

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
February 2, 2011**

The Irving City Council met in work session February 2, 2011 at 11:10 a.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	Absent	
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 Review of Regular Agenda

1 City Operations Update

Pat McMaken, Emergency Management Coordinator, gave an update on the weather conditions as city operations continue, noting the streets have been sanded throughout the city.

Larry Boyd, Police Chief, confirmed that staff is working with Oncor to get better notification in the future for rolling blackouts and identifying other significant properties that should have continuous power. He also described Superbowl operations going on this week.

Mario Molina, Fire Chief, confirmed that Fire services are running well during this emergency.

CONSENT AGENDA

4 Resolution -- Supporting the State Highway 183 and Public/Private Partnership Options During the 82nd Legislature

Councilman Stopfer gave an overview of the Regional Transportation Council's (RTC) process of allocating funds for highway projects, stating that RTC has passed a resolution in support of the SH 183 project. He confirmed that \$206 million is needed to complete the project and the managed lane process is an option to fund the completion through public/private partnership. Councilman Stopfer also confirmed that there will be a public hearing in February to show citizens the proposed plans for SH 183. He described the state regulations on expansions of highways funded with gas tax and the difference between toll and managed lanes.

- 7 Resolution -- Approving Completion Agreement with Dallas Area Rapid Transit to Specify and Authorize Actions by Each Party to Fully Satisfy and Close the 2000 Interlocal Agreement for the Orange Line Alternate Routing

Charles Anderson, City Attorney, described the history of the DART interlocal agreement, noting that this resolution will complete the interlocal agreement approved in 2000. He confirmed that the City will pay \$3 million to DART and receive over \$8 million in credits.

Tommy Gonzalez, City Manager, noted that city staff has negotiated with DART to confirm and reconcile City credits and payments and would like to complete the agreement so the 3.5% yearly increase stipulated in the agreement will end.

Ramiro Lopez, Intergovernmental Services Director, stated that in working with DART representatives, a tentative date of December 2014 has been established but work will not move forward until this interlocal agreement is complete.

- 10 Resolution -- Authorizing the Mayor to Execute a First Amendment to the Second Amended and Restated Entertainment Center Development Agreement with Las Colinas Group, LP

Paul Gooch, Community Services Director, described the key points of the amendment, which included an agreement extension, timing and accountability of financing commitments, obligations of both parties and policy for travel reimbursements. He also clarified the proposed timeline based on the finalization of court judgments. The timeline detailed determination of bond capacity, Las Colinas Group's fully executed loan commitment and the preparation and adoption of bond ordinances. Mr. Gooch confirmed that Las Colinas Group will deposit \$50 million in a project account on the day of bond issuance. He also described the improved process for approving draw requests for the construction of the entertainment center and noted that the City has received draw 25 from the Las Colinas Group that will be reviewed and paid this week.

Mayor Gears discussed the financing work that is being done by the Las Colinas Group to identify financing partners and the need for the City's funding obligation.

Karen Brophy, Senior City Attorney, confirmed that the loan commitment must provide the difference between the total project cost and what the City approves through bonds. She also further clarified the timeline for the loan commitment, the bond ordinance process and the proposed termination clause

- 11 Resolution -- Approving a Sales Contract for the Acquisition of Properties Located at 303, 309, 317, and 321 East Second Street

Doug Janeway, Chief Development Officer, described the conditions of the North Central Texas Council of Governments (NCTCOG) grant, noting the City funds 20% and NTCOG funds 80% of the acquisition.

Mr. Janeway clarified that there are no plans at this time for use of the funds beyond property tax and interest.

- 12 Resolution -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 1411 W. Sixth Street - Ceasar Cavazos and Nora Cavazos, Property Owners

- 13 Resolution -- Approving a Sales Contract for the Acquisition of a Single-Family Residence Located at 1415 W. Sixth Street - Chacko Itty and Achamma Itty, Property Owners

Tommy Gonzalez, City Manager, stated that item No. 12 and item No. 13 are to purchase property to expand and open up Keeler Park due to vandalism issues.

Paul Gooch, Community Services Director, described the past and proposed improvements to the park, noting that the purchase of these two properties will improve visibility.

- 16 Resolution -- Approving Contours Community Development Corporation (CCDC) Contract Extension

- 17 Resolution -- Approving Irving Community Development Corporation (ICDC) Contract Extension

Chris Hooper, Housing & Human Services Director, described the need for the 180-day extensions for item No. 16 and item No. 17, noting that HUD does not consider the contract closed until the homes are sold.

- 19 Resolution -- Approving Purchases from Dallas Dodge for Eight Police Dodge Chargers through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program and from Caldwell Country Chevrolet for Two Police Chevrolet Tahoes through the State of Texas Local Government Statewide Cooperative Purchasing Program Administered by the Texas Association of School Boards (the BuyBoard Program)

Ramiro Lopez, Intergovernmental Services Director, described the analysis used to determine vehicle replacement, noting that these vehicles have over 70,000 miles and will be reviewed to see if the vehicles can be recycled into the civilian fleet or auctioned.

Council recessed at approximately 1:10 p.m.

Council reconvened at approximately 1:50 p.m.

ZONING CASES AND COMPANION ITEMS

- 28 Resolution -- Approving Street Name Change #ZC10-0039 - Renaming the Portion of the Street Called Brangus Drive Extending South from Hidden Ridge and Ending at the Entrance to the Mandalay Place Subdivision to Ladera Drive - Mandalay Place Homeowners Association, Applicant
- 29 Resolution -- Approving Street Name Change ZC10-0056 - Removing the Name of the Portion of the Street Called Brangus Drive Extending South from the Entrance of the Mandalay Place Subdivision and Ending at Walnut Hill Lane - City of Irving, Applicant
- 30 Resolution -- Approving Street Name Change ZC10-0057 - Renaming the Street Called Ladera Drive (A Private Drive) to Cabernet Place - Mandalay Place Homeowners Association, Applicant

Ken Bloom, Chief Planner, presented the street name change requests for items 28, 29 and 30 that are related to the Manadalay Place Subdivision at Walnut Hill and Brangus Drive.

- 31 Ordinance -- Amending the Comprehensive Plan to Change the Recommended Land Use from Retail to Light Commercial and Granting S-P-2 (Generalized Site Plan) for Retail and Mini-Warehouse with Caretaker's Quarters Uses in Zoning Case #ZC10-0050 - Approximately 7.2 Acres Located on the Southwest Corner of State Highway 161 and Walnut Hill Lane - Assured Group, Applicant - Don Valk, Owner

Ken Bloom, Chief Planner, presented the applicant's request and described the proposed Phase I and Phase II, but stated that there is no guarantee that Phase II will be developed. He noted that the Planning & Zoning Commission recommended approval of this zoning change but staff recommends denial of the request as staff feels that office and retail is more appropriate for the area as stipulated in the Comprehensive Plan. Mr. Bloom confirmed that due to 24.8% of opposition within 200 feet of the property $\frac{3}{4}$ approval of the Council is required to approve the case.

Steve Reed, Planning Manager, clarified the Planning & Zoning Commission's discussion to approve this case was based on the unlikelihood that retail will be developed in the area.

- 32 Ordinance -- Zoning Case #ZC10-0054 - Granting S-P-1 (Detailed Site Plan) for DDD (Downtown Development District) Uses with Exceptions to the Heritage Crossing Redevelopment District Requirements - Approximately 0.738 Acres

Located at 301 West Irving Boulevard - Comerica Bank, Applicant/Owner

Ken Bloom, Chief Planner, presented the applicant's request. He noted that the Planning & Zoning Commission recommended approval of this request with the stipulation that the two pole signs be replaced with monument signs. Mr. Bloom stated that staff recommends approval of the applicant's request but allow the pole signs to remain.

Council deliberated the matter with plans to address it at tomorrow night's meeting.

- 33 Ordinance -- Amending Comprehensive Zoning Ordinance No. 1144 by Adding Section 52-64d State Highway 183 Overlay District and Creating the State Highway 183 Overlay District - City of Irving, Applicant

Steve Reed, Planning Manager, presented a final proposal for the SH 183 overlay requirements, which include standards for new and existing development, residential adjacency, land use and guidelines for public right of way focused on landscaping, parking and building materials.

2 Capital Project Obligations and Future Commitments

Tommy Gonzalez, City Manager, described the voter-approved bonds and the debt that has been issued and detailed the categories of bonds. He noted that there is no time line to issue the bonds unless the Council want to impose one. Mr. Gonzalez also gave an overview of the importance of infrastructure and examples of future obligations, which include SH 183, Irving Boulevard and the Diamond interchange.

Mayor Gears clarified that voters approve the improvements knowing that this may need a tax rate increase, but the Council does not raise the tax rate which is why the bonds are issued in sections. He noted that many entities raise taxes to sell bonds to get the project done more quickly.

3 Entertainment Venue Update and Review of Financial Parameters

Chris Janning, First Southwest representative, gave an overview of the financing parameters, noting the importance of tax-exempt debt, investment-grade ratings and the effects of increased interest rates. He also described the pledged revenues which include sales tax, mixed beverage tax, parking and ticket taxes and Hotel Occupancy Tax (HOT) while minimizing the risk to the City. Mr. Janning noted that the rating entity and investors would like to see the debt paid more quickly and the working group is adjusting the model accordingly.

Paul Gooch, Community Services Director, confirmed that a proposed financing structure is scheduled to come to Council at the beginning of April as an update of the market.

Mr. Janning noted that it is too early to predict coverage at this time but will come back to the Council based on the recommended financing structure. He also confirmed that a resolution will come to Council at a future meeting for refinancing the current bond issuance based on workings with Bank of America.

4 Senior Citizen and Youth Programs

Ray Cerda, Recreation Manager, described the various programs the City provides for youth and senior citizens with a 95% satisfaction rate. His presentation included youth programs, such as, after school and summer programming, the free breakfast and lunch program, tutoring and intramural sports. Mr. Cerda described the therapeutic programs that assist the disability population for recreation and Special Olympics sports. He also summarized the adult/senior programs, which include a nutrition program, tax preparation and caregiver support groups.

Council convened into the Audit & Finance Committee meeting at 3:20 p.m.

Council reconvened from the Audit & Finance Committee meeting at approximately 3:42 p.m.

EXECUTIVE SESSION

Council convened into executive session pursuant to Section 551.071 and Section 551.074 of the Texas Local Government Code at approximately 4:15 p.m.

- 5 Personnel - Municipal Court Judge Laura Anderson
Texas Open Meetings Act § 551.074
- 6 Legal Advice - in re: Embassy Delujo Apartments, LLC
Texas Open Meetings Act § 551.071
- 7 Legal Advice - Ex Parte City of Irving and Entertainment Venue
Texas Open Meetings Act § 551.071

Council reconvened from executive session at approximately 5:10 p.m.

Council adjourned at 5:10 p.m.

Herbert A. Gears, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary