

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
August 3, 2011**

The Irving City Council met in work session August 3, 2011 at approximately 1:07 p.m. The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Beth Van Duyne	Irving City Council	Mayor	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	
Dennis Webb	Irving City Council	Councilman	Present	

DISCUSSION TOPIC

1 Review of Regular Agenda

CONSENT AGENDA

5 Resolution -- Approving an Economic Incentive Agreement Between the City of Irving, Texas and Aviall Services, Inc. on BPP Eligible Property

6 Resolution -- Approving an Economic Incentive Agreement Between the City of Irving, Texas and Aviall Services, Inc. on "Freeport" Eligible Property

Max Duplant, Chief Financial Officer, described the proposed incentive agreements with Aviall Services, Inc., related to items 5 and 6.

Council discussed the importance of reviewing the land use around the DFW Airport and the tax-sharing agreements with the City of Dallas and Fort Worth to be discussed at a future Planning & Development Committee.

7 Resolution -- Approving an Engineering Services Agreement Between the City of Irving and Lockwood, Andrews & Newnam, Inc., for the Design of the Upper Delaware Creek Wastewater Basin Improvements Project and Miscellaneous Water and Wastewater Main Replacements

8 Resolution -- Approving an Engineering Services Agreement Between the City of Irving and Freese and Nichols, Inc., for the Design of the Water Meter Vault Reconstruction, Section IV Project and Miscellaneous Water and Wastewater Main Replacements

9 Resolution -- Awarding a Contract to SYB Construction Company, Inc., for the Nursery-Railroad Basin Wastewater and Water Main Improvements Project, Contract "A"

Casey Tate, Capital Improvement Program Director, stated that design services average 10% of the project costs and described the projects for items 7, 8, and 9.

- 10 Resolution -- Annulling a Contract with Ratliff Hardscape and Awarding a Contract to Northstar Construction, Inc., for the MacArthur Corridor Infrastructure Improvements - Screening Fence from Markwood Park to Sixth Street

Casey Tate, Capital Improvement Program Director described the change in contractor for this project, noting that the fence will be on the common property line that will be maintained by the City.

- 12 Resolution -- Approving and Accepting the Bid of M.K. Painting, Inc., for the Rehabilitation of Tank No., 4 at the Hackberry Pump Station

Todd Reck, Water Utilities Director, described the design process of Deltek and the painting project.

- 14 Resolution -- Approving Purchase from Waukesha-Pearce Industries, Inc., for a Second Standby/Emergency Generator for the Criminal Justice Center through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program

Larry Boyd, Police Chief, confirmed that this additional generator will provide the entire building with back-up power.

- 15 Resolution -- Approving and Accepting the Bid of Commercial Metals Company for an Annual Contract for the Sale by the City of Scrap Metal and White Goods for Recycling

Councilman Santoscoy noted his concern with recyclers not reporting sellers.

Ramiro Lopez, Public Works Directors, confirmed that Commercial Metals Company is reputable.

- 18 Ordinance -- First Reading -- Approving a Negotiated Settlement with Atmos Energy

Jon Bazan, Government and External Affairs Officer, described the Atmos Energy settlement process.

Council recessed at approximately 2:50 p.m.
Council reconvened at approximately 3:00 p.m.

INDIVIDUAL CONSIDERATION

19 Resolution -- Regarding Continued Litigation in Ex Parte City of Irving, Texas

Councilman Gallaway questioned the legal costs to move forward to the Texas Supreme Court.

Charles Anderson, City Attorney, confirmed that legal costs are estimated to be \$160,000 from the Brimer fund.

Council and staff discussed the litigation process. Mr. Anderson stated staff's recommendation to move forward with the appeal.

Councilman Santoscoy noted the importance of updated HOT projections and the City's contribution based on both, with and without the state mixed beverage tax.

Council discussed the City's participation in funding the Entertainment Venue project.

20 Resolution -- Authorizing the City Manager to Initiate a Request for Qualifications to Procure Services of Qualified Professionals to Perform a Review of the Predevelopment Reimbursements Under the Entertainment Center Development Agreement

Council and staff discussed the merits of an audit, as well as the definition of an audit.

Council discussed the draft wording of the Request for Qualifications (RFQ).

Max Duplant, Chief Financial Officer, stated that a CPA has recognized guidelines it would follow during an audit versus a consultant's review. She noted that under the rules of the American Institute of CPAs the reviewer would not be considered independent if receiving contingency fees.

Ms. Duplant also described the Smith report which was based on an independent engagement of agreed upon procedures.

Mayor Van Duyne questioned the legal requirements between the City and the Las Colinas Group.

Charles Anderson, City Attorney, clarified the difference between a "Partnership" and the current agreement engaged with Las Colinas Group.

Council and staff discussed the scope of the Smith report, results determined by the Brimer bill and the Comprehensive Development Agreement with the Las Colinas Group.

ZONING CASES AND COMPANION ITEMS

- 21 Resolution -- Approving Special Sign Permit S1106-0072 to Allow Two (2) Fifteen Ft. Tall Monument Signs with Digital Displays - Property Located at 500 Las Colinas Boulevard - Artografx, Incorporated, Applicant - City of Irving Convention Center, Owner
- Ken Bloom, Chief Planner, presented the applicant's request for additional signage at the Convention Center. Staff recommends approval of this item.
- 22 Resolution -- Approving Preliminary/Final Plat PL11-0023 - The Lakes of Las Colinas, Phase 2A - Approximately 26 Acres Located on the West Side of Riverside Drive, North of Northwest Highway - Jacobs, Surveyor - Hines Las Colinas Land, LP, Owner
- Ken Bloom, Chief Planner, presented the applicant's request. Staff recommends approval of this item.
- 23 Ordinance -- Zoning Case #ZC11-0028 - Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 0.37 Acres Located at 917 Sunset Drive - A Plus Unlimited, Applicant - Michael G. Miller, Owner
- Ken Bloom, Chief Planner, presented the applicant's request. Staff recommends approval of this item per the recommendation of the Planning and Zoning Commission.
- 24 Ordinance -- Zoning Case #ZC11-0030 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.2 Acres Located at 1208 Mayleaf Drive - Mr. Quality Remodeling, Applicant - Cynthia Longmuir, Owner
- Ken Bloom, Chief Planner, presented the applicant's request. Staff recommends approval of this item per the recommendation of the Planning and Zoning Commission.
- 25 Ordinance -- Zoning Case #ZC11-0031 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses - Approximately 0.93 Acres Located at 1935 Williams Road - Celia Velazquez, Applicant - Maria Isidra Ramirez, Owner
- Ken Bloom, Chief Planner, presented the applicant's request. Staff recommends approval of this item.
- 26 Ordinance -- Zoning Case #ZC11-0032 - Granting S-P-1 (Detailed Site Plan) for C-N (Neighborhood Commercial) and Outside Dining Uses - Approximately 1.0 Acre Located at 10025 North MacArthur Boulevard - Pete Rahimi, Applicant - Ali Hemani Corporation, Owner
- Ken Bloom, Chief Planner, noted that this case needs to be postponed to the

September 1, 2011.

- 27 Ordinance -- Zoning Case #ZC11-0033 - Granting S-P-1 (Detailed Site Plan) for Restaurant and Signs Uses - Approximately 0.8140 Acres Located at 200 West Irving Boulevard - Fire Brand Properties, Applicant/Owner

Ken Bloom, Chief Planner, presented the applicant's request. Staff recommends approval of this item with the stipulation that the landscape wall sign not be internally illuminated.

APPOINTMENTS AND REPORTS

- 28 Resolution -- Selection of Mayor Pro Tem and Deputy Mayor Pro Tem by the City Council

Mayor Van Duyne noted that this item will be postponed.

ADDENDUM

(added 7/29/11 at 5:15 p.m.)

- 30 Resolution - Authorizing First Southwest to engage Innovation Group and PKF to provide current projections relative to the Entertainment Venue and Hotel Occupancy Tax Revenues

Council discussed the importance of receiving updated projections for the project.

Council recessed at approximately 4:25 p.m.

Council reconvened at approximately 4:30 p.m.

2 Update Regarding Impact of SB100

Shanae Jennings, City Secretary, gave an overview of the City's options due to SB100's impact on local May elections on even-numbered years. She noted that Dallas County Elections has agreed to conduct city elections for the local entities with the following stipulations: deadlines must be adhered to; costs will increase due to increased staffing and equipment needs; only Dallas County early voting sites will be used, which excludes the Arts Center from use on even numbered years.

Council agreed to continue contracting with Dallas County for the May 12, 2012 elections.

3 Irving City Council Redistricting

Charles Anderson, City Attorney, noted that a Work Session meeting is scheduled for Thursday, August 4, 2011 at 5:30 p.m. so Council may receive more information from Bob Heath, redistricting counsel for the city.

EXECUTIVE SESSION

Council convened into executive session pursuant to Section 551.071 of the Texas Local Government Code at approximately 4:50 p.m.

- 4 Legal Advice - Shin Ho "Sam" Kim D/B/A Texas Lunch Box v. City of Irving and City of Irving Building and Standards Commission
Texas Open Meetings Act § 551.071
- 5 Legal Advice – Demolitions Resulting from Building and Standards' Orders; City of Dallas v. Heather Stewart
Texas Open Meetings Act § 551.071

Council adjourned at approximately 5:15 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary