

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL  
MEETING MINUTES  
December 2, 2009**

The Irving City Council met in work session December 2, 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 12:00 PM.

**DISCUSSION TOPIC**

**1** Introduction of City Council Cycle Participants

Management Operations Director Teresa Adrian introduced the City Council Cycle participants; Administrative Assistant Anita Gomez from the City Secretary's Office, and Assistant Information Technology Director Shane Burton.

**2** "The Deep End" Presentation

"The Deep End" Producer, Garry Brown, described the show and thanked the Mayor and Council for their support.

Mayor Gears noted the need to rebuild the film industry in Irving and thanked Mr. Brown and the "The Deep End" production company for doing their part to reach this goal.

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

**3** Review of Regular Agenda

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

City Manager Tommy Gonzalez presented "On the Spot" Awards to the Water Utilities Department.

**6** Resolution -- Authorizing the Mayor to Approve a Satellite Office Lease Agreement

Councilwoman Beth Van Duyne questioned the need for a five-year lease.

Chief Larry Boyd described the terms of the lease agreement and the need for this type lease versus purchasing property for this specific use by the police. It was noted that more specific information could be discussed in Executive Session.

- 11** Resolution -- Approving Settlement of a Lawsuit with Chenequa S. Bibles, et al.  
It was noted that the settlement information would be discussed in Executive Session.
- 31** Resolution -- Approving an Agreement Between the City of Irving and Heritage District, LLC for Consulting Services Related to the Redevelopment of Downtown Irving  
It was noted that this item would be postponed and a special meeting conducted on December 10, 2009 to consider this item.
- 32** Resolution -- Approving a Chapter 380 Economic Development Program Agreement with Heritage District, LLC, to Facilitate Redevelopment of 501 and 502 West Second Street for the Heritage Crossing Project  
Real Estate & Development Director Brenda McDonald described the agreement and noted the need for this item to remain on the agenda for action.
- 33** Resolution -- Approving First Amendment to a Chapter 380 Economic Development Program Agreement with McDougal Family Partnership, Ltd., for the Delaware Project in Connection with Heritage Crossing  
It was noted that this item would be postponed and a special meeting conducted on December 10, 2009 to consider this item.
- 34** Resolution -- Authorizing the Mayor to Execute Amendments to Amended and Restated Entertainment Center Lease and Development Agreement with Las Colinas Group, LP  
Councilwoman Van Duyne requested a presentation on this item.  
Director McDonald defined the amendments, noting that the lease amendment requires the eight outlying concessions be full-service restaurants and follow the 60/40 alcoholic beverage limitations.  
Councilwoman Van Duyne asked if restaurants in the City have the same option to pay a fine but continue to operate if the 60/40 requirements are not met.  
Director McDonald clarified that this is not allowable within the current restaurant alcohol beverage (RAB) zoning.  
Senior Assistant City Attorney Karen Brophy further explained the proposed 60/40 regulations.  
Director McDonald stated that the amendment is a contractual obligation, not a statutory change as the restaurants at the Entertainment Center are not governed by the City's RAB ordinance.  
Councilman Joe Philipp questioned the \$50,000 penalty fee.  
The Council discussed the proposed penalties.  
Councilman Philipp suggested eliminating the start-over provision regarding the 60/40 reporting penalty.  
The Council continued to discuss the lease amendments.
- 35** Resolution -- Authorizing Negotiations Between the City of Irving and Hunter Public Relations for Sponsorship of the Texas Stadium Implosion

Councilwoman Van Duyne requested a presentation on this item.

Convention & Visitors Bureau Executive Director Maura Gast described the negotiation process and the minimum agreement terms.

Councilman Philipp noted his concern with only \$75,000 specified for Irving charities.

Director Gast noted the short time frame and positive advertising options.

Councilman Smith asked about exposure and value to the City.

Councilman Philipp asked that staff look at parallel opportunities.

- 36** Resolution -- Authorizing Change Order No. 2 to Agreement Between the City of Irving and SMG for Pre-Opening Management Services in Connection with the Irving Convention Center and for Management Services for a Five-Year Period for the Irving Convention Center

Councilwoman Van Duyne requested a presentation on this item.

Convention & Visitors Bureau Executive Director Maura Gast described the personnel schedule; noting the payments have already been budgeted and have been consolidated; this change order is giving SMG authorization to expend the funds.

Councilwoman Van Duyne asked what the personnel duties would be before opening.

SMG representative, Tom Connors, explained that this is for the event support and sales personnel as well as operations staff during construction.

- 57** Ordinance -- Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives

Assistant Chief Financial Officer Brad Duff presented the terms of this incentive policy.

The Council discussed the proposed incentives and how they will be used to retain and develop small businesses.

Councilman Philipp requested that a measure of effectiveness be developed.

- 58** Ordinance -- Amending Chapter 8 of the City of Irving Code of Civil and Criminal Ordinances and Land Development Code of Ordinances including Adoption of 2006/2008 Editions of the Construction Codes and Regional and Local Amendments

Planning & Inspections Director Gary Miller presented the proposed ordinance amendments.

Councilman Philipp requested a summary page of changes in common fees, noting the importance to bring codes up to date.

- 63** 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 (Postponed at the November 5, 2009 City Council Meeting)

Councilwoman Rose Cannaday asked for clarification on the status of this case, as changes have been made by the applicant.

Planning & Development Manager Steven Reed noted that there are still staff objections to the electric fence being so close to residences.

Councilman Patrick asked why the external fence is required to be masonry.

Director McDonald noted a masonry fence will provide screening.

- 66** Ordinance -- Zoning Case #ZC09-0056 - Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) Uses - Approximately 3.34 Acres Located on the Southeast Corner of Belt Line Road and Willow Creek Drive - Quik Trip Corporation, Applicant - United Flotation Inc., Owner

Chief Planner Ken Bloom presented the case, noting staff's recommendation for additional stone articulation.

Councilwoman Van Duyne noted her support of the current design, but stated her concern with requesting additional stone that would increase maintenance costs for the owner.

- 72** Resolution -- Appointment to the Irving Flood Control District Section III to Fill Two Two-Year Terms Expiring January 2012 and One Unexpired Term Expiring January 2011

Councilwoman Cannaday noted these appointments will be postponed to the January 14, 2010 meeting.

- 4** Water & Sewer System Fund Financial Needs

Assistant Chief Financial Officer Bret Starr presented the City's water and wastewater system maintenance needs.

Councilman Philipp questioned the annual repair costs.

Water Utilities Director Todd Reck detailed the operations budget.

Councilman Stopfer asked about the recent La Vilita neighborhood water line break.

Bret Star confirmed that the water line break cost \$5.6 million, and it was an emergency expense.

City Manager Tommy Gonzalez noted that water issues cause health issues that result in residential relocation costs.

The Council discussed at length the City's water and wastewater maintenance needs.

- 5** Consolidated Annual Performance and Evaluation Report

Housing & Human Services Manager Vicki Ebner presented the Consolidated Annual Performance and Evaluation Report (CAPER) which is due to HUD by the end of the year. Her presentation included results from home restoration, new construction, homebuyer development and homelessness prevention.

Councilman Tom Spink complemented staff and the Housing & Human Services Board for their hard work.

## EXECUTIVE SESSION

City Attorney Charles Anderson read the Mayor and Council into Executive Session at 4:22 PM.

- 6 Legal Advice – Tropoloc v. City of Irving, et al.  
Texas Open Meetings Act § 551.071
- 7 Legal Advice - City of Hugo v. Nichols, et al.  
Texas Open Meetings Act § 551.071
- 8 Economic Development - Business Prospect on Convention Center Tract  
Texas Open Meetings Act § 551.072
- 6 Resolution -- Authorizing the Mayor to Approve a Satellite Office Lease Agreement
- 11 Resolution -- Approving Settlement of a Lawsuit with Chenequa S. Bibles, et al.

Mayor Gears announced that the Council will now reconvene in Open Session. The time was 5:33 PM.

The meeting was adjourned at 5:34 PM.

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Herbert A. Gears, Mayor

ATTEST:

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Janice Carroll, TRMC  
City Secretary