

**WORK SESSION MEETING OF THE IRVING CITY COUNCIL
MEETING MINUTES
September 4, 2013**

The Irving City Council met in work session September 4, 2013 at approximately 1:03 p.m.
The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Beth Van Duyne	Irving City Council	Mayor	Present	
John C. Danish	Irving City Council	Councilman	Present	
Allan Meagher	Irving City Council	Councilman	Present	
Dennis Webb	Irving City Council	Councilman	Present	
Joe Putnam	Irving City Council	Councilman	Present	
Rose Cannaday	Irving City Council	Councilwoman	Present	
Brad M. LaMorgese	Irving City Council	Councilman	Present	
Gerald Farris	Irving City Council	Councilman	Present	
Thomas Spink	Irving City Council	Councilman	Present	

DISCUSSION TOPIC

The State Highway 161 Updated occurred at the beginning of the meeting and the review of the regular agenda will be covered following the presentations.

1 Review of Regular Agenda

CONSENT AGENDA

- 10** Resolution -- Approving Settlement in Weir Bros. Inc. v. The City of Irving, Texas v. Employers Mutual Casualty Company v. The City of Irving, Texas

Charles Anderson, City Attorney, noted that additional information may be provided in Executive Session.

- 11** Resolution -- Authorizing the City Attorney's Office to File a Lawsuit to Require Code Compliance on Property Located at 2300-2452 North MacArthur Boulevard, Irving, Texas

Charles Anderson, City Attorney, noted that additional information may be provided in Executive Session.

- 15** Resolution -- Awarding a Contract to Utilitex Construction, LLP, in the Amount of \$932,615.00 for the Water Meter Vault Reconstruction, Section III Project

Councilman Farris requested that an update on the water meter replacement program be brought to a future Transportation & Natural Resources Committee meeting.

Casey Tate, Capital Improvement Program Director, confirmed that this is the second phase of water meter replacements and will provide a presentation on the program at a future meeting.

- 18** Resolution -- Approving an Interlocal Agreement with North Central Texas Council of Governments in the Amount of \$28,196.85 to Provide 2013 Planimetrics Data

Todd Reck, Water Utilities Director, described the building and street outlines used by multiple departments. He confirmed that the city works with NCTCOG to reduce costs as it would be more expensive to get this information independently.

- 24** Resolution -- Approving and Accepting the Proposal of TRISTAR Risk Management in the Total Estimated Amount of \$746,400.00 for a Three-Year Contract to Provide Third Party Administration Services for Claims, Family Medical Leave, 504 and Environmental Compliance

David Davenport, Risk Management, confirmed that environmental compliance is needed based on TCEQ requirements for various city facilities and materials used.

- 34** Resolution -- Approving and Accepting the Bid of A National Auto Sales & Repair dba A National Auto Body & Paint for Body Work in the Estimated Amount of \$194,118.38 for Hail Damaged Vehicles

Jim Holland, Fleet Manager and Darlene Humphries, Purchasing Manager, confirmed that staff has been in contact with the complainant regarding the bidding process. They also stated that based on the work needed, staff is still recommending A National Auto Body & Paint for the award.

- 37** Ordinance -- Budget Adjustment #7 to the 2012-13 Fiscal Year Budget for Various Funds Totaling \$19,429,000.00

Bret Starr, Budget Administrator, described the proposed budget adjustments for FY 2012-13 budget.

INDIVIDUAL CONSIDERATION

- 40** Resolution -- Approving Lease Agreement Between the City of Irving, Texas and ARK Group of Irving, Inc. for the Entertainment Center

Jim Blagg, Interim Community & Economic Affairs Director, outlined the lease agreement with ARK Group for the Entertainment Center.

- 41** Resolution -- Approving a Booking Agreement Between the City of Irving, Texas on Behalf of the Irving Convention and Visitors Bureau and ARK Group of Irving, Inc.

Maura Gast, Executive Director of the ICVB, defined a "high-risk" booking that may require extra security.

- 44** Resolution -- Acknowledging the Receipt of the Promoter Agreement Between ARK Group of Irving, Inc., and ARK Management, Inc.

Jim Blagg, Interim Community & Economic Affairs Director, noted this acknowledgement is a requirement of the development agreement. He stated that ARK Group is talking with Live Nation as a promoter as well.

ZONING CASES AND COMPANION ITEMS

- 45** Ordinance -- Zoning Case #ZC13-0010 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) - Approximately 77 Acres Located on the Southwest Corner of State Highway 114 and Belt Line Road - Hines Interests Limited Partnership, Owner/Applicant - (Postponed at the August 8, 2013 City Council Meeting)

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval. He also confirmed the opposition represents 20.67% of the land within 200 feet of the subject property; therefore, a $\frac{3}{4}$ vote is required for approval of this case. This means 7 affirmative votes of the council, regardless of how many council are present at the meeting tomorrow night.

Danny Opitz, representing Hines, spoke regarding the distance between the single family homes and the actual airport. They have attempted to facilitate the issues relating to the potential problems and have taken preventative measures to mitigate those issues.

Sandy Lancaster, representing DFW Airport, spoke regarding the airports objection to the Hines development. Noting, if developed, it will be the closest SMD development to the Airport. She spoke about the adverse aircraft engine thrust, emissions, engine maintenance run-ups, and the potential nighttime effects from proximate cargo facilities.

Matt Jewel, Chief Legal Officer of Forward Air, spoke regarding how the zoning change would adversely impact their facility. Mr. Jewel does not think the change to SMD zoning is a conforming use. There are trucks that idle all night long and it would not be operational if single family homes were across the street. If Forward Air were aware of the potential damages associated with the potential nuisance and litigation that may arise against the company, the company would not have moved to the location in Irving. There is a safety issue that is also a main component to the objection of this development.

- 46** Ordinance -- Zoning Case #ZC13-0014 - Amending the Comprehensive Plan to Change the Recommended Land Use to Single Family Uses, Approving an Amendment to the Master Thoroughfare Plan, and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) Uses - Approximately 86.6 Acres Located on the Northeast Corner of Esters Boulevard and Cabell Drive - Hines Interests Limited Partnership, Owner/Applicant - (Postponed at the August 8, 2013 City Council Meeting)

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval. He also confirmed the opposition represents 28.62% of the land within 200 feet of the subject property; therefore, a $\frac{3}{4}$ vote is required for approval.

- 47** Ordinance -- Zoning Case #ZC13-0019 - Granting S-P-2 (Generalized Site Plan) for R-7.5 (Single Family) Uses- Approximately 0.46 Acres Located at 712 West Grauwylar Road - Phillip and Kelly Story, Applicant/Owner

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval per the recommendation of the Planning and Zoning Commission.

- 48** Ordinance -- Zoning Case #ZC13-0026 - Granting S-P-1 (Detailed Site Plan) for Telecommunications Tower Uses - Approximately 0.16 Acres Located at 1403 South Story Road - Verizon Wireless, Applicant - William and Norma Adamcik, Owners

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval per the recommendation of the Planning and Zoning Commission.

- 49** Ordinance -- Zoning Case #ZC13-0027 - Granting S-P-1 (Detailed Site Plan) for Cellular Antenna Tower - Approximately 0.018 Acres Located at 2000 Esters Road - Peter Kavanagh, Applicant - Esters LTD, Owner

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval per the recommendation of the Planning and Zoning Commission.

- 50** Ordinance -- Zoning Case #ZC13-0029 - Granting ML-20a (Light Industrial) Uses - Approximately 3.2 Acres Located at 6501 Shorthorn Drive - Valley Crane and Shaft, LLC, Applicant - Realtex Ventures, LP, Owner

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval per the recommendation of the Planning and Zoning Commission.

- 51** Ordinance -- Zoning Case #ZC13-0031 - Granting S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses - Approximately 0.25 Acres Located at 855 West John Carpenter Freeway - Sharon Barbosa-Crain, Applicant - National Retail Properties, Owner

Ken Bloom, Chief Planner, presented the applicant's request, noting staff recommends approval per the recommendation of the Planning and Zoning Commission.

Council recessed at approximately 3:45 p.m.

Council reconvened at approximately 4:00 p.m.

2 State Highway 161 Update

Michael Morris, Transportation Director of NCTCOG, presented an update on the State Highway 161 improvements for north of State Highway 183 that are scheduled to begin in 2014.

3 Special Events Update

Jasmine Lee, Special Events Supervisor, described the various events scheduled for FY 2013-14.

EXECUTIVE SESSION

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

- 4** City Manager Search Update
Texas Open Meetings Act § 551.074

Council reconvened from executive session at approximately 5:05 p.m.

Council adjourned at approximately 5:05 p.m.

Beth Van Duyne, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary