

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, February 14, 2019 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 Irving 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 32

**CITY COUNCIL AGENDA**

**1 City Operations Update**

**CONSENT AGENDA**

**2 Approving Work Session Minutes for Wednesday, January 30, 2019**

**3 Approving Regular Meeting Minutes for Thursday, January 31, 2019**

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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 - Approving a One-Time Payment Equivalent to a 2% Annual Cost of Living Adjustment for the City Manager**

**Administrative Comments**

1. This item is recommended by the City Council.
2. **Impact:** The agenda item, if approved, authorizes a one-time payment equivalent to a 2% annual cost of living adjustment for the City Manager, and is in conformity with the employment contract.
3. Funding is available in the City Manager’s Office budget within the General Fund.

**Recommendation**

The resolution be approved.

**5 Ordinance - Calling a Special Election in the City of Irving, Texas to be Held on Saturday, May 4, 2019, for a Local Option Election for “The Legal Sale of All Alcoholic Beverages for Off-Premise Consumption Only” in Accordance with Title 17 of the Election Code**

**Administrative Comments**

1. This item is presented by the City Secretary’s Office.
2. **Impact:** This item would order a Local Option Election on May 4, 2019, for voters to consider the legal sale of all alcoholic beverages for off-premise consumption only.
3. On January 2, 2019, a representative from Irving Citizens for More Retail Options filed a petition with the Office of the City Secretary requesting the City to conduct a special election to vote for the legal sale of all alcoholic beverages for off-premise consumption only.
4. The Texas Election Code, Section 501.032, requires “actual signatures of a number of qualified voters of the City of Irving (political subdivision) equal to at least 35 percent of the registered voters in the City of Irving (subdivision) who voted in the most recent gubernatorial election...” The calculations provided by the Dallas County Elections Administrator indicated the petitions must contain 9,151 valid registered voters’ signatures from the City of Irving.
5. The City Secretary has determined that the requisite number of qualified voters signed the petition.

**Recommendation**

The ordinance be adopted.

**6 Resolution - Authorizing the Mayor to Enter into an Agreement with Dallas County Elections Department in an Amount Not to Exceed \$160,000.00 to Administer the Regular Municipal Election and Special Election to be Held on Saturday, May 4, 2019, for the Purpose of Electing City Council Places One (1), Two (2) and Seven (7), and Local Option Election; Subsequent Run-Off Election If Necessary**

**Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The Dallas County Elections Department contract streamlines the election process, reduces cost by splitting fees amongst all Dallas County entities; including school districts, community college districts and hospital authorities, and reaches the broadest spectrum of Irving voters due to various early voting polling locations available throughout Dallas County.
3. The standard contract that the City will enter into with Dallas County Elections Department is in compliance with the Texas Election Code and has been reviewed by the City Secretary's Office and the City Attorney's Office.
4. Council has approved up to \$160,000.00 for the May election and run-off election, if needed; these funds are available in the General Fund.
5. City of Irving's total contract amount due is subject to increase pending cancellation of various entity elections throughout Dallas County.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving Submission of a General Victim Assistance Direct Services Program Grant Application to the Office of the Governor, Criminal Justice Division, for Specialized Trauma Services and Designating the Mayor as the Authorized Official to Apply For, Accept, Reject, Alter, or Terminate the Grant on Behalf of the City**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Goal No. 4.1: Safeguard public safety, security and health.
2. **Impact:** The approval of this grant application will ensure that crime victim services and crisis counseling will be enhanced for our Spanish speaking clients, and will also provide crisis intervention services to child victims of physical or sexual abuse and witnesses of violent crime and their family members.

3. The grant will provide two years of funding for one part-time bilingual caseworker and one part-time bilingual therapist, and partial funding for one full-time Child Trauma Counselor position.
4. The funding period for this grant begins on October 1, 2019 through September 30, 2021.
5. The grant, in the amount of \$239,000.00, would require a cash match from the City in the amount of \$33,450.00, and an in-kind match from the City in the amount of \$26,300.00 (provided by volunteer intern services). In addition, there is a remaining estimated \$43,550.00 in fringe benefits over the two year period for the full-time position, for a total amount of \$342,300.00.
6. Funding in the amount of \$33,450.00 is available in the Police Department budget within the General Fund.

**Recommendation**

The resolution be approved.

**8 Resolution - Approval for the Cancellation of Employee Assistance Program Services with Deer Oaks**

**Administrative Comments**

1. This item supports Strategic Goal No. 6: Talented and Energized Workforce.
2. This item has been recommended by the Human Resources Department.
3. **Impact:** Human Resources requests this cancellation to address the evolving needs of employees, the desire to increase the amount of resources available to employees, as well as customer service concerns.
4. The vendor was informed of the 90 days' notice to cancel their contract per the contract terms, which will become effective upon award of the new competitively solicited contract.

**Recommendation**

The resolution be approved.

**9 Resolution - Selecting ARCHITEXAS - Architecture, Planning and Historic Preservation, Inc., as the Most Highly Qualified Provider of Professional Services for the Jackie Townsell Bear Creek Heritage Center Project, and Authorizing Staff to Negotiate an Agreement with said Provider**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.5 – Support Strategic Investments in city facilities.
2. **Impact:** This contract will provide architectural design services for the preservation and restoration of historic wooden structures, development of a Historic Structure Assessment Report and Preservation Management Plan for the Heritage Center’s existing buildings and features. The site has three buildings, the Bear Creek Masonic Lodge, J.O. Davis House and the Sam Green House, which were moved to the site in the late 1990’s and early 2000’s. This work will involve prioritizing items for the restoration and preservation of these historic structures. Based on the recommendations, opinion of construction costs, construction documents and specifications will be prepared and budgeted over a three-year period.
3. **This item has been presented to the Arts Board on June 25, 2018, the Museum Advisory Board on February 5, 2019 and to the Transportation and Natural Resources Committee on January 30, 2019.**
4. The preservation assessment is the first step towards securing national and federal grants that are available for African American history – it will provide documentation and show good-faith on the part of the city towards preserving and properly caring for these structures.
5. This is the first step of the two step process for acquiring a professional service agreement.
6. Requests for Qualifications were solicited for these services. Qualifications were received from 3 firms, two were chosen to be interviewed. ARCHITEXAS, INC., was determined to be the most highly qualified provider for the services solicited.
7. The Capital Improvement Program Department recommends selecting ARCHITEXAS, INC., based on their experience, submittal content and a face-to-face interview. This firm has presented a solid team for this project that includes M/WBE participants. They have demonstrated through past projects, their submission documents and in person presentation, their ability to understand the project. They maintain a hands on approach to content programming, historic research, schematic design, the construction document and bidding process while keeping a clear vision for successful completion of the project.

**Recommendation**

The resolution be approved.

**10 Resolution - Approving a Sales Contract with SMB Staffing, LLC, in the Amount of \$18,100.00, for a Storm Water Drainage Easement for the Main Street Plaza Project**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and the Economic Development Department.
2. **Impact:** This agreement will provide the easement needed for the proposed storm water main improvements for the Main Street Lot 16 Gallery Plaza project.
3. **This item was discussed at the January 30, 2019 Transportation and Natural Resources Committee.**
4. There are currently no storm water inlets in the vicinity of the Main Street Lot 16 Gallery Plaza Project location. This makes drainage for the proposed plaza very difficult.
5. This storm water easement located at 124 S. Hastings Street will provide a new 4 foot diameter manhole and 18 inch diameter storm water main adjacent to the alley and heading south to tie into a storm drainage inlet on 2<sup>nd</sup> Street.
6. The easement is required since the proposed line will not be installed inside a public access right-of-way.
7. The Main Street Plaza is located at 127 S. Main Street and will provide a passive pedestrian plaza with tables and security lighting. The plaza will also provide a link to additional public parking for Main Street businesses.
8. Funding in the amount of \$18,100.00 is available in the Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**11 Resolution - Approving Third Amendment to the Economic Development Incentive Agreement Between the City of Irving and Aviall Services, Inc., in an Amount Dependent Upon Annual Qualifications**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this agreement will allow the City to retain a major corporate employer in Aviall Services, Inc., one of the world's largest providers of new aviation parts and related aftermarket operations.

3. On February 22, 2001, Irving City Council approved Resolution 03-08-01-119 authorizing an economic development agreement with Aviall Services, Inc. to grant one hundred percent (100%) of Freeport-eligible business personal property for ten (10) years from tax year 2002 through tax year 2011.
4. On September 7, 2006, the Irving City Council approved Resolution 09-07-06-318 renewing the 2001 economic development agreement with Aviall Services, Inc. and extending the term from tax year 2012 through tax year 2021 to support the retention and expansion of the company's operations in Irving.
5. On February 6, 2014, Irving City Council approved Resolution 2014-32 approving a Second Amendment to the economic development agreement. The amendment revised the grant calculation from Freeport-eligible goods to all business personal property, above a base value with a 3.5% annual escalator, to assure an increase in net revenue to the City. The initial base value was established as the 2013 net taxable value (\$81,174,798) plus 5%. (The base value for 2018 equaled \$97,807,444). The amendment did not change the term of the agreement which was through tax year 2021.
6. Aviall Services, Inc. is seeking an extension of the current agreement for an additional through tax year 2031. In consideration, the company will maintain business operations and lease a minimum of 605,000 square feet warehouse operations at 2750 and 2755 Regent Blvd, retain 951 current employees in Irving, and create at least 100 new jobs by December 31, 2023 in the City. These minimum qualifications must be maintained annually through December 31, 2031.
7. Aviall is located on DFW Airport property. City tax revenue paid by Aviall is subject to DFW Airport Revenue Sharing agreement. The DFW Airport Board, and the cities of Dallas and Fort Worth must approve this agreement before any grant can be paid.

**Recommendation**

The resolution be approved.

**12 Resolution - Approving an Addendum to the Professional Services Agreement Between the City of Irving and National Development Council in the Amount of \$190,200.00 to Provide a Housing Program Analysis, Market Value Analysis, Recommendations for Revised Housing Policies, a Housing Strategic Plan, and On-Going Technical Assistance and Advisory Services**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This revised contract will provide professional services relative to improving the City's affordable housing program, conducting a Market Value Analysis of the city, and assistance with the implementation of the recommendations.
3. **This item was presented to the Community Services Committee on January 31, 2019.**
4. On October 3, 2018 the City of Irving executed an Administrative Award with National Development Council (NDC) to perform an assessment of the City's housing programs. The purpose of the agreement was to obtain recommendations for improvements to policies and procedures to more efficiently and appropriately regulate and incentivize development of more safe affordable housing for Irving residents.
5. Representatives of NDC interviewed various City of Irving staff members, the Chair of the Housing and Human Services Board, and City Councilman Kyle Taylor during early October, 2018. In addition, on October 30, NDC representatives presented City staff members a proposal to conduct a Market Value Analysis (MVA) of Irving. In January 2019, NDC provided a draft report that included several recommendations for enhancing the City's housing programs. The draft report is still being evaluated by staff.
6. Among the recommendations was that the City conduct an MVA. An MVA is a tool to assist residents and policy-makers understand the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data. Public officials, private individuals and developers can use the MVA to make informed decisions about where and how to invest resources to improve the housing supply including initiatives for affordable housing.
7. Examples of the types of data generated by an MVA include median home sales prices, variations in home sales prices, percent owner-occupied, percent new construction, percent rehabilitation, percent public subsidy, percent with code violations, percent of vacant homes, percent of foreclosure filings, and household density. All of this information can then be used to develop a housing policy and economic development strategies supported by actual data.

8. The agreement consists of four (4) tasks. Task One (\$15,000) is the project kick-off which has already been mostly completed under the original agreement, and includes the initial round of interviews, collection and review of existing plans, policies, procedures and guidelines, and recommendations to improve capacity and management practices. Task Two (\$65,200) includes additional meetings with key City representatives and stakeholders, development of a housing strategic plan, analysis of the impact of revised policies and the MVA results on the City's Consolidated Plan and Annual Action Plan for grant funds from the U.S. Department of Housing and Urban Development, recommendations for annual goals based on actual market demand, recommendations for performance metrics, and recommendations for training and development.
9. Task Three (\$50,000) is the actual MVA to be conducted by a third party. Task Four (\$60,000) provides for ongoing technical assistance between NDC and City staff. The agreement provides for a minimum of 2 days per month of on-site technical assistance by NDC staff and off-site assistance through phone calls, email or other means as needed. The agreement is structured to pay NDC \$5000 per month for 12 months.
10. Funding is available in the Planning and Community Development Department budget within the General Fund.

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 13-19**

**13 Resolution - Approving an Extension of an Agreement with Superior, LLC, Formerly Known as AOT Public Safety Corporation, for a Period of Six-Months for the Continuation of Alarm Management Services**

**Administrative Comments**

1. This item is recommended by the Police Department.
2. **Impact:** This contract provides efficient management of the alarm permitting and billing process while allowing police personnel to focus on other law enforcement related matters.
3. Superior, LLC is paid a monthly service fee of 11.8% of revenue.
4. Approval of this item will extend the current contract through July 31, 2019.

**Recommendation**

The resolution be approved.

**14 Resolution - Renewing the Contract with Community Waste Disposal in the Annual Estimated Amount of \$105,404.56 for Collection of Containerized Refuse**

**Administrative Comments**

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** This service helps to improve the appearance of city facilities by providing regular refuse collection.
3. This renewal establishes the continuation of an annual contract to provide for the collection of containerized refuse for city facilities. The original contract was awarded on the basis of competitive bids. This is the first of two, two-year renewal options. The current contract expires on February 28, 2019.
4. Funding for Fiscal Year 2018-19 is available in the Solid Waste Enterprise Fund, while funding for Fiscal Years 2019-20 and 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year(s)
Community Waste Disposal	3/1/19 – 2/28/21	\$ 61,488.00	2018-19
		\$105,404.56	2019-20
		\$ 43,916.56	2020-21
<b>TOTAL</b>		<b>\$210, 809.12</b>	

**Recommendation**

The resolution be approved.

**15 Resolution - Ratifying an Additional Expenditure to Holt Texas, LTD for Completion of the Undercarriage Repair on Caterpillar D8T Track Dozer through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard) in the Estimated Amount of \$16,524.20**

**Administrative Comments**

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** Additional damage uncovered during the equipment tear down associated with repair of the Caterpillar D8T track dozer which was approved by Resolution No. 2019-5 on January 16 were required order to have this piece of equipment back in service prior to required service on the landfill’s compactor in order to meet the compliance requirements of the TCEQ permit. Solid Waste Services Director Brenda Haney declared the repair an emergency on February 1, 2019 in order to proceed with the repair.

3. Holt Texas, LTD., was able to proceed with the on that date so that the track dozer repair could be completed and placed back into service in time to proceed with the compactor servicing.
4. The additional required repair work on the track dozer consisted of replacing the bearings and seals for the roller frame pivot shaft, repair of the equalizer bar, including the build-up and boring of the equalizer bar for salvage repairs to the undercarriage.
5. Funding in the amount of \$16,524.20 was available in the Solid Waste Enterprise Fund.

**Recommendation**

The resolution be approved.

**16 Resolution - Renewing the Annual Contracts with M&M Rental Holding Corporation and At Once Party Rental, Inc., in an Amount Not to Exceed \$66,000.00 for Tents & Furnishings**

**Administrative Comments**

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** Services to provide the delivery, installation and removal of tents and furnishings are used at citywide special events to provide cover, seating, décor, and to ensure a safe environment for staff and attendees.
3. The City of Irving does not own the necessary equipment, nor do Parks & Recreation staff have the necessary training to provide these services at the scale required by our large festivals and concerts.
4. This renewal establishes the continuation of an annual contact for tents and furnishings for special events. The original contract was awarded on the basis of competitive bids. This is the first of two one-year renewal options. The current contract expires on February 28, 2019.
5. Funding for Fiscal Year 2018-19 is available in the Parks and Recreation Department budget within the General Fund, while funding for Fiscal Year 2019-20 is subject to budget appropriation.

<b>Vendor</b>	<b>Items Awarded</b>	<b>Contract Term</b>	<b>FY 2018-19 Total Estimated Amount</b>	<b>FY 2019-20 Total Estimated Amount</b>	<b>Total Amount Not To Exceed</b>
M&M Rental Holding Corporation	3-44, 49,51,61, 67,76-79	3/1/19 – 2/29/20	\$58,200.00	\$ 7,800.00	\$66,000.00
At Once Party Rental Inc.	2,45-48, 50,52-60, 62-66, 68-75				

**Recommendation**

The resolution be approved.

**17 Resolution - Renewing the Annual Contract with First Student, Inc., in an Amount Not to Exceed \$70,000.00 for Bus Transportation Services**

**Administrative Comments**

1. 1. This item is recommended by the Parks & Recreation Department.
2. **Impact:** This item will provide cost effective bus transportation services for recreation program participants and enable staff to directly supervise children during transit, thus increasing their safety.
3. This renewal establishes the continuation of an annual contract for bus transportation services for City of Irving recreation centers. Vendor will pick up campers at various recreation centers, travel to various outings within the Metroplex, and then return campers to original point of pick-up. The original contract was awarded on the basis of competitive bids. This is the first of two one-year renewal options. The current contract expires on April 30, 2019.
4. Funding for Fiscal Year 2018-19 is available in the Parks and Recreation Department budget within the General Fund, while funding for Fiscal Year 2019-20 is subject to budget appropriation.
5. Because this annual contract runs from May 2019 through April 2020, 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)
First Student, Inc.	5/1/19 - 4/30/20	\$50,000.00	2018-19
		\$20,000.00	2019-20
<b>TOTAL AMOUNT NOT TO EXCEED</b>		<b>\$70,000.00</b>	

**Recommendation**

The resolution be approved.

**18 Resolution - Approving and Accepting the Bid of Assured Comfort Services in an Amount Not to Exceed \$125,000.00 for Plumbing Services**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** Plumbing problems must be responded to quickly and efficiently in order to maintain the security and safety of city facilities.
3. This award establishes an annual contract for plumbing services. The contract is subject to two one-year renewal options.
4. This vendor has previously contracted to provide these services to the City. Their performance during the contract period was exceptional and staff recommends this award.
5. Minority- and/or Women-Owned Business participation in this award is 100%.
5. Funding for Fiscal Year 2018-19 is available in various departmental budgets within various funds, while funding for Fiscal Year 2019-20 is subject to budget approval.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
Assured Comfort Services	2/14/19 – 11/30/19	\$100,000.00	2018-19
		\$ 25,000.00	2019-20
<b>TOTAL</b>		<b>\$125,000.00</b>	

**Recommendation**

The resolution be approved.

**19 Resolution - Renewing the Annual Contract with Commdex Consulting, LLC, for Fiber Optic Network Maintenance in an Amount Not to Exceed \$750,000.00**

**Administrative Comments**

1. This item is recommended by the Information Technology Department.
2. **Impact:** The city will maintain a high level of resiliency for the citywide Fiber Optic Network through this contract which includes TX811 locating services, fiber optic repairs and new installations. The fiber optic infrastructure is critical for the day-to-day operations of the citywide radio system for Public Safety and general government departments.
3. The fiber optic system must be maintained 24/7/365 in order to support the city’s most critical data systems which include radio communications, fiber optic network, outdoor warning system, fire station alert system, public safety CAD, and multiple general government applications.
4. This renewal establishes the continuation of a contract to provide three core components required for fiber optic network maintenance: state mandated Texas 811 locates for the fiber optic network, as-needed new installation for fiber optic services, and emergency repair services in the event that the fiber optic system sustains damage. The original contract was awarded to the respondent scoring the highest points through an RFP process. The current contract expires February 28, 2019. This is the first of two one-year renewal options.
5. Funding for Fiscal Year 2018-19 is available in the Information Technology Department budget within the General Fund, while funding for Fiscal Year 2019-20 is subject to budget appropriation.
6. Because the current term of this contract run from March 2019 through February 2020, 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 is not exceeded.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Est. Expenditure</b>	<b>Fiscal Year(s)</b>
Commdex Consulting, LLC	3/1/19 – 2/29/20	\$437,500.00	2018-19
		\$312,500.00	2019-20
<b>TOTAL</b>		<b>\$750,000.00</b>	

**Recommendation**

The resolution be approved.

**End of Bids**

**20 Ordinance - Authorizing the Abandonment of a Water and Sanitary Sewer Easement at the corner of Texas Plaza Drive and Tom Braniff Drive for TCI Meridian Acres LLC**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program Department.
2. **Impact:** This abandonment is requested by TCI Meridian Acres LLC for a new development north of Texas Plaza Drive and between Tom Braniff Drive and Loop 12.
3. These two existing easements do not currently have utilities. The abandonment of water and wastewater easements will allow the developer to construct buildings in the area of vacated easements.
4. Water Utilities Department has approved the abandonment of the water and wastewater easements.
5. The City received written confirmation that on February 13, 2019, Jefferson Texas Plaza, LLC will be the new owner of the property. The new owner confirms and accepts the abandonment request of the water and wastewater easements.

**Recommendation**

The ordinance be adopted.

## **INDIVIDUAL CONSIDERATION**

**21 Ordinance - Master Thoroughfare Plan Amendment ZC19-0004 - City of Irving, Applicant - Amending the City of Irving Comprehensive Plan and Master Thoroughfare Plan by Changing the Thoroughfare Plan Designation for a Portion of Green Park Drive from a Four-Lane Divided Roadway with a Median to a Three-Lane Undivided Roadway with a Two-Way Left Turn Lane in the Center**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 4, 2019 – Favorable 8-0 (Commissioner Patel, absent).
2. The City is requesting the reduction of Green Park Drive between Hidden Ridge Drive and Meadow Creek Drive as shown on the Master Thoroughfare Plan.
3. Green Park Drive is currently constructed as a six-lane divided roadway. After the reduction, this portion of Green Park Drive will be a three-lane undivided roadway with a two-way left turn lane in the center. Refer to “Exhibit A” for the current plan and proposed plan.

4. The proposed roadway section to be reclassified from the Master Thoroughfare Plan is currently classified as:
  - a. Green Park Drive (4-Lane divided , 86 or 96 Feet Right-of-Way, With a Median)
5. The City has requested a reduced roadway cross-section and right-of-way of Green Park Drive. This will allow for wider sidewalks and a walkable, pedestrian-friendly facility to support the unique zoning and development of the proposed “Lifestyle Core”.
6. Taking into consideration the current traffic on Green Park Drive, the new DART station along Meadow Creek Drive, and the new urban style development, staff can support the multi-modal redevelopment of Green Park Drive.
7. A total of 11 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

### **Recommendation**

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

## **22 Ordinance - Authorizing the Vacation, Abandonment, Closure, and Conveyance by Quitclaim of Certain Portions of the Street Right-Of-Way of Green Park Drive, Between Hidden Ridge and Cottonwood Creek Bridge, for the Verizon Realty Corporation Hidden Ridge Development**

### **Administrative Comments**

1. This item has been recommended by the Capital Improvement Program Department and the Planning and Development Department.
2. **Impact:** Approval of this abandonment will facilitate the development of the Hidden Ridge Lifestyle Core.
3. The City of Irving Planning and Development Department Case #ZC19-0004 – City of Irving is requesting a proposed Comprehensive Plan Amendment and Thoroughfare Plan Amendment to change the designation of Green Park Drive to a 3-lane undivided roadway with a two-way left turn in the center as part of the development of Hidden Ridge Lifestyle Core.
4. The existing 100 foot right-of-way of Green Park Drive will be reduced to 73 foot right-of-way with the partial abandonment.
5. City staff negotiated with the developer to retain rights for continued placement and use of existing city water lines when partial right-of-way is abandoned.

### **Recommendation**

The ordinance be adopted.

**23 Resolution - Approving Preliminary/Final Plat - PL18-0015 - Hidden Ridge Lifestyle Core Addition - Approximately 41.225 Acres. Located at 5301 Green Park Dr. and 400 W. John Carpenter Freeway - Verizon Realty Corp., Applicant/Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 4, 2019 – Technical Denial 8-0 (Commissioner Patel, absent).
2. The purpose of this plat is to create seven (7) lots and reflect the future reconstruction of Green Park Drive.
3. An abandonment of portions of the Green Park Drive right-of-way and a Master Thoroughfare Plan Amendment to the Comprehensive Plan Master Thoroughfare Plan must be approved by the City Council prior to the approval of this plat. The abandonments and Master Thoroughfare Plan Amendment are also on this agenda.
4. This plat dedicates the following:
  - a. A 10-ft. wide water easement on the northeast corner of Lot 2, Block A.
  - b. A 15-ft. X 15-ft. water line easement on northeast corner of Lot 1, Block A.
  - c. A 30-ft. wide mutual access easement between Lots 1 and 2, Block A.
  - d. 10-ft. wide utility easements along both sides of Green Park Drive.
  - e. A 15-ft. water line easement on the northwest corner of Lot 1, Block B.
  - f. A 15-ft. water line easement on the northwest corner of Lot 2, Block B.
  - g. Variable width mutual access easements between Lots 1, 2, 3 and 4X, Block B.
  - h. A 15-ft. water line easement at the northeast corner of Lot 3, Block B.
  - i. A variable width public water and sewer easement on Lot 3, Block B.
5. The following exception to the Subdivision Ordinance requires this case to be forwarded to the City Council for action:

Section 35-20 (a) Street right-of-way widths and roadway cross-section design shall be in conformity with the requirements of the Comprehensive Plan Master Thoroughfare Plan as adopted by the City Council. The street cross-section for Green Park Drive is not in conformance with the current Master Thoroughfare Plan.
6. A Master Thoroughfare Plan Amendment, right-of-way abandonment, and this plat are all on the February 14, 2019 City Council agenda with recommendations for approval. Should the Master Thoroughfare Plan Amendment be approved, the plat will be in conformance with the revised Master Thoroughfare Plan.

**Recommendation**

The resolution be approved.

**24 Resolution - Public Hearing -- Cancelling the Certificate of Occupancy for Hops & Vines Located at 313 E. Las Colinas Boulevard for Failure to Meet the Ordinance Requirements Governing the Sale of Alcoholic Beverages by Restaurants for On-Premises Consumption in Accordance with Section 52-49 Ordinance No. 1144, as Amended**

**Administrative Comments**

1. This item is recommended by the Financial Services Department.
2. **Impact:** Hops & Vines has not met the requirements of Ordinance No. 1144, Section 52-49 governing the sale of alcoholic beverages for on-premise consumption by restaurants with the attendant accessory use of alcoholic beverages (the RAB Ordinance) due to failure to obtain 30% of gross food sales. Approval of this resolution will result in cancellation of the Certificate of Occupancy for Hops & Vines located at 313 E. Las Colinas Blvd.
3. Section 52-49 provides that in a restaurant with attendant accessory use of the sale of alcoholic beverages for on-premises consumption which is located in a special regulation area and zoned S-P-1 (R-AB), the gross sales from alcoholic beverages on an annual basis may be 70 percent or less of its total sales of food and alcoholic beverages. Hops & Vines is in a special regulation area (the Urban Center) and was zoned S-P-1 for R-AB by the City Council on April 20, 2017 via zoning case ZC16-0103.
4. A certified letter was sent to the owner of Hops & Vines, Mr. Neaser Hammad on June 4, 2018 requesting the semi-annual food and alcohol reports. The certified letter was returned on July 5, 2018 as undeliverable (Exhibit A).
5. The City Secretary's Office was able to get reach Mr. Hammad on July 25, 2018. Mr. Hammad submitted Hops & Vines' compliance report for the quarter ending December 31, 2017 on July 31, 2018. They reported unverifiable sales of 10% food and 90% alcohol for the preceding 6 month period (Exhibit B). State Comptroller sales tax and mixed beverage tax reports were requested but not provided. Food sales at this location must be at least 30% of total sales on a rolling 12 month basis.
6. Another certified letter was sent to Mr. Hammad on August 30, 2018 requesting a viable business plan for meeting the requirements of the RAB Ordinance be submitted by September 28, 2018. The letter also notified Mr. Hammad that compliance with RAB Ordinance must occur by the reporting period ending December 31, 2018 and failure to do so will result in a hearing before the City Council which may result in the cancellation of his certificate of occupancy. This certified letter was also returned as undeliverable on September 8, 2018 (Exhibit C).
7. Financial Services staff hand delivered the letter to Mr. Hammad on September 14, 2018. Mr. Hammad did not comply with the request to submit a viable business plan and no plan has been received to date.

8. On October 29, 2018, City Health Inspectors confirmed Hops and Vines was not selling food (Exhibit D). Another site visit by Code Enforcement on January 18, 2019 also confirmed no food was being served and no menu was available (Exhibit E).
9. The required food and alcohol reports for the period ending June 30, 2018 and December 31, 2018 and have not been received to date.
10. Section 52-49 of the RAB Ordinance provides that these violations will be heard by the City Council and may result in the cancellation of the certificate of occupancy.
11. The RAB Ordinance requires 30-days notice be given before consideration of cancellation of the certificate of occupancy by the City Council. The City Attorney's Office provided written notice of this hearing, which was hand delivered to Mr. Hammad on January 14, 2019 (Exhibit F).
12. Staff recommends that the certificate of occupancy for Hops & Vines be cancelled due to failure to meet the 30% gross food sales requirement of the RAB Ordinance.
13. By separate agenda item, staff is also recommending that the property be rezoned to remove the R-AB designation.

**Recommendation**

The resolution be approved.

## **ZONING CASES AND COMPANION ITEMS**

- 25 Ordinance - Zoning Case #ZC19-0002 - Repealing Ordinance No. 2017-9936 Which Granted S-P-1 (Detailed Site Plan) District for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses, and Reinstating S-P-2 (Generalized Site Plan) for FWY (Freeway) Uses – Approximately 1,502 Square Feet Located at 313 E. Las Colinas Blvd. – City of Irving, Applicant – Lake Carolyn REID LLC, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 4, 2019 – The S-P-1 (R-AB) zoning be repealed if the City Council determines that the restaurant has violated Section 52-49 of the zoning ordinance and revokes its Certificate of Occupancy; otherwise, the S-P-1 (R-AB) should remain intact, 8-0 (Commissioner Patel, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Urban District* uses for this property. The *Urban District* land use category is appropriate for “Highest intensity areas of Irving containing a variety of land uses in multi-story buildings.” The proposed zoning change is in conformance with the

## Comprehensive Plan.

3. The subject property is currently occupied by the “Hops & Vines” restaurant in a retail lease space.
4. On April 20, 2017, the City Council approved Ordinance No. 2017-9936 (zoning case #ZC16-0103) for S-P-1 (Detailed Site Plan) District for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) uses to allow “Hops & Vines” restaurant the accessory use of the sale of alcoholic beverages for on-premises consumption. Since this restaurant is located in the Las Colinas Urban Center, its food-to-alcoholic beverage sales ratio is 30%/70%.
5. On January 14, 2019, the City of Irving delivered a letter to the owner of Hops & Vines notifying him that the restaurant was in violation of Sec. 59-49 of the zoning ordinance. On February 14, 2019, the City Council will determine whether (1) Hops & Vines has failed to provide the required semi-annual report for the period of July 1, 2018 – December 31, 2018 to the City, in violation of Sec. 52-49 of Ordinance No. 1144; (2) Hops & Vines filed a semi-annual report on July 31, 2018 which reflects that Hops & Vines has failed to maintain the required food sales of at least 30% of gross sales as required by Ordinance 1144, Section 52-49(a)(15); the restaurant’s ownership was notified of this violation through a certified letter dated January 14, 2019; (3) this letter notified the recipient of a City Council hearing on February 14, 2019 to consider cancelling the certificate of occupancy; and (4) this letter was received at least 30 days prior to the City Council Hearing.
6. On February 14, 2019, after hearing evidence from all interested parties, the City Council will consider a resolution cancelling the Certificate of Occupancy for Hops & Vines. The City Manager has initiated a zoning change to remove the existing S-P-1 (R-AB) zoning from the subject property should the Council approve the resolution cancelling the certificate of occupancy.
7. Repeal of Ordinance No. 2017-9936 would reinstate the previous zoning of S-P-2 (Generalized Site Plan District) for FWY (Freeway) uses.
8. A total of 259 public notices were mailed. Staff received three (3) response in support and one (1) in opposition to this request. The opposition represents less than 1% of the land surrounding the subject property. Since this is less than 20%, per state law a  $\frac{3}{4}$ -vote is not required for approval of this case.
9. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The S-P-1 (R-AB) zoning be repealed if the City Council determines that the restaurant has violated Section 52-49 of the zoning ordinance and revokes its Certificate of Occupancy; otherwise, the S-P-1 (R-AB) should remain intact.

**26 Resolution - Approving Sign Variance Case #S1808-0026 to Allow an Archway Sign - Property Located at 501 West Las Colinas Boulevard - Texican Court Hotel, Applicant - Southern Star Las Colinas, L.P., Owner**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development Department and supports Strategic Objective 3.5 – Effectively plan and manage land use.
2. **Impact:** Approval of this sign variance will allow a metal archway entry sign.
3. The Texican Court Hotel was approved by Zoning Case ZC17-0050. The approved elevation drawings included an “entry portal” at the entrance, but did not include a sign over the portal. The applicant is proposing to have the name of the hotel in metal lettering above the archway. This type of sign would be classified as a “monument sign.”
4. Section 7-3(7)(d)(1) of the sign ordinance states that the maximum height for a monument sign on a lot over three (3) acres in size is 12 feet. The proposed sign is 19 feet tall.
5. Additionally, Section 7-3(7)(e) states that monument signs “shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way to completely surround the sign area.” The applicant is seeking approval to not have a brick surround for the oversized archway monument sign.
6. Staff believes the proposed sign is in keeping with the overall architecture of the development, and can support this request.

**Recommendation**

The resolution be approved.

**27 Ordinance - Zoning Case #ZC18-0086 - Granting S-P-1 (Detailed Site Plan) for ML-20 (Light Industrial) District Uses - Approximately 0.36 Acres Located at 1326 Ford Street - Estrada Concrete Co., LLC, Applicant/Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 21, 2019 – Favorable 7-1 (Commissioner Taylor, nay; Commissioner Richards, absent), subject to the following: (1) Stipulate in Note 2 that all storage of vehicles of any kind shall be on asphalt or concrete pavement that meets the City’s requirements; (2) Stipulate in Note 4 that the fence shall be a solid fence; and (3) Stipulate in Note 4 that if vehicles or other equipment stored on the property are over 10 feet tall, that a 10-foot tall solid fence shall be required.

2. The stipulation of the Planning and Zoning Commission has been met.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Business District* uses for this property. The *Business District* land use category is described as a “Flexible use district for retail, office and commercial uses.” The proposed zoning change is in conformance with the Comprehensive Plan.
4. The applicant is requesting a zoning change to use the site for outside storage of light trucks and trailers and related equipment.
5. The site is a remnant “flag lot”, which is only 15 feet wide at the street. The driveway is substandard at a width of 12 feet. As such, the Fire Department will only allow the lot to be used for outside storage. The site plan stipulates that no buildings of any type are permitted on the property.
6. The driveway will be paved with asphalt or concrete. Any part of the storage area that has vehicles will also be paved with asphalt or concrete, per City regulations.
7. The outside storage will be screened on all sides by a minimum 7-foot tall solid fence.
8. Since the width of the lot in the front setback is so narrow, the applicant is requesting that no trees be required. Additionally, since the property will not be regularly occupied, the applicant is proposing to have a 10-foot wide strip of grass along the east property line without any trees or irrigation. No trees are required in the storage area.
9. A total of 24 public notices were mailed. Staff received one (1) response in support and four (4) responses in opposition to this request. The opposition represents 25.94% of the land within 200 feet of the subject property. Since this is greater than 20%, per state law a  $\frac{3}{4}$ -vote is required for approval of this case.
10. Since this is a substandard property that cannot be safely developed with any structures, and since this is an industrial area, staff can support the proposed outside storage use. Additionally, since the site will largely be unoccupied, staff can support the request to not have any trees or irrigation system on the property.
11. 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.

**28 Ordinance - Zoning Case #ZC18-0091 - Granting S-P-2 (Generalized Site Plan) District for C-OU-2 (Commercial Outdoor) Uses - Approximately 8.35 Acres Located at 1000 and 1100 E. Airport Freeway - ClayMoore Engineering, Applicant - Cooley Family Trust, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 21, 2019 – Favorable 8-0 (Commissioner Richards, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Commercial Corridor* uses for this property. The *Commercial Corridor* land use category is described as an “Auto-oriented district for retail, office and commercial uses.” The proposed zoning change is in conformance with the Comprehensive Plan.
3. The applicant is requesting a zoning change to redevelop the site with franchise automobile sales and service. The property is currently developed with an automotive sales building and facilities which will be demolished and replaced with a new building.
4. The applicant is requesting three exceptions to the State Highway 183 Overlay District and the Commercial Design Standards. First, the standards require a minimum of 80% masonry on all sides. The proposed building will have architectural metal panels on the north, east and west sides of the building. As a result, the masonry percentage on the north side is 70% and on the east side is 77%.
5. Second, the required horizontal and vertical articulation in the State Highway 183 Overlay District is 18%. While the horizontal articulation and some of the vertical articulation exceed this requirement, portions of the vertical articulation are as little as 10%.
6. Finally, overhead doors are prohibited from facing State Highway 183. The proposed building will have four bays with glass panel overhead doors that face the highway; however, these bays are for customer intake, and not for servicing the vehicles.
7. The site complies with all landscaping requirements.
8. A total of 44 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.
9. All of the proposed exceptions have been approved for other auto sales and service buildings along the State Highway 183 corridor. Staff can support the use of the architectural metal panels and the overhead doors. Staff also believes the vertical articulation variances for a portion of the building are minor in the context of the overall building design.
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**

### **29 Resolution - Appointment to the Dallas Area Rapid Transit Board of Directors to a Term Expiring July 2019**

#### **Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The City's representation on the Dallas Area Rapid Transit Board assures representation when decisions are being made that impacts the City
3. Current DART Representative, Tim Hayden, who represents 20% of Irving and 80% of Carrollton, is resigning his position.
4. The Carrollton City Council appointed Doug Hrbacek as the DART representative at their February 5, 2019 Council meeting.

#### **Recommendation**

The resolution be approved.

### **30 Resolution - Appointments to the Tax Increment Reinvestment Zone No. 1 Board to Fill Two-Year Terms Expiring January 2021**

#### **Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The proposed resolution appoints members to the reconstituted five-member board.
3. On January 31, 2019 the Council approved a resolution to create a five-member board. Currently, there are four members on the board who are eligible for reappointment.
4. There is one vacant position under consideration for the Tax Increment Reinvestment Zone No. 1 Board.

#### **Recommendation**

The resolution be approved.

**31 Resolution - Appointing a Board Chair to the Tax Increment Reinvestment Zone No. 1 Board with a Term Expiring January 2020**

**Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** In accordance with the City of Irving ordinance, the City Council must annually appoint the Chair of the Tax Increment Reinvestment Zone No. 1 board.

**Recommendation**

The resolution be approved.

**32 Mayor's Report**

**Adjournment**