

**SPECIAL MEETING OF THE IRVING CITY COUNCIL
FINAL MEETING MINUTES
August 25, 2010**

The Irving City Council met in special session in the Council Conference Room of the City Hall Complex on August 25, 2010 at 6:20 p.m. The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Herbert Gears	Irving City Council	Mayor	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Lewis Patrick	Irving City Council	Councilman	Present	
Rick Stopfer	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Joe Philipp	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Roy Santoscoy	Irving City Council	Councilman	Present	
Mike Gallaway	Irving City Council	Councilman	Present	

DISCUSSION TOPIC

- 1 Resolution RES-2010-234** -- Approving and Accepting the Proposal of Key Life Homes, Inc., for Development of Vacant Lots on Tudor Lane

Chris Hooper, Housing & Human Services Director, presented information relating to the Tudor Lane redevelopment of vacant lots.

The following individuals signed up to speak in favor of this item:
Emmanuel Lewis, Jr., 1909 Anderson Street, Irving
Anthony Bond, 4109 W. Northgate Drive Apt. #821, Irving
Scott Johnson, 2813 Meadowbrook Drive, Plano

The following individuals signed up to speak in opposition of this item:
Roy Getting, 2208 Rita Court, Irving
Lucia Rottenberg, 2220 Indian Creek Drive, Irving
Joyce Howard, 1401 Colony Drive, Irving
Robert Kecseg, 4416 Windsor Ridge Drive, Irving
Jacqualea Cooley, 1633 Drexel Drive, Irving

The following individuals signed up in favor of this item but did not wish to speak:
Teresa Crow, 1103 Katelyn Court, Irving
Ed McCarty, 1604 Oak Meadow Drive, Irving

The following individuals signed up in opposition to this item but did not wish to speak:
Crystal Main, 1913 Marvel Drive, Irving
Barbara Hall, 400 Lavidia Court, Irving

Mr. Hooper indicated that the grant received from the state only allows for certain use of the funding, which provides strict guidelines and parameters for that spending. The houses also must be owner occupied; the homeowners cannot turn around and rent these houses out to other individuals. If the homeowner is not in compliance with the program then a lien can be placed on the home and the home may be taken.

Some areas of concern expressed by the council were to ensure that staff provided adequate notice and timeframes for developers to bid on projects and that precaution and steps are being taken to prevent against properties becoming rental properties.

It was also requested that the Tudor Lane video be shown, which shows demolition of properties that were substandard and in need of demolition. Chief Boyd also spoke and said many issues that relate to drugs and substandard properties have been addressed for years on Tudor Lane. The Chief indicated many people living on Tudor Lane have been victimized and Tudor Lane has become a primary focus for revitalization and redevelopment. The intention has been to solve the problem of the crime and blight, it was not necessarily to build houses but it was to do whatever was needed to help fix the problem.

Motioned by Councilman Philipp, seconded by Councilwoman Cannaday to approve the proposal of Key Life Homes., Inc., for development of vacant lots on Tudor Lane.

Motion approved 8-1.

Councilman Gallaway voted in opposition of this item.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Joe Philipp, Councilman
SECONDER:	Rose Cannaday, Councilwoman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy
NAYS:	Mike Gallaway

2 Resolution RES-2010-235 -- Authorizing the Filing of an Expedited Declaratory Judgment Petition Regarding the Issuance of Public Securities to Finance the Planning, Design, and Construction of the Entertainment Center and Hotel Project

Brenda McDonald, Real Estate & Development Director, presented information to council regarding the declaratory judgment petition regarding the issuance of public securities to finance the planning, design and construction of the Entertainment Center and Hotel Project. This bond validation would allow the city to file a petition and present the structure of the financing to a court, address the issues of the use of revenue sources and how they are pledged to the bonds, and the courts would review and render an opinion on whether or not it complies with state law.

Councilman Philipp expressed concerns that he wanted the citizens to understand what bond validations are. He also wanted to be briefed on what a trustee's flow of funds is to ensure the project is viable.

Ms. McDonald stated that Brimer Funds, which were authorized by citizens in an election in 2007, are being used for these bonds. No ad valorem taxes may be used on this project.

Ms. McDonald stated that all the sources that are paying for this do not come from local taxes. The sources that are being used to fund this project and to pay off the bonds are the 2% hotel occupancy tax, a parking tax and admissions tax that would be levied for users of the venue. Other funding sources include rent paid by the tenants of the entertainment center, mixed beverages and sales tax along with hotel occupancy tax refunded for the state as well as local sales tax generated at the venue.

The following individuals signed up to speak in favor of this item:

Thy Kheul, 1909 Anderson Street, Irving
Murielle Dugay, 1808 Anderson Street, Irving
Emmanuel Lewis, Jr., 1909 Anderson Street, Irving
Emma Petty, 2805 Wells Road, Irving
Ken Pool, 5215 N. O'Connor Blvd, Irving
Scott E. Johnson, 2813 Meadowbrook Drive, Plano
Chris Wallace, 5201 N. O'Connor Blvd., Irving
Tom Huth, 5932 Stonemeadow Drive, Plano
Carole Shlipak, 1500 Colony Drive, Irving

The following individuals signed up to speak in opposition of this item:

Roy Getting, 2208 Rita Court, Irving
Lucia Rottenberg, 2220 Indian Creek Drive, Irving
Joyce Howard, 1401 Colony Drive, Irving
Linda Taylor, 1619 Sunnybrook Drive, Irving
Jacqualea Cooley, 1633 Drexel Drive, Irving

The following individuals signed up in favor of this item but did not wish to speak:

Danny Opitz, 6546 Barcelona, Irving
Bobby Stewart, 1311 Travis Circle North, Irving
Teresa Crow, 1103 Katelyn Court, Irving
Byron Nelson, 4409 St. Andrews Blvd., Irving
Ed McCarty, 1604 Oak Meadow Drive, Irving
Fred D. Lizarrago, 330 Las Colinas Blvd., Irving
Gail Jackson, 2001 Valley View Lane, Irving
Joan Maxwell, 350 E. Las Colinas Blvd., Irving
Roland Medina, 1600 N. MacArthur Blvd., Irving
Mr. and Mrs. James Cassels, 312 Steeplechase Drive, Irving
Clem Lear, 4643 O'Connor Court, Irving

The following individuals signed up in opposition to this item but did not wish to speak:

Crystal Main, 1913 Marvel Drive, Irving
Barbara Hull, 400 Lavidia Court, Irving

Kenneth Ewing, 2524 Crestview Circle, Irving

Vinson and Elkins Bond Attorney, Rob Collins, walked the council through the financing of the project.

Motioned by Councilwoman Cannaday, seconded by Councilman Patrick authorizing the filing of an expedited declaratory judgment petition regarding the issuance of public securities to finance the planning, design, and construction of the Entertainment Center and Hotel project.

Motion approved 7-2.

Council members voting in opposition to this item include: Councilman Gallaway and Councilman Farris.

RESULT: **ADOPTED [7 TO 2]**

MOVER: Rose Cannaday, Councilwoman

SECONDER: Lewis Patrick, Councilman

AYES: Gears, Meagher, Patrick, Stopfer, Philipp, Cannaday, Santoscoy

NAYS: Gerald Farris, Mike Gallaway

3 Resolution RES-2010-236 -- Approving Concessionaire Non-Disturbance Agreements Between the City of Irving and the Las Colinas Group, LP with Blue Marble 360, LLC, B Concessionaire-Las Colinas, LLC, BB Concepts, LLC, and B Retail, LLC, Related to the Irving Entertainment Center and Hotel Project

Brenda McDonald, Real Estate & Development Director, presented information to Council regarding the concessionaire non-disturbance agreements between Irving and the Las Colinas Group, LP with Blue Marble 360, LLC, B Concessionaire-Las Colinas, LLC, BB Concepts, LLC, and B Retail, LLC, related to the Irving Entertainment Center and Hotel Project. Ms. McDonald indicated that if the concessionaire is not performing then the city can take over the responsibility of the concessionaire.

The following individuals signed up to speak in favor of this item:

Emma Petty, 2805 Wells Drive, Irving

Scott Johnson, 2813 Meadowbrook Drive, Plano

Ken Pool, 5215 N. O'Connor Blvd., Suite 350, Irving

The following individuals signed up to speak in opposition of this item:

Roy Getting, 2208 Rita Court, Irving

Linda Taylor, 1619 Sunnybrook Drive, Irving

The following individuals signed up in favor of this item but did not wish to speak:

Bobby Stewart, 1311 Travis Circle North, Irving
Teresa Crow, 1103 Katelyn Court, Irving
Danny Opitz, 6546 Barcelona, Irving
Byron Nelson, 4409 St. Andrews Blvd., Irving
Tom Huth, 5932 Stonemeadow Drive, Plano
John M. Roppolo, 12750 Merit Drive, Dallas
Fred D. Lizarrago, 330 Las Colinas Blvd., Irving
Ed McCarty, 1604 Oak Meadow Drive, Irving
Clem Lear, 4643 O'Connor Court, Irving
Roland Medina, 1600 N. MacArthur Blvd, Irving
Joan Maxwell, 350 E. Las Colinas Blvd., Irving
Gail Jackson, 2001 Valley View Lane, Irving
Mr. and Mrs. James Cassels, 312 Steeplechase Drive, Irving

The following individuals signed up in opposition to this item but did not wish to speak:

Crystal Main, 1913 Marvel Drive, Irving
Barbara Hull, 400 Lavida Court, Irving
Joyce Howard, 1401 Colony Drive, Irving
Jacqualea Cooley, 1633 Drexel Drive, Irving

Motioned by Councilwoman Cannaday, seconded by Councilman Patrick approving concessionaire non-disturbance agreements between the City of Irving and the Las Colinas Group, LP with Blue Marble 360, LLC, B Concessionaire-Las Colinas, LLC, BB Concepts, LLC, and B Retail, LLC, Related to the Irving Entertainment Center and Hotel Project.

Motion approved 8-1.

Councilman Gallaway voted in opposition of this item.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy
NAYS:	Mike Gallaway

- 4 Ordinance ORD-2010-9202** -- Amending the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16G, "Irving Entertainment Center Admissions Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a 10 Percent Tax on Each Ticket Sold as an Admission to an Event Held at Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance

Brenda McDonald, Real Estate & Development Director, presented information to the council regarding adding Chapter 16G, "Irving Entertainment Center Admissions Tax."

The following individuals signed up to speak in favor of this item:

Emma Petty, 2805 Wells Road, Irving
Scott Johnson, 2813 Meadowbrook Drive, Plano
Ken Pool, 5215 N. O'Connor Blvd., Suite 350, Irving

The following individuals signed up to speak in opposition of this item:

Roy Getting, 2218 Rita Court, Irving
Barbara Hull, 400 Lavidia Court, Irving
Linda Taylor, 1619 Sunnybrook Drive, Irving

The following individuals signed up in favor of this item but did not wish to speak:

Bobby Stewart, 1311 Travis Circle, Irving
Teresa Crow, 1103 Katelyn Court, Irving
Danny Opitz, 6546 Barcelona, Irving
Byron Nelson, 4409 St. Andrews Blvd., Irving
J. Mark Roppolo, 12750 Merit Drive #225, Dallas
Tom Huth, 5932 Stonemeadow Drive, Plano
Fred D. Lizarrago, 330 Las Colinas Blvd., Irving
Mr. and Mrs. James Cassels, 312 Steeplechase Drive, Irving
Joan Maxwell, 350 E. Las Colinas Blvd., Irving
Gail Jackson, 2001 Valley View Lane, Irving
Roland Medina, 1600 N. MacArthur Blvd., Irving
Clem Lear, 4643 O'Connor Court, Irving
Ed McCarty, 1604 Oak Meadow Drive, Irving

The following individuals signed up in opposition to this item but did not wish to speak:

Crystal Main, 1913 Marvel Drive, Irving
Joyce Howard, 1401 Colony Drive, Irving
Jacqualea Cooley, 1633 Drexel Drive, Irving

Motioned by Councilwoman Cannaday, seconded by Councilman Patrick to amend the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16G, "Irving Entertainment Center Admissions Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a 10 Percent Tax on Each Ticket Sold as an Admission to an Event Held at Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance.

Motion approved 8-1.

Councilman Gallaway voted in opposition of this item.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Lewis Patrick, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy
NAYS:	Mike Gallaway

- 5 **Ordinance ORD-2010-9203** -- Amending the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16H, "Irving Entertainment Center Parking Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a Tax Equal to \$3.00 Per Motor Vehicle on Each Motor Vehicle Parked in a Parking Facility for Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance

Brenda McDonald, Real Estate & Development Director, presented information to the council regarding the amendment to the Code of Civil and Criminal Ordinances of the City by adding Chapter 16H.

The following individuals signed up to speak in favor of this item:

Emma Petty, 2805 Wells Road, Irving
Ken Pool, 5215 N. O'Connor Blvd., Suite 350, Irving
Scott Johnson, 2813 Meadowbrook Drive, Plano

The following individuals signed up to speak in opposition of this item:

Roy Getting, 2218 Rita Court, Irving
Lucia Rottenberg, 2220 Indian Creek Drive, Irving

The following individuals signed up in favor of this item but did not wish to speak:

Bobby Stewart, 1311 Travis Circle, Irving
Teresa Crow, 1103 Katelyn Court, Irving
Danny Opitz, 6546 Barcelona, Irving
Byron Nelson, 4409 St. Andrews Blvd., Irving
Tom Huth, 5932 Stonemeadow, Plano
Fred D. Lizarrago, 330 Las Colinas Blvd., Irving
Joan Maxwell, 350 E. Las Colinas Drive, Irving
Ed McCarty, 1604 Oak Meadow Drive, Irving

Mr. and Mrs. James Cassels, 312 Steeplechase Drive, Irving
Roland Medina, 1600 N. MacArthur Blvd., Irving
Gail Jackson, 2001 Valley View Lane, Irving
Clem Lear, 4643 O'Connor Court, Irving

The following individuals signed up in opposition to this item but did not wish to speak:
Crystal Main, 1913 Marvel Drive, Irving
Joyce Howard, 1401 Colony Drive, Irving
Jacqualea Cooley, 1633 Drexel Drive, Irving
Barbara Hull, 400 Lavidia Court, Irving

Motioned by Councilwoman Cannaday, seconded by Councilman Philipp to amend the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16H, "Irving Entertainment Center Parking Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a Tax Equal to \$3.00 Per Motor Vehicle on Each Motor Vehicle Parked in a Parking Facility for Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance.

Motion approved 8-1.

Councilman Gallaway voted in opposition of this item.

RESULT:	ADOPTED [8 TO 1]
MOVER:	Rose Cannaday, Councilwoman
SECONDER:	Joe Philipp, Councilman
AYES:	Gears, Meagher, Patrick, Stopfer, Farris, Philipp, Cannaday, Santoscoy
NAYS:	Mike Gallaway

Herbert A. Gears, Mayor

ATTEST:

Shanae Jennings, TRMC
Acting City Secretary