to six months plans and options on the location of fire station number four will be brought back to the Council.

Councilman Patrick stated that he will vote "no" as he does not agree with delaying this construction just to save the tree and convert the existing streetscape to a "park."

Mayor Gears stated that this completes the review of the regular agenda and he will now return to consider the rest of the work session items.

**4** City Operations Health Continuity Plan

Assistant Emergency Management Coordinator Jason Carriere presented information on the H1N1 virus and the city's plans.

City Manager Tommy Gonzalez advised that this information will be placed on the City's internet.

The Council had no questions.

**5** Water Reuse Update

Business Manager David Cardenas presented this proposed plan to the Council and advised them as to what the City has accomplished to date.

City Manager Tommy Gonzalez stated that this is just one component of the City's water plan to continually maintain water to the residents and businesses in our city.

The Council had no questions.

**6** Cycle Council Cycle Results

Executive Assistant Linda Murray presented this review of the employees that have participated in this program and the suggestions they have made to improve the agenda and meeting process.

The Council commended the program.

**7** 2010 Council Calendar Review

City Secretary Janice Carroll presented the meeting calendar for the year 2010. She advised that this is a draft calendar and asked that if there are any needed changes to please advise her as soon as possible.

There were no changes to the calendar at this time.

**8** Housing & Human Services Back on Track Program

Housing & Human Services Executive Director Vivian Ballou presented the "Back on Track Program" which allows the department to provide self sufficiency assistance to residents during these difficult economic times. She described the local need and the grants received from the federal stimulus fund as well as how the funds will be allocated.

Mayor Gears asked several questions regarding the social service agencies in Irving and how they relate to this program.

Councilman Van Duyne asked if other agencies can apply for funding.

Mrs. Ballou assured that they can throughout the year. If an agency that was approved in the yearly process has not used all of the funds provided then these funds can be reallocated to another agency.

Councilwoman Van Duyne noted that Big Brothers/Big Sisters has lost their grant obtained through the school districts and my need to apply.

The Council agreed that this presentation does not include the additional employee positions funding that has been requested by the Housing and Human Services Department.

Mrs. Ballou agreed and noted that she has moved some of her current staff into the Back On Track program.

Mayor Gears noted that this program cannot run without adequate personnel and that this should be brought back for further discussion at the next work session. He noted that this department's staff is funded by Federal dollars and not the municipal general fund.

Councilman Smith stated that he is ready to approve staff if the City's procedures have been followed.

Councilwoman Van Duyne stated that she is interested in more of the funding going to the agencies rather than funding more personnel for the Housing and Human Service Department.

**10** IHFC Board Meeting

Mayor Gears adjourned the Work Session and opened the meeting of the Housing Finance Corporation.

## EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 3:52 PM.

- 11 Legal Advice - City of Hugo v. Nichols, et al.  
Texas Open Meetings Act § 551.071

Resolution -- Awarding a Contract to Weir Bros., Inc., for the Texas Stadium Demolition Project

Resolution -- Approving an Agreement Between the City of Irving and the Trinity River Authority to Provide Water and Wastewater Laboratory Analysis Services to Meet State Standards for the City of Irving, Texas

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 4:47 PM.

The meeting was adjourned at 4:48 PM.

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Herbert A. Gears, Mayor

ATTEST:

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Janice Carroll, TRMC  
City Secretary