

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
October 21, 2009**

The Irving City Council met in work session October 21, 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 11:15 AM.

DISCUSSION TOPIC

1 Introduction of City Council Cycle Participants

Mayor Gears recognized Randall Chrisman for his contributions to the City of Irving as city representative and chair of the DART Board.

Executive Assistant Linda Murray introduced the City Council Cycle participants, Administrative Assistant Kristin Harrison and Court Services Coordinator Sheli Masterson.

2 Review of Regular Agenda

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

9 Resolution -- Authorizing the Mayor to Execute a Chapter 380 Economic Development Incentive Agreement with Heritage District, LLC to Facilitate Redevelopment of the MacArthur Square Apartment Property

Real Estate & Development Director Brenda McDonald presented this item.

Mayor Gears stated his support of the demolition and redevelopment noting that this project is not financed through the Comerica agreement between McDougal and the City.

10 Resolution -- Approving Amendment No. 3 to the HOME Investment Partnerships Grant Agreement Between the City of Irving and Contours Community Development Corporation

Councilman Allan Meagher requested a presentation on this item.

Housing & Human Services Manager Vicki Ebner described the agreement, noting that Contours will be conducting the site development as well as building four homes and another CHDO will build four additional homes.

- 11** Resolution -- Authorizing the Submission of an Application to the North Central Texas Council of Governments for Implementation of the Regional Solid Waste Management Plan for North Central Texas Grant Program Funding for the Development of Irving Green Teens: Empowering Youth to Create a Sustainable Community, And, If Awarded, Authorizing the Mayor to Execute an Agreement
- Councilman Lewis Patrick requested a presentation on this item.
- Recycling Supervisor Fran Witte described the "Green Teen" Program.
- 20** Ordinance -- Amending Chapter 34 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, to Provide Regulation for Newsracks on Right-Of-Ways
- Mayor Gears requested a presentation on this item.
- Neighborhood Services Director Guy Henry reviewed the proposed ordinance amendments to regulate the placement of newsracks on public rights-of-way and sidewalks.
- Councilman Sam Smith asked who would enforce these regulations.
- Mr. Henry confirmed that Code Enforcement would be the main enforcers.
- Councilwoman Cannaday commended staff for meeting with the stake holders before implementation to assure a smooth transition.
- 23** Ordinance -- Zoning Case #ZC09-0038 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Alcoholic Beverages) Uses - Approximately 1.5 Acres Located at 4300 West Airport Freeway (South Side of SH 183, East of Hard Rock Drive) - Greenberg Farrow, Applicant - Drury Southwest Inc., Owner (Postponed at the September 3, 2009 City Council Meeting)
- Chief Planner Kenneth Bloom presented this item.
- Councilwoman Rose Cannaday asked for more information on the location.
- Mr. Bloom clarified the location on Airport Freeway and Esters Road.
- 24** Ordinance -- Zoning Case #ZC09-0047 - Granting S-P-1 (Detailed Site Plan) for Self-Storage Warehouses, and Outside Storage of RV's, Boats, Cars and Trailers - Approximately 1.77 Acres Located at 1402 and 1404 West Pioneer Drive (South Side of Pioneer, West of Rogers Road) - Wood Construction and Apartments, Owner/Applicant
- Chief Planner Kenneth Bloom presented this item, noting staff's recommendation for access only from Pioneer Road.
- Councilwoman Cannaday asked if there was sufficient room for emergency vehicles and questioned if this use was what the City wants near Irving Boulevard.
- Mr. Bloom confirmed that the site plan shows enough space for emergency vehicles and stated staff's position that mini warehouse use is a good use for a transitional property between residential and commercial.
- Councilman Meagher asked if the property has code enforcement issues.
- Neighborhood Services Director Guy Henry stated that there are no current code violations on site.

Councilman Patrick questioned the access easement on Rogers Road.

Real Estate & Development Director McDonald stated that the applicant is requesting to maintain this easement since he paid for its use. Ms. McDonald stated that does not have issues with the access but the site plan should not label it as emergency access.

- 25** Ordinance -- Zoning Case #ZC09-0054 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses - Approximately 3.2 Acres Located at 515 S. MacArthur Boulevard - Kroger Texas, LP, Owner/Applicant

Chief Planner Kenneth Bloom stated that staff has received a request from the applicant to withdraw the case. He noted that Council will need to take a formal action accepting this withdrawal at the regular meeting.

Mayor Gears asked if the applicant can come back in the future with the same request.

Mr. Bloom confirmed that the applicant can request this variance in the future, but it would be a new case with new notices.

Councilman Patrick requested that staff advise the groups concerned with this case that it has been withdrawn.

Planning & Development Manager Steve Reed confirmed that staff will notify them.

- 27** Ordinance -- Amending Section 52-49 of Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, to Allow the Sale of Alcoholic Beverages as a Permitted Accessory Use at Any Facility Whose Construction or Operation is Wholly or Partially Funded by Hotel Occupancy Tax Revenue - City of Irving, Applicant

Chief Planner Kenneth Bloom presented this ordinance amendment.

Councilman Tom Spink asked for assurance that the ordinance change does not set a precedence for restaurants.

City Attorney Charles Anderson confirmed that state law allows the city to lessen its restrictions and noted that these amendments only apply to city-owned facilities that receive funding through the Hotel Occupancy Tax.

Councilman Joe Philipp asked if current restaurants under the "60/40" food and liquor limitation would challenge these amendments. He noted his concern of the proximity of the Arts Center to a high school; the need for alcohol at the Arts Center when it is fully booked; and the limitation this would put on current groups that sell concessions at the Arts Center. Councilman Philipp confirmed his support for the amendments relative to the Convention Center.

Mayor Gears asked if the Council can exempt the Arts Center and Museum and if the zoning was approved for the Museum, would approval be required before alcohol sales would begin?

Mr. Anderson stated that staff will look at this option and noted that these amendments only clear the zoning restrictions currently in place.

Councilman Smith asked Executive Director Richard Huff to describe the revenues lost by the groups that sells concessions.

Arts Center Executive Director Huff stated that the Arts Board will study concessionaire service agreement options. He noted that these amendments do not require alcohol at all events, only gives the option. Mr. Huff also noted that there has been alcohol at the Arts Center for 14 years in accordance with the state law with no incident with high school students.

Councilman Smith asked for information on the school programs and the Genghis Khan exhibit.

Mr. Huff described the exhibit and compared it to the Denver and Houston attractions and noted that there was an opportunity to purchase an alcoholic drink at both exhibits.

Arts Board Chair Lorraine Taylor urged the Council not to pull the Arts Center from the ordinance as it will increase meeting room bookings, which are not full at this time.

Mr. Anderson confirmed that the City acts as the owner and can regulate the use and the sale of alcohol through the adoption of policies by the Council.

3 Neighborhood Grant Results

Community Outreach Manager Susan Rose presented the neighborhood grant results, which includes new Web sites, neighborhood identity signage, physical improvements and special events.

Councilman Smith suggested created an incentive program to give more funds for projects that are too expensive to fund solely with grant funding.

4 DART Update

Public Works & Transportation Director Jim Cline presented an update on the DART Orange Line project. His presentation included a discussion of the interlocal agreement executed in 2002 and the city's position regarding the design and funding changes that have occurred throughout the process.

Councilwoman Cannaday questioned the design of the Las Colinas station and its connection to the current APT.

Mr. Cline described the design issues that have been identified with the station connection.

Councilwoman Cannaday noted her concern with any further delays or funding issues with the Orange Line.

Mayor Gears confirmed the City's credits are above and beyond the original commitment. He requested staff draft a letter to DART noting the City's support of the D2 line project by giving Irving's extra credits to Dallas while moving forward with the Orange Line.

The Council agreed.

5 Water & Sewer System Needs

Water Utilities Director Todd Reck presented staff's recommendation to increase the City's financial investment in the water and sewer system infrastructure to expand the infrastructure replacement and increase the City's water supply. He also described the existing infrastructure and flushing process.

Mayor Gears asked about the status of the Jameson water line at the Texas Stadium site.

Mr. Reck confirmed that replacement of this line is being done in segments parallel with the highway construction.

6 Boards & Commissions Appointment Process

Councilwoman Cannaday noted that applicant interviews will be on October 28.

EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 1:55 PM.

**7 Legal Advice -- Potential Claim—Juvenile Incident, September 28, 2009
Texas Open Meetings Act § 551.071**

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 2:37 PM.

The meeting was adjourned at 2:38 PM.

Herbert A. Gears, Mayor

ATTEST:

Janice Carroll, TRMC
City Secretary