

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, August 2, 2018 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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Organizational Service Announcements

Invocation

Pastor Dennis King, Hope Fellowship Church

Pledge of Allegiance

Proclamations and Special Recognitions

Citizens' Forum

Citizens are invited to speak for three (3) minutes on matters relating to City government and on items not listed on the regular agenda.

Public Hearing: Items 1 through 35

**CITY COUNCIL AGENDA**

**1 City Operations Update**

**CONSENT AGENDA**

**2 Approving Work Session Minute for Wednesday, July 18, 2018**

**3 Approving Regular Meeting Minutes for Thursday, July 19, 2018**

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This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

#### 4 **Resolution - Concluding the Services of the Heritage House Committee**

##### **Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The Heritage House Committee worked to develop policies for the operation and preservation of the Heritage House as a historical landmark in Irving.
3. The Heritage House Committee was established November 6, 1975, by Council Resolution No. 11-6-75-336, with an undefined term, "to adopt a set of rules and policy" for the Heritage House.
4. In 1976, City Council approved By-Laws for the Heritage House Committee to determine policy in the operation and preservation of the Heritage House as a historical landmark for the City of Irving.
5. The Heritage House Committee consisted of four members and two ex-officio members. The committee did not require city staff support or resources.
6. In 1978, the Irving Heritage Society was founded to preserve local history and maintain and preserve the Heritage House.
7. The Heritage House Committee has fulfilled the goals it was charged to accomplish. Staff recommends the dissolution of this Committee.

##### **Recommendation**

The resolution be approved.

#### 5 **Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2018 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant for the Planning Enhancement Project**

##### **Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2018/19 Homeland Security Grant Program (HSGP) for a total of \$118,713.30 for the Urban Area Security Initiative (UASI).

4. The Planning Enhancement project pays 100% of the salary and benefits for the Emergency Management Planner position and GIS specialist for one year.
5. The grant is for the period of March 1, 2019, to February 28, 2020.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**6 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2018 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant for the IFD Specialized Training Project**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2018/19 Homeland Security Grant Program (HSGP) for a total of \$15,000.00 for the Urban Area Security Initiative (UASI).
4. The Fire Department Specialized Training project will provide the Irving Fire Department updated training.
5. The grant is for the period of September 1, 2018, to August 31, 2019.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2018 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant for the IPD SWAT Equipment Enhancement Project**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2018/19 Homeland Security Grant Program (HSGP) for a total of \$10,000.00 for the Urban Area Security Initiative (UASI).
4. The project includes five helmets and five helmet night vision attachments, which will be used by the Police Department Tactical Team.
5. The grant is for the period of September 1, 2018 through August 31, 2019.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**8 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2018 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant for the EOD Enhancement Project**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.

3. The City of Irving has been awarded a FY2018/19 Homeland Security Grant Program (HSGP) for a total of \$320,000.00.
4. This training project includes regional training for Explosive Ordnance Disposal (EOD) teams.
5. The grant is for the period of October 1, 2018 through September 30, 2019.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

### **Recommendation**

The resolution be approved.

## **9 Resolution - Approving the City of Irving Investment Policy**

### **Administrative Comments**

1. This item is recommended by the Financial Services Department.
2. **Impact:** The approval of the investment policy will be in accordance with state law and allow staff to continue to safely maximize earnings for the City.
3. **This item was presented to the Audit & Finance Committee on June 27, 2018.**
4. State law and the City of Irving Investment Policy require annual review by the City Council.
5. The last Council review was on September 7, 2017.
6. In accordance with state law, a listing of the authorized brokers and investment training providers has been provided to Council.
7. No policy changes are proposed this year; however, staff does propose an addition to the list of approved investment training providers.
8. The City currently has five organizations on the approved investment training providers list: Texas Municipal League (TML), Government Treasurer's Organization of Texas (GTOT), University of North Texas (UNT), North Central Texas Council of Governments (NCTCOG), and Government Finance Officer's Association of Texas (GFOAT).
9. Of these five organizations, only TML offers an online investment training course. It has a set agenda and allows up to 90 days for completion.
10. Staff proposes the addition of Texas State University to the authorized investment training providers list since it offers online training that allows people to choose

training topics and have up to 6 months for completion.

**Recommendation**

The resolution be approved.

**10 Resolution - Approving an Interlocal Agreement Between the City of Irving and the Dallas County Flood Control District No. 1 (DCFCD 1), in the Amount of \$32,400.00 for the Analysis and Improvement of District Infrastructure**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and stormwater systems.
2. **Impact:** This Interlocal Agreement between the City of Irving and Dallas County Flood Control District 1 (DCFCD1) assists with improvements to Estelle Creek Lakes and helps meet the requirements of the Texas Commission on Environmental Quality (TCEQ) for the city’s Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit to preserve the water quality of the city’s waterways.
3. This Interlocal Agreement will assist with erosion control in DCFCD1. The Bear Creek Channel is much deeper than the Estelle Creek Channel. The upper drop structure has failed and needs to be reconstructed to control erosion in the Estelle Creek channel. This helps meet the requirements of the Texas Commission on Environmental Quality (TCEQ) for the City of Irving and District’s Texas Pollutant Discharge Elimination System (TPDES) Storm Water Permit to preserve the water quality of the City’s waterways within the District.
4. Funding for this annual expenditure was approved by the adoption of the FY 2017-18 Municipal Drainage Utility (MDU) budget and is the city’s annual assistance to the district.
5. Funding in the amount of \$32,400.00 is available in the MDU Fund.

**Recommendation**

The resolution be approved.

**11 Resolution - Approving Amendment No. 1 Terminating the Local Transportation Project Advance Funding Agreement for a Transportation Enhancement (TE) Project of a Hike and Bike Trail South of Irby Lane to West Irving Trinity Railway Express (TRE) Station**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** This amendment will terminate the existing advance funding agreement which will allow a new agreement to be approved.
3. **This item will be presented to the Transportation and Natural Resources Committee on August 1, 2018.**
4. On November 8, 2012, the City Council approved RES-2012-347, which authorized the City’s application to the Texas Department of Transportation (TxDOT) for Transportation Enhancement Funding of the Trinity Railway Express (TRE) Hike and Bike Trail along Rock Island from south of Irby Lane to the west Irving TRE Station.
5. On June 26, 2014, the City Council approved RES-2014-208, which authorized the Mayor to execute a Local Transportation Project Advance Funding Agreement for the Transportation Enhancement Project Hike and Bike Trail south of Irby Lane to the west Irving TRE Station, with funding as follows:

	Federal Funding	City Match	Total Estimated Cost
Planning/Administration PE Phase	\$135,000.00	\$45,000.00	\$180,000.00
Administration/Inspection Construction Phase	\$135,000.00	\$45,000.00	\$180,000.00
Construction	\$1,800,000.00	\$600,000.00	\$2,400,000.00
<b>Total Project Estimate</b>	<b>\$2,070,000.00</b>	<b>\$690,000.00</b>	<b>\$2,760,000.00</b>

6. Bids were accepted on August 31, 2016, with the lowest base bid of \$3,650,455.00. On October 27, 2016, the City Council rejected the bids by RES-2016-403.
7. The North Central Texas Council of Governments (NCTCOG) has secured additional funding to assist with completion of the project. A new agreement must be executed to replace the original agreement for the project to move forward.
8. Staff recommends terminating the original agreement.

**Recommendation**

The resolution be approved.

**12 Resolution - Approving a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Project and a Transportation Enhancement (TE) Project for the Rock Island Road Bike and Pedestrian Facility**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** This agreement enables the Texas Department of Transportation to provide construction reimbursement to the City, in the amount up to \$3,000,000.00 for construction of the Rock Island Road Bike and Pedestrian Facility.
3. **This item will be presented to the Transportation and Natural Resources Committee on August 1, 2018.**
4. The original agreement did not provide adequate funding for the construction of the proposed Hike and Bike Trail along Rock Island Road from south of Irby Lane to west Irving Trinity Railway Express Station.
5. The North Central Texas Council of Governments has secured additional funding through a Congestion Mitigation Air Quality (CMAQ) Improvement Program.
6. This project will provide a ten foot wide trail from Irby Lane west to the Irving West Trinity Railway Express (TRE) Station, within the TRE Rail Line right of way. The project includes two miles of lighted trail with a 150 linear foot pedestrian bridge, retaining walls, benches and landscaping.
7. Construction of this hike and bike facility is required under the terms of the approved Environmental Assessment for the Belt Line Road to Story Road TRE Railroad Grade Separation Project.
8. This trail will be part of the North Central Texas Council of Governments Fort Worth to Dallas Regional Trail System and will benefit the pedestrians in the City of Irving.
9. The agreement provides for funding as follows:



	<b>Federal Participation</b>	<b>State Participation</b>	<b>City Participation</b>	<b>Total Estimated Funding</b>
Congestion Mitigation Air Quality Improvement Program (Construction Funding)	\$1,200,000.00		\$ 300,000.00	\$1,500,000.00
Transportation Enhancement Program (Construction Funding)	\$1,800,000.00		\$ 600,000.00	\$2,400,000.00
Direct State Costs - Environmental, Utilities, Engineering & Right of Way	\$ 135,000.00		\$ 45,000.00 (paid 12/2/14)	\$ 180,000.00
Direct State Costs - Construction Phase	\$ 135,000.00		\$ 45,000.00 (paid 11/2/16)	\$ 180,000.00
Indirect State Costs		\$ 231,660.00		\$ 231,660.00
<b>Total Project Estimate</b>	\$3,270,000.00	\$ 231,660.00	\$ 990,000.00	\$4,491,660.00

10. Funding in the amount of \$900,000.00 is available within the Park Improvement Bond Fund.

**Recommendation**

The resolution be approved.

**13 Resolution - Approving a Local Transportation Project Advance Funding Agreement for Drainage Improvements Along Belt Line Road from Dry Branch Creek to Bear Creek**

**Administrative Comments**

1. This item is recommended by the Traffic and Transportation Department.
2. **Impact:** This agreement enables the Texas Department of Transportation to work on drainage improvements off system adjacent to Belt Line Road.
3. **This item will be presented to the Transportation and Natural Resources Committee on August 1, 2018.**
4. There is no financial obligation to the City. Cost will be allocated based on 100% federal funding.

**Recommendation**

The resolution be approved.

**14 Resolution - Ratifying Sole Source Purchases in the Amount of \$56,298.25 and Approving Additional Purchases in Fiscal Year 2017-2018 in an Amount of \$82,714.04 with Eaton Corporation for UPS Batteries**

**Administrative Comments**

1. This item is recommended by the Information Technology Department and the Police Department – Animal Services Division.
2. **Impact:** UPS equipment and support maintenance from Eaton Corporation are required in order to effectively support (2) Data Centers and (3) Public Safety Communications sites which include Animal Services and (2) Water Utilities SCADA network sites. Through a preventative maintenance agreement, the City contracts with this vendor for support services and annual maintenance of the equipment installed at the aforementioned sites. Failed batteries would cause the city's various data and network systems to lose power and stop working during a power failure causing these systems to be unavailable for city departments to access.
3. An urgent situation occurred earlier in the year as a portion of batteries reached a critical state close to failure and had to be immediately replaced. The cost of these batteries were \$21,516.46. As the department had already renewed the Eaton UPS system support contract in the amount of \$28,763.15 on March 5, 2018, this caused the amount of sole source purchases through the Information Technology Department to Eaton to total \$50,279.61.
4. In addition, Animal Services purchased services for their operating room UPS for \$6018.64, which brought expenditures with Eaton to \$56,298.25.
5. Finally, this item also addresses the purchase of the remainder of budgeted, scheduled replacement batteries for the year in the amount of \$82,714.04 that are past their useful life and could fail if not replaced promptly. A quote for this purchase is attached.
6. This item satisfies the first year initiative for UPS improvements identified under the IT Strategic Plan.
7. Funding in the amount of \$56,298.25 was available in the Information Technology and Police Department budgets in the General Fund, while funding in the amount of \$82,714.04 is available in the Infrastructure Fund.

**Recommendation**

The resolution be approved.

**15 Resolution - Approving an Amendment to the Economic Incentive Agreement Between the City of Irving and Crane Worldwide Logistics, LLC in an Amount Dependent Upon Annual Qualification**

**Administrative Comments**

1. This item is recommended by the Economic Development Department.
2. **Impact:** Approval of this amendment will provide for a company affiliate of Crane Worldwide Logistics, LLC to assist in meeting the company's obligations.
3. **This amendment to the current economic incentive agreement was discussed at the Irving City Council Planning and Development Committee meeting on July 19, 2018.**
4. On February 2, 2017, City Council approved Resolution No. 2017-60 approving an economic incentive agreement with Crane Worldwide Logistics, LLC (the Company), to incentivize the Company to relocate its warehouse business operations to Irving and to construct 325,000 square feet of warehouse space and to occupy a minimum of 200,000 square feet. In addition, minimum qualifications levels include the creation of 100 new jobs with an average salary of \$60,000.00, the attainment of \$11M of combined eligible real property value and eligible business and personal property (BPP) value, and the construction of roadway improvements for the expansion of Valley View Lane. Upon qualifying for the incentives, the Company will receive Grant A, available for a ten-year period, of 65% of taxes paid on the eligible real property value and Grant B, available for a ten-year period, of 65% of taxes paid on the eligible BPP value.
5. Under the current agreement, the Company is obligated to create a minimum of 100 new jobs at the site. Currently, there are approximately 197 new jobs at the site; however, Crane Worldwide Logistics, LLC has created 64 and the other 133 new jobs were created by DAVACO, a company affiliate. Both companies are owned by their parent company, Crane Private Equity, Ltd. The Company is seeking to allow a company affiliate to assist in meeting the company's required minimum qualifications under their current economic incentive agreement.
6. In order to amend the agreement, consideration must be exchanged. The proposed consideration includes increasing the following minimum qualifications: Number of jobs created/retained at an average salary of \$60,000 increased from 100 to 120 and combined real property and business personal property taxable value from \$11M to \$16M. All other minimum qualifications and incentives will remain the same.

**Recommendation**

The resolution be approved.

**16 Resolution - Authorizing the Mayor to Sign a Release of Completion Guaranty with Hines Real Estate Holdings Limited Partnership for Completing the Obligations Set Forth in the Development Agreement for Delaware Creek Phase I Residential Project.**

**Administrative Comments**

1. This item is recommended by the Economic Development Department.
2. **Impact:** This release will allow Hines Real Estate Holdings Limited Partnership (“Hines”) to be released from the obligations of the Development Agreement. HIHC Properties, LLC, an affiliate of Hines who was assigned the Development Agreement, has completed Hine’s obligations for the development of Delaware Creek Phase I. HIHC Properties, LLC wishes to assign its interest in the Development Agreement to HIHC Phase II Owner, LLC, a Hines affiliate, in order to facilitate the development of Delaware Creek Phase II Residential Project.
3. On December 13, 2013, the City Council approved Resolution 2013-450 to award a bid for 20.64 acres of land banked property to Hines Interests Limited Partnership (“HILP”), subject to negotiation of a Development Agreement. The Development Agreement was approved May 20, 2015, pursuant to Council Resolution 2015-156 whereby the property will be developed in up to four phases, the first phase being located on the north side of Sixth Street along the west side of Delaware Creek Park.
4. As a requirement for each phase, Council approved the Development Plan and Project Costs for Phase I on December 10, 2015.
5. On April 4, 2016, the City executed a Completion Guaranty with Hines, HILP assigned it rights and obligations under the Development Agreement to HIHC Properties, LLC, an affiliate of Hines. Under the Completion Guaranty, Hines guarantees the completion of construction obligations related to public improvements and subdivision improvements.
6. Hines has created a new entity, HIHC Phase II Owner, LLC to own the property included in Phase II. Hines and HIHC Phase II Owner, LLC will enter into a Development Management Agreement for the purpose of developing Phase II.
7. Hines is requesting a Release of the Completion Guaranty for Phase I, which can occur once all obligations under Phase I have been completed, in order to assign its interests to HIHC Phase II Owner, LLC.
8. The City accepted the Public Improvements of Phase I on January 15, 2017.
9. Remaining obligations include final payout from lot sale proceeds. Proceeds from each lot sale are to be distributed pursuant the Development Agreement. Any remaining proceeds, after the payment of third party liens and unreturned project costs, are to be paid to the City and Developer equally.
10. The final lot sale of Phase I occurred in November 2017. At such closing, the City received 50% of the net proceeds. Payable proceeds to the city equaled

\$227,422.66. After the lot sale, the Developer held \$153,646.03 as contingency to cover further unanticipated expenses of unreturned project costs. Any remaining funds of the \$153,646.03 not paid toward these costs, shall be paid equally to the City and the Developer.

11. Staff has audited each draw report and reviewed the budget and costs analysis for remaining costs. Upon review, the remaining proceeds owed to the City are \$119.97. Hines is continuing to research their records to reconcile the \$119.97 by August 1, 2018. If not reconciled by August 1, Hines will payout the remaining \$119.97 to the City of Irving.
12. This confirms the completion of the obligations for Phase 1 development by Hines.
13. This is a companion to the following item.

### **Recommendation**

The resolution be approved.

## **17 Resolution - Approving the Assignment and Assumption of a Development Agreement from HIHC Properties, LLC to HIHC Phase II Owner, LLC**

### **Administrative Comments**

1. This item is recommended by the Economic Development Department.
2. **Impact:** Assignment of this agreement allows HIHC Properties, LLC to assign the Development Agreement rights and obligations to HIHC Phase II Owner, LLC in order to commence development of Delaware Creek Phase II Residential Project.
3. On December 13, 2013, the City Council approved Resolution 2013-450 to award a bid for 20.64 acres of land banked property to Hines Interests Limited Partnership ("Hines"), subject to negotiation of a Development Agreement. The Development Agreement was approved May 20, 2015, pursuant to Council Resolution 2015-156 whereby the property will be developed in up to four phases, the first phase being located on the north side of Sixth Street along the west side of Delaware Creek Park.
4. On February 15, 2018, Council approved Zoning Case #ZC17-0084 approving the zoning for Delaware Creek Phase II.
5. On March 14, 2018, Hines exercised its First Option, per the Development Agreement, to acquire Delaware Creek Phase II.
6. Pursuant to Resolution 2018-125, Council approved Project Costs and Development Plan for the Delaware Creek Phase II Residential Project.
7. Pursuant to the Development Agreement, Hines had the right to assign its interests and has assigned those rights and obligations to HIHC Properties, LLC for Delaware Creek Phase I Development.

8. Having completed all obligations per the Completion Guaranty for Phase I, HIHC Properties, LLC wishes to further assign its interests in the Development Agreement to HIHC Phase II Owner, LLC, an affiliate of Hines, for the purpose of developing Delaware Creek Phase II Residential Project.
9. This is a companion to the previous item.

**Recommendation**

The resolution be approved.

**18 Resolution - Authorizing the Mayor to Execute an Agreement Granting a License to Northwest 423/380 LP, to Use a Portion of the City's Raw Water Main Easement for Seven Monument Signs**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** This agreement will allow Northwest 423/380 LP, (Owner) to install seven monument signs within a portion of the City's 75-foot Raw Water Main Easement in Prosper, Texas.
3. **This item will be presented to the Transportation and Natural Resources Committee on August 1, 2018.**
4. Northwest 423/380 LP, is building a shopping center in Prosper that is anchored by LA Fitness. The shopping center includes over 1,000 linear feet of frontage on US 380. Irving's Raw Water Main easement is adjacent to US 380. Seven (7) monument signs have been requested due to the length of the frontage and the number of tenants.
5. The monument sign will be located on the southernmost part of the City Easement and will be limited to ten-foot by ten-foot areas for each sign.
6. The License Agreement is granted in consideration of Owner's payment of \$35,000.00 to the city and will have a term of twenty (20) years.
7. Irving shall have the power at any time to order and require Northwest 423/380 LP, to remove the Monument Signs for maintenance, repair, and construction of underground water transmission pipeline(s) and related appurtenances at no cost to the city.

**Recommendation**

The resolution be approved.

**19 Resolution - Approving the Season Seat Agreement Between the City of Irving on Behalf of the Irving Convention and Visitors Bureau and Live Nation Marketing, Inc. for the Purchase of Seats at the Pavilion at the Toyota Music Factory**

**Administrative Comments**

1. This item is recommended by the Irving Convention and Visitors Bureau. It supports Strategic Objectives 3.1: Promote revitalization of targeted areas.
2. **Impact:** Approval of this season seat agreement will provide seats for the Irving Convention & Visitors Bureau to utilize to capitalize on marketing and promotional opportunities, as well as customer networking throughout the year.
3. The Pavilion at the Toyota Music Factory is Irving's newest venue for events and use of the venue to entertain clients is an opportunity for the ICVB to capitalize on this new attraction to continue to tell the Irving story.
4. The agreement provides for eight premium seats, and two parking passes at each concert promoted and produced by Live Nation, plus a "ticket bank" which allows for purchase of additional tickets as needed for client entertainment throughout the season, in the amount of \$105,016.16 plus \$20,000 for the ticket bank.
5. Live Nation has changed its concert season from its initial September to August to a calendar year schedule. Therefore, this is a 16-month agreement for the event season from September 1, 2018 to December 31, 2019.
6. The ICVB will adhere to guidelines established by the ICVB Board regarding use of the box seats. The seats will be used with local clients, familiarization tours, media tours, industry partners, etc.
7. Funding in the amount of \$125,016.16 is available in the ICVB general fund for FY17/18.

**Recommendation**

The resolution be approved.

**20 Resolution - Terminating the Home Investment Partnerships Grant Agreement Between Bear Creek Development Corporation and the City of Irving in the Amount of \$235,000.00**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.

2. **Impact:** This action releases \$235,000.00 in unspent Home Investment Partnerships (HOME) funds for reallocation to other HOME projects.
3. On October 26, 2017, Bear Creek Development Corporation was awarded a contract extension and an increase in funds (RES 2017-404) for the development of an affordable home at 200 Gilbert Road.
4. The City of Irving and Bear Creek Development Corporation have determined that this project is no longer feasible due to the costs necessary to extend the sanitary sewer system to serve the property.
5. Bear Creek Development Corporation is in agreement with this termination.
6. The Housing and Human Services Board approved the contract termination at its June 20, 2018 meeting.

**Recommendation**

The resolution be approved.

**21 Resolution - Authorizing the Submittal of a Substantial Amendment to the 2017-2018 Action Plan to the United States Department of Housing and Urban Development for the Use of Federal Funding in Support of Public Facilities and Affordable Housing Activities**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development department.
2. **Impact:** This amendment authorization will allow for public facility improvements that support neighborhood revitalization and increase funding for affordable housing activities.
3. Planning and Community Development staff evaluated the need for additional funding for public facilities improvements and for senior housing development. In addition, staff determined that the establishment of a Home Reconstruction program would help meet the housing needs of Irving residents.
4. The City of Irving's Citizen Participation Plan, adopted as part of the 2014-2019 Consolidated Plan, requires the submittal of a Substantial Amendment to the United States Department of Housing and Urban Development (HUD) when the City of Irving desires to establish an activity not in the Action Plan or to increase funding for a particular activity over a specific level.
5. Staff is requesting that the City Council authorize the reprogramming of \$250,000.00 of Community Development Block Grant (CDBG) funds to Public Facilities to assist in the development of a park in a low/moderate income



neighborhood, \$250,000.00 in Home Investment Partnerships Grant (HOME) funds for the establishment of a Home Reconstruction Program, and \$997,244.25 in HOME funds to increase the funding available for senior housing projects.

6. A public input meeting was held on June 5, 2018, and a public comment period was held between May 21 and June 20, 2018.
7. **The Housing and Human Services Board authorized staff to move forward with the amendment at its May 18, 2018 meeting. The Community Services Committee will review this item at its August 2, 2018 meeting.**

### **Recommendation**

The resolution be approved.

## **22 Resolution - Approving Saigebrook Development, LLC, on Behalf of Canova Palms, LLC. Application Request for Rental Housing Development Assistance in Form of a Home Investment Partnership Grant Loan Not to Exceed \$1,000,000.00**

### **Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This action is to allocate \$1,000,000.00 in the form of a Home Investment Partnership Grant (HOME) loan to Canova Palms, LLC for the construction of an affordable senior housing development.
3. Saigebrook Development, LLC, the developer for Canova Palms, LLC, has been notified that they are receiving an award from the State of Texas in the form of 9% Low Income Housing Tax Credits.
4. Saigebrook Development, LLC submitted a loan application on behalf of Canova Palms, LLC to the Planning and Community Development Department on May 31, 2018.
5. The project is intended to construct a 58-unit development targeted for seniors at 1717 W. Irving Blvd.
6. The HOME loan will be used to leverage funding for this project and will increase the number of units available for low income seniors.
7. A formal loan contract will be presented at a later City Council meeting.
8. The zoning for the property was approved at the June 28, 2018 City Council Meeting.
9. The Housing and Human Services Board approved the allocation at its June 20, 2018 meeting.

9. Funding in the amount of \$1,000,000.00 is available in the Community Development budget within the HOME Investment Partnership Fund.

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 23-24**

**23 Resolution - Approving a Professional Services Agreement Between the City of Irving and SWA Group in the Amount of \$266,100 for Conceptual Design for Williams Square Plaza**

**Administrative Comments**

1. This item is recommended by the City Manager's Office.
2. **Impact:** This professional services agreement with SWA Group provides conceptual design services for the re-design of Williams Square plaza. The project includes four public meetings for community input, conceptual design services, a basic schematic and conceptual design of the plaza, an evaluation of the *Mustangs* sculpture, and an evaluation of the fountain system associated with the sculpture. The purpose of the project is to re-energize, enhance, and activate the use of this iconic public gathering space.
3. On September 19, 2017, staff briefed the Tax Increment Reinvestment Zone (TIF) Number 1 Board on the Williams Square plaza conceptual redesign project. On October 17, 2017, the TIF Board approved a resolution recommending \$400,000 in funding for the conceptual redesign of Williams Square plaza.
4. On October 12, 2017, staff briefed the Planning and Development Committee on the Williams Square plaza conceptual redesign project.
5. On December 14, 2017, City Council approved an Interlocal Cooperation Agreement with DCURD to assess the current conditions of Williams Square plaza and coordinate master planning for future enhancements, renovations, and maintenance of the plaza. The Interlocal Agreement established a committee comprised of representatives from the city, Dallas County Utility Reclamation District (DCURD), Las Colinas Association (LCA), and ownership of the Towers of Williams Square to recommend a design firm through a Request for Qualifications (RFQ) process.
6. On December 14, 2017, City Council also approved FY 2017-18 Budget Adjustment #1, allocating \$400,000 in the TIF Project Fund for the conceptual redesign of Williams Square plaza and legal costs for the potential transfer of ownership of Williams Square plaza from DCURD to the City.

7. The committee (representatives from the city, DCURD, LCA, and ownership of the Towers) identified SWA Group as the highest qualified respondent to the Request for Qualifications (RFQ). On June 28, 2018, City Council approved Resolution RES-2018-221, authorizing staff to negotiate a contract with SWA Group.
8. The scope of services includes four (4) public meetings (meetings one and two will include a daytime meeting and evening meeting) for input from residents and businesses; meetings with key stakeholders including the committee (city, DCURD, LCA, and ownership of the Towers), Irving Convention and Visitors Bureau (ICVB), Parks and Recreation Department, and Irving Arts Center (IAC); conceptual design; engineering; lighting; accessibility review; basic schematic; construction cost estimate; evaluation of sculpture; evaluation of fountain; and site survey.
9. The base fee for conceptual design services is \$248,000 including reimbursable expenses not to exceed \$12,000. Additional services are included in the contract for an evaluation of the sculpture (\$1,500), review of fountain (\$8,500), and site survey (\$8,100). The total cost of the contract is \$266,100.
10. Funding in the amount of \$266,100 is available in the TIF Project Fund.

**Recommendation**

The resolution be approved.

**24 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Holt Texas, LTD., in the Total Estimated Amount of \$160,000.00 for As-Needed Equipment Rentals through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Solid Waste Services Department, the Parks & Recreation Department, and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member contract between the City of Irving and Holt Texas, LTD., for the utilization of the BuyBoard Contract No. 565-18 which expires on May 31, 2019 will allow the city to procure as-needed equipment rentals under the best possible terms and conditions for the city.
3. Approval of this contract will allow the Hunter Ferrell Landfill to rent various equipment in order to stay in compliance with TCEQ requirements for waste disposal and onsite projects at the landfill. It also provides rental of specialty equipment for various Parks & Recreation Department projects and electrical generators for city sponsored special events, to allow provision of quality services for parks customers. This contract will also be available to additional departments

with potential heavy equipment rental needs such as Traffic & Transportation and Water Utilities.

4. Funding for Fiscal Year 2017-18 is available in the Parks & Recreation Department budget within the General Fund, the Solid Waste Enterprise Fund, and in various other departmental budgets within various funds, while funding for Fiscal Year 2018-19 is subject to budget appropriation.
5. Because this contract runs from August 2018 through May 2019, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year's additional purchases and the total contract award amount is not exceeded.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Holt Texas, LTD.	8/3/18 – 5/31/19	\$ 38,600.00	2017-18
		\$121,400.00	2018-19
<b>TOTAL</b>		<b>\$160,000.00</b>	

**Recommendation**

The resolution be approved.

**INDIVIDUAL CONSIDERATION**

**25 Resolution - Approving the Allocations of Fiscal Year 2018-2019 Community Development Block Grant, Home Investment Partnership Fund and Emergency Solutions Grant Funds to Non-Profit Organizations in the Amount of \$430,124.00**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This action will provide funding to local non-profit organizations to improve services to Irving residents.
3. As a recipient of funds from the United States Department of Housing and Urban Development (HUD), the City of Irving will receive \$2,208,616.00 in Community Development Block Grant (CDBG) funds, \$830,823.00 in Home Investment Partnerships Grant (HOME), and \$182,309.00 in Emergency Solutions Grant (ESG) funds in Fiscal Year 2018-2019. The City of Irving may allocate up to 15% of CDBG funds to public services and may allocate a portion of its ESG funding to emergency

shelter operations and maintenance.

4. The Planning and Community Development department solicited applications from non-profit agencies from March 5 through April 5, 2018. The Housing and Human Services Board interviewed applicants at its May 18, 2018 meeting and approved the budgets for CDBG, ESG, and HOME expenditures, including allocations to the non-profit organizations, at its June 20, 2018 meeting.
5. Community input regarding public services allocations was solicited through a public comment period and through the conduct of two public hearings.
6. This item was presented to the Community Services Committee on June 28, 2018.
7. Funding in the amount of \$287,500.00 will be available in the Outside Services budget within the Community Development Block Grant Fund. Funding in the amount of \$124,624 will be available in the Outside Services budget within the Home Investment Partnerships Fund. Funding in the amount of \$25,000.00 will be available in the Outside Services budget within the Emergency Solutions Grant Fund.

### **Recommendation**

The resolution be approved.

## **26 Resolution - Approving the Submission of the Fiscal Year 2018-2019 Action Plan for the Use of Federal Funds and Associated Fiscal Year 2018-2019 Community Development Block Grant, Home Investment Partnerships Grant, and Emergency Solutions Grant Budgets to the United States Department of Housing and Urban Development for the Award Amount of \$3,221,748.00**

### **Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This action will set priorities, goals, and resource allocations for the use of grant funding from the United States Department of Housing and Urban Development (HUD) to provide community development services to the residents of Irving.
3. As a HUD-funded community, Irving will receive \$2,208,616.00 in Community Development Block Grant (CDBG), \$830,823.00 in Home Investment Partnerships Grant (HOME), and \$182,309.00 in Emergency Solutions Grant funds for the 2018 Program Year, which runs from October 1, 2018 to September 30, 2019.

4. In order to receive these funds, the City of Irving is required to submit a Consolidated Plan every five years, which serves as a strategic plan for the use of these HUD funds. In addition, the City of Irving is required to annually submit an Action Plan to HUD no later than August 15 of any given year. The Action Plan outlines the specific programs and services that will be funded to address Irving's strategies as stated in the five-year 2014-2019 Consolidated Plan.
5. Citizen input regarding the Fiscal Year 2018-2019 Action Plan was solicited through the conduct of two advertised public hearings as well as through website posting and an online survey. The Housing and Human Services Board approved its recommended allocation of Fiscal Year 2018-2019 funds at its May 18, 2018 meeting and approved the Action Plan as a whole at its July 25, 2018 meeting. The Board's recommendation for this funding is based on Consolidated Plan priorities, non-profit organization applications and interviews, and recommendations from the Planning and Community Development Department staff.
6. The proposed resolution adopts the Fiscal Year 2018-2019 Action Plan, with associated budgets for the use of CDBG, HOME, and ESG funds; its designated HOME and ESG matching contributions; HOME program revised Policies and Procedures; and all applicable priorities and goals in the Consolidated Plan.
7. **This item was presented to the Community Services Committee on June 28, 2018.**
8. **This item was approved by Housing and Human Services Board on July 25, 2018.**

**Recommendation**

The resolution be approved.

## **ZONING CASES AND COMPANION ITEMS**

- 27 Resolution - Approving Special Sign Permit Case #S1805-0022 to Allow the Re-Facing of an Existing 63-Foot Tall Pole Sign - Property Located at 4118 W. Airport Freeway - Barnett Signs, Applicant - 7-Eleven, Inc., Owner.**

**Administrative Comments**

1. The applicant proposes replacing the face of the pole sign along the service road of State Highway 183 with the new brand name. The sign face is plastic with no electronic displays.
2. The property currently is developed with a convenience store and fueling station. There is one pole sign with an overall height of 63 ft. and an overall area of 140 sq. ft. with the brand logo. The sign is located approximately 21 feet from the property line. The applicant is refacing the sign to include a new fueling station brand. The

sign would remain 63 feet tall and 140 sq. ft. in size.

3. This is a non-conforming pole sign that exceeds the 35 ft. maximum height, and is less than the required 30 ft. from the property line. The sign ordinance requires that a sign that is having its face replaced must be brought into compliance. In this case the sign must be lowered to 35 feet.
4. The applicant has proposed a masonry planter and landscaping at the base of the pole per staff's suggestion.
5. Staff cannot support a pole sign this tall. Lowering the sign would improve the overall appearance at this intersection.
6. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

The resolution be denied.

**28 Resolution - Approving Preliminary/Final Plat - PL18-0018 - Delaware Creek at Heritage Crossing Phase 2 Addition - Approximately 7.084 Acres Located on the South Side of 6th Street, the North Side of 9th Street, West of 7th and 8th Street, - Jacobs Engineering Group, Inc., Applicant - Hines Interests Limited Partnership, Owner.**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: July 16, 2018 – Technical Denial.
2. The subject property is platted as Lot 1, Block A, Crossroads-Irving Addition and Lot 1, part of Lot 6, and part of an alley in Block 4 of E.G. Senter's First Addition. The applicant is replatting the property into 43 residential lots, 11 public common area lots and 1 non-residential lot.
3. Section 35-16(b) of the Subdivision Ordinance requires all lots to front onto a public street. Thirty-six lots front onto a common area, and access is provided via private alleys.
4. The plat complies with all other requirements of the Subdivision Ordinance and the approved zoning.
5. A total of twenty-six (26) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
6. This item supports Strategic Objective 3.5 – Effectively Plan and manage land use.

**Recommendation**

The resolution be approved.

**29 Resolution - Special Fence Project Plan #ZC18-0045 - Approving a Variance from Section 15-11 to Allow a Wrought-Iron Fence in the 30-Ft Required Front Setback of the Multifamily Development. Property Located at 3800 Portland Street - Legacy R.E.I Group, Applicant - Restructure Corp., Owner.**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: July 16, 2018 – Postpone to August 6, 2018 7-0 (Commissioners Patel and Zeske, absent).
2. The applicant is requesting to construct a six (6) foot tall wrought-iron fence in the required 30-ft. front yard setback along Country Club Drive, Portland Street, and Northgate Drive. The fence is located ten (10) feet from the property line. The fence is proposed to provide protected open space for the residents of the apartments.
3. Sight visibility triangles are provided at the street corners, and the entrances and exits. New automatic entrance and exit gates will be installed along Portland Street and Northgate Drive for controlled access. The gates have been located to meet Traffic and Transportation and Fire Department standards. Eight (8) parking spaces will be removed for the gate operations, but the complex has an excess of parking.
4. The applicant failed to appear at the Planning and Zoning Commission meeting on July 16. In accordance with the Commission's adopted bylaws, the Commission voted to postpone the case until its next meeting on August 6, 2018. Accordingly, the City Council must postpone this case until September 6, 2018.
5. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

Postpone to September 6, 2018.

**30 Ordinance - Zoning Case #ZC17-0083 - Comprehensive Plan Amendment to Change the Recommended Land Use from "Business District" to "Residential Neighborhood", and Granting S-P-2 (Generalized Site Plan) for R-6 (Single Family) District Uses - Approximately 14.549 Acres Located at 4951, 4961 and 4971 Courtside Drive - Harlan Properties, Applicant - Max Larsen Revocable Trust, Owner (Postponed from February 15, 2018 and July 19, 2018)**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 5, 2018 - Denial 4-3 (Commissioners Hoedebeck, Patrick, Taylor and McPhail, voting to deny the application; Commissioners Patel and Zeske, absent). June 18, 2018 - Approval 5-3 (Commissioners Taylor, Hoedebeck and Zeske, nay;



Commissioner Patel, absent)

2. The applicant is proposing to develop the property with 86 single family lots and one common area lot.
3. The Imagine Irving Comprehensive Plan Future Land Use Map recommends *Business District* uses for this property. This land use is for the highest intensity areas of Irving containing a variety of uses in multi-story buildings, pedestrian-design streets and buildings, high quality design and materials, and reduced parking requirements. Net units per acre: 60 or more. The request is not in conformance with the Comprehensive Plan. The applicant is requesting a Comprehensive Plan amendment for *Residential Neighborhood* uses to allow low density residential uses, which are consistent with surrounding development.
4. The Comprehensive Plan includes seven criteria for transitioning from non-residential to residential uses; the City should require the following:
  - a. The area should be physically appropriate (i.e., size, shape, etc.) for residential use.
  - b. The area is an extension of a residential neighborhood shown on the Generalized Future Land Use Map and is not separated from the neighborhood by a major thoroughfare (or larger).
  - c. The rezoning will not create a situation where non-residential traffic will negatively impact established and proposed future neighborhoods.
  - d. The rezoning would not result in a shortage of land designated for non-residential development.
  - e. The proposed rezoning is not for traditional multi-family development. New multi-family development would be permitted only as outlined in the Mixed Use guidelines.
  - f. The rezoning would not leave a residual tract of non-residentially zoned property which would not conform to the Generalized Future Land Use Map or which would negatively affect the proposed residential use.
  - g. The rezoning would provide for an appropriate transition between residential and non-residential uses through separation by distance, screening, or land use (i.e., creek, four-lane roadway, etc.), if positive integration of residential and non-residential land use is not achievable.

Staff believes the proposal meets these requirements.

5. Additionally, the property is adjacent to Dallas/Fort Worth International Airport, and the Comprehensive Plan proposes the following strategies to protect land designated for commercial and industrial uses along major corridors, highways, or adjacent to the airport from residential encroachment.
  - a. Land Use Goal 7-Work with the Dallas Fort Worth International Airport to protect the interests and enhance the growth and economic success of both

the airport and the city.

- b. Land Use Strategy 7.1: Promote appropriate land uses adjacent to the airport to reduce conflicts with airport operations
- c. Land Use Strategy 7.1.1: Restrict residential development in the flight path and high noise zones

Since this property is not in the direct flightpath of the airport, staff believes the development is consistent with these recommendations.

- 6. This request came before the City Council in February, 2018, at which time the application was for 80 single family lots and one common area lot on five internal streets and two cul-de-sacs. Access was from two entrances along Courtside Drive. The application was postponed to allow the applicant the opportunity to acquire an adjacent property from the Irving Independent School District which would potentially create a third point of access off of Dorris Road.
- 7. The applicant subsequently purchased the adjacent tract from the school district and revised the site plan to propose 86 single family lots on five internal streets with one cul-de-sac. Two entrances from Courtside Drive are provided, along with a third connection to Dorris Road through Branchford Road. The applicant would be responsible for building the portion of Branchford Road between the subject property and Dorris Road.
- 8. The site plan proposes the following exceptions to the R-6 (Single Family) district:
  - a. Front Yard Setback Required: 25 ft.; Provided: 20 ft.
  - b. Rear Yard Setback Required: 20 ft.; Provided: 10 ft.
  - c. Minimum Lot Width Required: 50 ft.; Provided: 40 ft.
  - d. Minimum Lot Size Required: 6,000 sq. ft.; Provided: 4,200 sq. ft.
  - e. Maximum Lot Coverage by Principal Building Required: 40%; Provided: 80%

These development standards are consistent with other recently approved single family detached developments in the immediate area including the Dominion, Dominion Estates and Broadmoor Hills Ph. 4.

- 9. The garages will meet the new area and depth requirements, and the garage doors will be 25 feet from the street right-of-way.
- 10. Since the development is adjacent to Dallas/Fort Worth International Airport, the following requirements are listed on the site plan:
  - a. An Avigation Easement holding the City and DFW International Airport harmless for any airport-related impact shall be provided by plat on all lots within this development and will be tied to the deed of each lot to ensure disclosure to subsequent buyers
  - b. Developer shall provide full disclosure to all potential purchasers of housing units in this development regarding airport proximity, and that the property is

subject to an Avigation Easement.

- c. A sign shall be posted in a conspicuous location until all lots are sold to homeowners advising all buyers that the property is subject to an Avigation Easement as a result of Airport proximity.
  - d. Homes shall be constructed in a manner that complies with all City of Irving building codes (including local amendments) regarding noise attenuation.
11. The site plan also notes that the minimum air conditioned living area of each dwelling shall be 1,700 sq. ft., and the exterior wall surface must be 70% masonry.
  12. Since the property has no frontage or direct access to either Valley View Lane or Carbon Road, commercial development is not likely on this site. It also is adjacent to property owned by DFW Airport, but not adjacent to the airport itself, and will not interfere with airport operations.
  13. This request was postponed from July 19, 2018 as a result of staff being notified by DFW Airport that the Branchford Road stub-out that was proposed for the third point of access is not City right-of-way as indicated on both the City's maps and maps maintained by the Dallas Central Appraisal District. Instead, the tract was acquired by the Airport in 2000 when the City quitclaimed the tract to the Airport. Staff researched this question and discovered that the tract was, in fact, quitclaimed to the Airport. As a result, the third point of access to Dorris Road cannot be approved without the consent of DFW Airport. Staff has been discussing this situation with the applicant, and as of Friday morning, July 27, the applicant had not advised staff of how he wishes to proceed.
  14. A total of 30 public notices were mailed. Staff received one (1) response in support. Staff received six (6) responses and a petition with 67 signatures in opposition to this request. The opposition represents 13.35% of the land within 200 feet of the subject property. Since this is less than 20%, per State law a  $\frac{3}{4}$ -vote is not required for approval.
  15. This item supports Strategic Objective 3.5 - Effectively plan and manage land use.

### **Recommendation**

Postpone to September 6, 2018 to allow the applicant time to either revise the site plan to remove the third point of access to Dorris Road, or explore other options with DFW Airport.

**31 Ordinance - Zoning Case #ZC18-0034 - Granting S-P-1 (Detailed Site Plan) for C-C (Community Commercial) and Wireless Telecommunication Facility Uses - Approximately 0.037 Acres Located at 1901 Parkside Avenue - Communications Tower Group, LLC, Applicant - Alishba Homes, LLC, Owner.**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: July 16, 2018 – Favorable 4-3 (Commissioners Niemeier, Spurlock and Taylor, nay; Commissioners Patel and Zeske, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Compact Neighborhood District Uses*. This use is in conformance with the Comprehensive Plan.
3. The request is to rezone a portion of the lot to allow construction of a new telecommunications tower and equipment cabinet.
4. The tower will be a 115-foot tall tower with four (4) 10-foot tall concealment bays mounted on three poles. The tower will be in the center of a 40' X 40' portion of Lot 1, Holcombe Industrial District No. 1 Addition and will be able to accommodate additional antennas. This is considered a “concealment tower” design because it conceals the antennas with the exterior concealment bays. Section 52-32d of the Zoning Ordinance requires new towers to be a tapering monopole design except another design can be approved if it would “cause less visual impact on surrounding property than a similar monopole structure”.
5. The proposed lease space for the tower will be approximately 105 feet north of Parkside Avenue, approximately 3 feet from the west (side) property line and approximately 9 feet from the north (rear) property line. Access is provided through a proposed 12-foot wide access drive which expands into 40-foot wide access and utility easement which includes a 15-foot wide turnaround area.
6. The tower will be located on the rear of a lot which backs up to the drive aisle of a storage facility, and to residential lots beyond that. To the east of proposed tower is the vacant portion of the lot and a residence; to the west is a church parking lot. The southern portion of the property is vacant with light industrial uses across Parkside Avenue.
7. Telecommunications towers are required to be a minimum of 200 feet or 3-to-1 distance-to- height ratio, whichever is greater, from structures used for residential purposes. For a 115' tower this would be a minimum of 345'. The structure is only 107-feet from the residential property to the east and 132-feet from the residential property to the north. Approximately 28 residential homes are within the 345' radius.
8. Three other towers exist within 5,000 feet of the proposed location; however, these towers are full and there is no room for additional co-location of equipment, nor could they be reasonably altered for substantial additional height to meet the

engineering requirements for T-Mobile.

9. The leased portion of the lot will be surrounded by an 8-foot tall wood fence, with 12-foot wide gates.
10. A total of four (4) trees from the City's approved tree list will be planted along the north and east sides of the lease space.
11. Since the proposed tower is not in compliance with the Planning and Zoning Commission's adopted Antenna/Tower Siting Policies and Guidelines for distance requirement from structures used for residential purposes, staff cannot support this case.
12. A total of 25 public notices were mailed. Staff received two responses in support and two in opposition to this request. The opposition represents 17.4% of the land within 200 feet of the subject property. Since this is less than 20%, per state law a  $\frac{3}{4}$ -vote is not required for approval.
13. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The ordinance be denied.

## **32 Ordinance - Zoning Case #ZC18-0035 - Granting S-P-1 (Detailed Site Plan) for C-C (Community Commercial) and Wireless Telecommunication Facility Uses - Approximately 0.021 Acres Located at 1410 Burris Price Court - Communications Tower Group, LLC, Applicant - B & W Smith Properties, L.P., Owner.**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: July 16, 2018 – Favorable 5-2 (Commissioners Niemeier and Taylor, nay; Commissioners Patel and Zeske, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Commercial Corridor* uses for this property. This request is in conformance with the Comprehensive Plan.
3. The request is to rezone a portion of the lot to allow construction of a new telecommunications tower and equipment cabinet.
4. The tower will be a 75-foot tall tower with three (3) 10-foot tall concealment bays mounted on three poles. The tower will be in the center of a 30' X 30' portion of a tract of land out of the J.C. Read Survey, Abstract No. 1188 and will be able to accommodate additional antennas. This is considered a "concealment tower" design because it conceals the antennas with the exterior concealment bays.

Section 52-32d of the Zoning Ordinance requires new towers to be a tapering monopole design except another design can be approved if it would “cause less visual impact on surrounding property than a similar monopole structure”.

5. The proposed lease space for the tower will be approximately 105 feet east of Burris Price Court, approximately 39 feet south of E. Grauwlyer Road and approximately 8 feet from the eastern property line. Access is provided through a proposed 12-foot wide access easement which expands into a 30-foot wide access and utility easement which includes a 15-foot wide turnaround drive.
6. The tower will be located on the rear of a lot which has a single story building with parking on the front. To the east of the proposed tower is the BNSF Railroad. To the south is an auto trim shop, and the Salvation Army is across Burris Price Court to the west. The proposed lease space is to the northeast of an existing building on the lot. The structure is 200 feet from the nearest residence across E. Grauwlyer Road and over 200 feet from the nearest residences across the BNSF Railway right-of-way.
7. Telecommunications towers are required to be a minimum of 200 feet or 3-to-1 distance-to- height ratio, whichever is greater, from structures used for residential purposes. For a 75' tower this would be a minimum of 225'. The structure is 200-feet from the residential property to the north and 259-feet from the residential property to the east.
8. Two other towers exist within 5,000 feet of the proposed location; however, these towers are full and there is no room for additional co-location of equipment, nor could they be reasonably altered for substantial additional height to meet the engineering requirements for T-Mobile.
9. The leased portion of the lot will be surrounded by an 8-foot tall masonry wall, with stucco to match existing principal building, with 16-foot wide gates.
10. A total of five (5) trees from the City's approved tree list will be planted along the north side of the lease space.
11. While the tower does encroach 25-ft. into the required setback from a residential structure, the overall height of the tower is only 75 feet, and the proposed case is otherwise in substantial compliance with the Planning and Zoning Commission's adopted Antenna/Tower Siting Policies and Guidelines; and staff can support this request.
12. A total of 14 public notices were mailed. Staff received two (2) responses in support and five (5) in opposition to this request. The opposition represents 13.28% of the land within 200 feet of the subject property. Since this is less than 20%, per State law a ¾-vote is not required for approval.
13. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

## **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.

- 33 Ordinance - Zoning Case #ZC18-0047 - Comprehensive Plan Amendment to Change the Recommended Land Use from "Business District" to "Neighborhood Commercial", and Granting S-P-2 (Generalized Site Plan) for C-N (Neighborhood Commercial) and Senior Independent Living Facility Uses - Approximately 6.72 Acres Located at 8000 Walton Boulevard - Forest Hill Lodging, Inc., Applicant/Owner.**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: July 16, 2018 – Favorable 7-0 (Commissioners Patel and Zeske, absent).
2. The 2017 Imagine Irving Comprehensive Plan recommends Business District uses for the subject property. This is a flexible use district for retail, office and commercial uses. The proposed use is not in conformance with the Comprehensive Plan. The applicant has submitted a request to amend the plan to allow Neighborhood Commercial uses. This category is for mixed-use commercial areas along major corridors to provide opportunities for residential and commercial infill and reinvestment. The applicant states that this is medium density residential with a complementing retail center that transitions to the surrounding development.
3. The subject property is a 6.72 acre tract that is proposed to be developed with a 101,800 sq. ft. senior living facility and a separate 49,200 sq. ft. retail center. The senior living facility will have 91 units, for a density of 30 units per acre for that half of the development.
4. The senior living facility is defined as a facility that provides supportive services to elderly residents, including social activities, health screenings, and exercise classes. At least 80% of the units must be occupied by at least one person who is 55 years of age or older. The facility is proposed to be four stories with one and two-bedroom units.
5. Additional requirements are a parking ratio of one space per unit, exterior and interior common areas, three meals served a day, on-site management and maintenance, fully furnished rooms with kitchens, and shuttle services. Carports will be provided for the senior living units.
6. The retail center will be occupied with retail, office, or service uses as allowed in the C-N Neighborhood Commercial district.
7. If an area that is designated and/or developed as non-residential desires to

transition to a residential use, the City of Irving should require the following:

- a. The area is physically appropriate (i.e., size, shape, etc.) for residential use.
  - b. The area is adjacent to a residential neighborhood shown on the generalized Future Land Use Map and is not separated from the neighborhood by a major thoroughfare (or larger), or the residential use is a part of a mixed-use development.
  - c. The rezoning will not result in a shortage of land designated for non-residential development.
  - d. The rezoning does not leave a residual tract of non-residentially zoned property that does not conform to the generalized Future Land Use Map, or that negatively affects the proposed residential use.
  - e. The rezoning provides for an appropriate transition between residential and non-residential uses through separation by distance, screening, or land use (i.e., creek, four-lane roadway, etc.), if integration of residential and non-residential land uses into a mixed use environment is not achievable.
8. Staff believes that a mixed use development complies with the above requirements, and provides additional residential opportunities for this area.
  9. A total of 54 public notices were mailed. Staff received no responses in support or in opposition of this request.
  10. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.



## APPOINTMENTS AND REPORTS

### 34 Resolution - Appointing to the Tax Increment Reinvestment Zone No. 1 Board

#### Administrative Comments

1. This item is recommended by the City Secretary Office.
2. **Impact:** Appointment of Irving residents or qualified members to boards and commissions assures that our residents have a voice in city government.
3. The vacant position under consideration is for the Tax Increment Reinvestment Zone No. 1 Board.

#### Recommendation

The resolution be approved.

### 35 Mayor's Report

#### Adjournment