

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
November 4, 2009**

The Irving City Council met in work session November 4, 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	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 11:10 AM.

**DISCUSSION TOPIC**

**1** Introduction of City Council Cycle Participants

Executive Assistant Linda Murray introduced the Council Cycle Participants, Development Coordinator Jerry Sparks, Police Captain David Coulon, and Assistant Director of the Irving Arts Center Kass Prince.

**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 presented an On-the-Spot Award to the Information Technology Department staff for their work to rank the City of Irving third in the "Top 10 Digital Cities" in the nation.

He also presented a video regarding the work done to establish the Dallas County Parkland Hospital Health Clinic. The City of Irving received the Municipal Excellence Award from the Texas Municipal League for their partnership with Dallas County to make this a reality.

**9** Resolution -- Approving Termination of the Lease with Med Plus Equity Investments, LP, for Housing and Human Services Office Space at 2520 West Irving Boulevard, Irving, Texas

Councilwoman Beth Van Duyne requested a presentation on this item.

City Attorney Charles Anderson detailed the terms of the lease and noted that if it is not acted on now the City will be obligated for the full 10-year term.

Councilman Joe Philipp questioned the cost savings and the plans for relocation.

City Manager Gonzalez noted that the City will realize a cost savings of over \$300,000 and described the different location options, which include the first floor of City Hall or the Family Advocacy Center.

Councilman Philipp noted his support of this item.

- 10** Resolution -- Approving an Interlocal Agreement Between the City of Irving and the Dallas County Utility and Reclamation District (DCURD) for the Desiltation of District Waterways and the Maintenance of the Levee, Waterway Slopes, and Structures
- 11** Resolution -- Approving an Interlocal Agreement Between the City of Irving and the Dallas County Utility and Reclamation District (DCURD) for the Protection and Maintenance of the District's Cottonwood Creek System
- 12** Resolution -- Approving an Interlocal Agreement Between the City of Irving and the Irving Flood Control District Section III for the Operations and Maintenance Related to District Waterways
- 13** Resolution -- Approving Two Letters of Authorization Between the City of Irving and the North Central Texas Council of Governments (NCTCOG) for the Regional Storm Water Monitoring Program and Authorizing Fiscal Year 2010 Funding for the Regional Storm Water Monitoring Program and for the Regional Storm Water Management Program

Councilwoman Van Duyne requested a presentation on companion items 10-13 and asked why the City was supplementing these districts as they are all taxing entities.

Community Services Director Paul Gooch described the partnerships the City has with the flood control districts which creates cost-sharing maintenance programs to meet TCEQ requirements and federal requirements.

Councilwoman Van Duyne requested information on the funds allocated to the different flood control districts for the past five years.

Councilman Rick Stopfer described and clarified that for the maintenance/clean up work the Irving Flood Control District, Section III (IFCD III) has contracted with DCURD to perform these duties. He also noted that the funds given by the City is based on the percentage of city drainage that flows through the districts' systems. He is in support of these items.

Councilwoman Rose Cannaday noted the importance of the maintenance work done on the channels to keep development options available in certain areas.

Councilman Philipp asked for IFCD III's expenditures for desilting. He also requested a map with the DCURD boundaries and the percentages of the city's water drainage systems that flow through this district. He also asked Corporate Communications to promote the City's partnerships with these districts through the media.

Director Gooch stated that he will provide the requested fund information to the Council before the regular council meeting.

City Manager Gonzalez confirmed that staff will put together an educational video on these districts.

- 14** Resolution -- Approving an Interlocal Agreement Between the City of Irving and Dallas County Utility and Reclamation District (DCURD) for the Construction of an Elevator in the DCURD-Owned Bell Tower on the Mandalay Canal Related to the Lake Carolyn Promenade Project
- 15** Resolution -- Approving a Professional Services Agreement with Good Fulton & Farrell for the Design of a New Elevator in the Dallas County Utility and Reclamation District (DCURD) Bell Tower on the Mandalay Canal
- 16** Resolution -- Approving a Discretionary Service Agreement with Oncor Electric Delivery, LLC for the Lake Carolyn Promenade Project
- 17** Resolution -- Awarding a Contract to The Fain Group, Inc., for Lake Carolyn Promenade Project

Mayor Gears requested a presentation on companion items 14-17.

Director Gooch described the promenade project on Lake Carolyn, noting these agreements produce one mile of promenade.

Councilwoman Van Duyne asked if delays in the Water Street project would affect the promenade project.

Director Gooch confirmed that although the Water Street developers have agreed to construct the promenade on their property, any delays would not affect the other areas.

Mayor Gears noted that construction on the Water Street project has begun.

- 20** Resolution -- Approving a Purchase Contract for the Acquisition of a 1.0211 Acre Tract of Land Located in the Jefferson B. Runyan Survey, Abstract Number 1232 - University of Dallas, Property Owner

Councilwoman Van Duyne requested a presentation on this item.

Real Estate Services Assistant Director Doug Janeway described the acquisition of this last piece of property in the SH 114/ Loop 12/ SH 183 area in the foot print.

- 21** Resolution -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 510 Larry Drive - Alma Jean Havens and Harry Havens, Property Owners

Councilwoman Van Duyne requested a presentation on this item.

It was noted that this item would be discussed in Executive Session.

- 25** Resolution -- Assigning the City of Irving's Interest Acquired in DART LRT Orange Line Parcel I2-37E to Dallas Area Rapid Transit

Councilman Rick Stopfer commended staff for their work, noting that Verizon has not been a willing participant for the right-of-way acquisition for the DART Orange Line.

- 26** Resolution -- Approving Change Order No. 2 to the Construction Management at Risk Contract Between Austin Commercial, L.P., and the City of Irving, Texas, for the Irving Convention Center

ICVB Business Manager Jane Kilburn and Beck Representative Garrett Swaldi described the proposed changes and construction savings for the convention center project.

Councilman Philipp and Councilwoman Cannaday stated their support for the proposed changes.

**27** Resolution -- Approving Change Order No. 1 to the Contract with Maloney Strategic Communications for Advertising Agency Representation

Corporate Communications Director Laurie Kunke described the proposed changes to the original ICVB contract with Maloney; the changes will include website updates, Texas Stadium advertising and Transportation Summit advertising.

Councilwoman Van Duyne asked if there were contractual issues with using "Life after Texas Stadium" as the theme of the event.

City Attorney Charles Anderson noted that there are no issues if not used commercially.

The Council discussed the demolition day event options and media possibilities and noted that it will be planned for the end of February or March.

**38** Resolution -- ZC09-0034 - Requesting a Variance to Build an Electric Security Fence - Approximately 34.5 Acres Located at 200 North Belt Line Road - Electric Guard Dog, Applicant - Roadway Express, Owner

Chief Planner Kenneth Bloom presented the variance case, noting that the Fire Department cannot support the request due to safety issues and the Planning & Zoning Commission denied the request.

Councilman Philipp asked if other cities allow electric fencing and the reason for the fencing.

Planning & Development Manager Steve Reed noted that there is one other electric fence in Irving that was approved five years ago adjacent to the Trinity River Bottom, but staff has not checked with other cities. He noted that this is for security.

Councilwoman Cannaday noted that truck theft is thriving.

Councilman Philipp requested more information from the Planning & Zoning Commission meeting.

Mayor Gears asked staff to let the owner know that his presence at the regular meeting would strengthen his position.

Councilwoman Cannaday requested more information on the location of the fire hydrant on the property.

Councilman Allan Meagher noted his concern with the proximity of the electric fence to residential neighborhoods.

**40** Resolution -- Appointments to Boards, Commissions, and Committees, to Fill Two Year Terms Expiring November 2011, and Various Unexpired Terms for the Following: Animal Services, Advisory Committee, Arts Board, Building and Standards Commission, Construction Board of Appeals, Convention and Visitors Bureau, Advisory Committee on Disabilities, Board of Health, Housing and Human Services, Library, Museum, Parks and Recreation, Planning and Zoning Commission, Preservation and Redevelopment, Youth Council, and Zoning Board of Adjustments and Appeals

Councilwoman Cannaday read the names of the appointees recommended by the Council members that conducted interviews on October 28.

### 3 Improving Project Delivery Schedule

Senior Civil Engineer Steve Metzler presented the City's improvements made to construction project delivery. He described the benefits of the Construction Manager at Risk (CMAR) process as well as the contractual enhancements

Councilwoman Cannaday questioned the construction start time in the City.

Planning & Inspections Director Gary Miller confirmed that construction may begin at 6 a.m. on weekdays and 7 a.m. on weekends.

Councilman Stopfer commended the shortened construction time periods for projects but noted the need to maintain quality.

### 4 Tree City USA

Parks & Building Maintenance Director Chris Michalski presented the criteria for Irving to become a member of "Tree City USA". He noted that the City currently meets many of the criteria through a tree ordinance and are exceeding the funding requirements per capita.

The Council discussed the Tree Board requirement and whether the current Parks Board would be adequate or if a separate board was needed. Councilman Smith suggested a separate board, Councilmen Philipp and Meagher, along with Councilwoman Cannaday suggested expanding the mission of the current Parks Board, as they are eager to embrace this project.

Mayor Gears agreed that the Parks Board would be the best group, but suggested coordinating input from the other groups as well as including the Green Committee.

Councilman Stopfer asked about the City's arborist.

Director Michalski confirmed that Parks Manager Mike Griffith is a certified arborist but is also a grounds manager and supervises 70 people.

City Manager Tommy Gonzalez said this will be promoted through a video, *The Spectrum*, and the Neighborhood Associations.

### 5 State Highway 183 Overlay District

Planning & Development Manager Steve Reed presented the State Highway 183 Overlay District recommendations. His presentation included guidelines for right-of-way, standards for new and existing development and protection of adjacent residential property.

Councilman Spink asked what were the boundaries for the proposed district.

Manager Reed clarified that the overlay district would run the entire length of SH 183 from the City boundaries east and west and include Spur 482.

Councilman Patrick noted his concern with requiring an irrigation system on vacant property.

Manager Reed confirmed that the City does provide "irrigation only" meters and the owners do not have to pay the additional costs.

Real Estate & Development Director Brenda McDonald noted that properties will be required to have a 30-foot landscaped set back when developed, the irrigation requirement saves costs at the time of sale or will be beneficial since it will already be in place during development.

The Council agreed with this requirement.

Manager Reed described the proposed land use for the district, and noted the restrictions on auto sale properties.

Mayor Gears stated his concern with the negative impact these restrictions would have on current and future car dealerships. He noted his concern that if a dealership closes, and the City initiates a zoning case to remove the use, then the value of the individual's land will be diminished.

The Council also discussed this issue.

Councilman Philipp noted that this is not against car dealerships, but identifying what land uses we do want in the future; a zoning right will not be taken away.

Councilman Meagher suggested creating a time frame on vacant cars lots before removing auto sales as a land use through a city-initiated zoning case.

Mayor Gears requested staff include a vacancy time frame for dealerships in the proposed ordinance, and he will be in favor of this overlay district.

Councilman Stopfer asked that we look at bike paths and sidewalks within this thirty-foot landscaped corridor.

Councilman Philipp and Councilman Stopfer requested the Council receive a map of the proposed land use districts within the overlay before the public hearings are scheduled.

Councilman Stopfer requested the Council receive input from staff on the Council's issues before staff meet with the property stakeholders when this is completed.

**6** Alcoholic Beverage Ordinance (Requested by Councilwoman Van Duyne)

Councilwoman Van Duyne asked for the Council to discuss if there was a need to have charter election to put the 60/40 alcohol sales requirement to the citizens to vote on. She stated that if the citizens value the 60/40 requirement, the City should enforce it consistently, including city facilities.

The Council discussed at length the value of the 60/40 alcohol sales requirements, with many of the Council members stating their support of the current zoning that requires restaurants that sell liquor by the drink to make 60% of their revenue from food and 40% from alcohol.

It was clarified that the 60/40 requirements were not in the City's Charter, and it would not be a Charter amendment election

Councilwoman Van Duyne noted citizens' concerns with the city's recently approved ordinance exempting the new convention center, entertainment venue, and the Arts Center from this zoning requirement.

Mayor Gears clarified that the 60/40 requirements are specifically geared to restaurants and the city facilities do not fall under that category.

Councilman Spink noted his concern that the 60/40 requirements are at jeopardy of being repealed due to the City's exemption, and requested a legal opinion.

Mayor Gears confirmed that the City Attorney gave the Council a legal opinion before the Council voted on allowing the sale of alcohol at the convention center, entertainment venue, Arts Center and future museum at the October 22<sup>nd</sup> meeting.

The majority of the Council agreed that this item will not go forward.

**7** Water & Sewer System Fund Financial Needs

This item was postponed to the next Council work session.

**8** IHFC Board Meeting

Mayor Gears recessed the Work Session at 3:15 PM to conduct the meeting of the Housing Finance Corporation.

Mayor Gears reconvened the Work Session at 3:17 PM.

## **EXECUTIVE SESSION**

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 3:18 PM.

**21** Resolution -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 510 Larry Drive - Alma Jean Havens and Harry Havens, Property Owners

**9** 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 3:33 PM.

The meeting was adjourned at 3:34 PM.

---

Herbert A. Gears, Mayor

ATTEST:

---

Janice Carroll, TRMC  
City Secretary