

AGENDA
Irving City Council Regular Meeting
Thursday, April 4, 2019 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

Organizational Service Announcements

Invocation

Pastor Andrew Jackson Jr., West Irving Church of God in Christ

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 Special Meeting Minutes for Thursday, March 14, 2019

3 Approving Work Session Minutes for Wednesday, March 20, 2019

4 Approving Regular Meeting Minutes for Thursday, March 21, 2019

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.

5 Resolution - Designating the Mayor as the Authorized Official and Approving Submission of an Application to the Office of the Attorney General for the Victim Coordinator Liaison Grant (VCLG) for a Two-Year Period for Fiscal Years 2019-2021

Administrative Comments

1. This item is recommended by the Police Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** This is an award to continue an existing grant which the Police Department has received for 18 years. The Victim Services Coordinator provides services for victims of violent crime to reduce the impact of trauma.
3. This grant will provide partial funding for the Victim Services Coordinator position, which is part of the Police Department's Crime Victim Services Unit.
4. This two-year grant provides partial funding in the amount of \$42,000.00 per year for the Crime Victim Services Unit, for a total of \$84,000.00.
5. The funding period for this grant begins on September 1, 2019 and terminates on August 31, 2021.

Recommendation

The resolution be approved.

6 Resolution - Approving a Consulting Agreement Between the City of Irving and Sigma Tactical Wellness, LLC in the Total Not-To-Exceed Amount of \$100,000.00 for Cardiac/Metabolic Screening of Law Enforcement Officers with the Irving Police Department

Administrative Comments

1. This item is recommended by the Police Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** Sigma Tactical Wellness has pioneered a system of cardiac / metabolic screening, which correlates known risk factors, genetics, and occupational stressors characteristic of law enforcement personnel.
3. This item was presented to the Public Safety Committee on March 21, 2019.
4. The term of this agreement begins on April 5, 2019 and terminates on September 31, 2019.
5. The City of Irving will pay a fee of \$550.00 per police officer participating in the cardiac screening, with a total not to exceed \$100,000.00.

6. Funding in the amount not to exceed \$100,000.00 is available in the Police budget within the Treasury Seized Fund.

Recommendation

The resolution be approved.

7 Resolution - Approving a Special Events Agreement Between the City of Irving and Dallas-Fort Worth (DFW) International Airport Board for the Provision of K-9 Explosive Detection Services

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:** This Interlocal Agreement (ILA) is entered between the City of Irving on behalf of the Irving Police Department (IPD) and DFW Airport, for use of DFW K9 services during special events held in Irving.
3. The City of Irving agrees to reimburse the DFW Airport board the current overtime hourly wage rate of \$70.28 for K9 services.
4. Funding is available in the Police Department budget within the General Fund.

Recommendation

The resolution be approved.

8 Resolution - Designating the Mayor as the Authorized Official and Authorizing the Mayor to Apply For, Accept, Reject, Alter or Terminate Grant Funding through the Office of the Governor, Criminal Justice Division, for a Two-Year Period to Fund Two Part-Time Bilingual Play Therapy Trauma Counselor Positions at the Irving Family Advocacy Center

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 child victims of abuse who are in need of Spanish language services will have staff available for crisis intervention, safety planning, as well as individual and family therapy.

3. The grant will provide one year of funding for two part-time bilingual play therapy trauma counselor positions.
4. The funding period for this grant begins on October 1, 2019 through September 30, 2021.
5. The grant, in the annual amount of \$37,287.08, would require an in-kind match from the City in the amount of \$9,321.77 (provided by volunteer intern services), for an annual grant amount of \$46,608.85. There is no cash match required.

Recommendation

The resolution be approved.

9 Resolution - Approving a Professional Services Agreement Between the City of Irving and ARCHITEXAS - Architecture, Planning and Historic Preservation, Inc., in the Amount of \$60,400.00 for Architectural Design Services for the Jackie Townsell Bear Creek Heritage Center

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Department of Arts and Culture. It supports Strategic Objective 2.5 – Support Strategic Investments in city facilities.
2. **Impact:** This contract will provide development of a Historic Structure Assessment Report and Preservation Management Plan for the Heritage Center's existing buildings and features.
3. **This item was presented has been presented to the Arts Board and the Museum Advisory Board on March 18, 2019 and was presented to the Transportation and Natural Resources Committee at their March 20, 2019 meeting. This item will be presented to the Transportation and Natural Resources Committee at their April 3, 2019 meeting.**
4. 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.
5. Based on the recommendations, opinion of construction costs, construction documents and specifications will be prepared and budgeted over a three year period. A Change Order for the design services will be negotiated to perform these services.

6. This is the second step of a two-step process. An Authority to Negotiate with Architexas, Inc. was approved by Council RES-2019-53.
7. Target date for completion of Architectural Design Services is August 1, 2019.
8. Minority and/or Women-owned Business participation (M/WBE) in this award is 10%.
9. Funding in the amount of \$60,400.00 is available within the Heritage and Museum Fund.

Recommendation

The resolution be approved.

10 Resolution - Authorizing the Mayor to Sign an Agreement with the North Central Texas Council of Governments (NCTCOG) to Participate in the NCTCOG's Air North Texas Program

Administrative Comments

1. This item is recommended by the Traffic and Transportation Department.
2. **Impact:** Air North Texas provides resources related to improving air quality to government agencies, nonprofit organizations, transportation authorities and others. The campaign was created to help alleviate the air quality issues in the Dallas-Fort Worth metroplex.
3. **This item will be presented to the Transportation and Natural Resources Committee on April 3, 2019.**
4. No funding is required for participation in this program. It is asked that participants spread the Air North Texas message and resources.

Recommendation

The resolution be approved.

11 Resolution - Approving the Purchase from DLT Solutions, LLC, in the Total Amount of \$93,703.77 for the Annual Renewal of Oracle Software Update License & Support through the U.S. Communities Cooperative Purchasing Program

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** Oracle databases provide the underlying data repository and query engine for the Xerox Banner Enterprise Resource Planning System. Banner usage spans virtually every department within the city and is critical for financial management of the city's funds, processing payroll, and managing the city's human resources. Other third-party solutions such as Intellicheck and Evisions Form Fusion also rely on the Oracle databases for Xerox Banner.
3. This support renewal, which keeps the city's Oracle database software legally licensed and under support by Oracle and our other vendors that rely on it for their systems to function correctly, is supported by a Vendor/Member contract between the City of Irving and DLT Solutions, LLC which was approved on April 16, 2015 by Resolution No. 2015-119 for utilization of U.S. Communities Contract No. 13120 for Oracle Products, Support & Services
4. Funding in the amount of \$93,703.77 is available in the Information Technology Department budget within the General Fund.

Recommendation

The resolution be approved.

12 Resolution - Re-Appointing Dr. Keith A. Lepak, M.D., to Serve as the Local Health Authority for the City of Irving for a Two-Year Term and Renewing the Professional Services Consulting Agreement Between the City of Irving and Dr. Keith A. Lepak for Health Authority Services for a Two-Year Period in the Annual Amount of \$24,000

Administrative Comments

1. This item is recommended by the Code Enforcement Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** An Irving local health authority provides emergency health expertise and input on issues which pose an impact on public health, and serves as media spokesperson during health matters, such as West Nile and Zika.
3. This resolution re-appoints Dr. Keith A. Lepak as the Local Health Authority for the City of Irving and authorizes approval of the agreement.

4. The Professional Services Consulting Agreement is being renewed for an additional two-year term, for an annual fee of \$24,000.00 paid in \$6,000.00 increments. This is the first of two renewal options.
5. Funding in the amount of \$24,000.00 is available in the Code Enforcement Department Budget in the General Fund. Funding for Fiscal Years 2019-20 and 2020-21 subject to appropriation of funds.

Recommendation

The resolution be approved.

13 Resolution - Approving an Interlocal Agreement Between the City of Irving and the City of Dallas, Acting on Behalf of Its Radio Station, WRR, in the Amount of \$67,600.00 for Broadcasting Services for the Irving Arts Center

Administrative Comments

1. This item is recommended by the Irving Arts Center.
2. **Impact:** Both parties entered into the Broadcast Contract in the mutual interest of their governmental functions, for the benefit and welfare of the general public and to promote the arts and culture in the region and the state of Texas and for other public purposes.
3. The Broadcast Contract is for annual advertising for the Irving Arts Center from May 1, 2019 to April 30, 2020 in the amount of \$67,600.00
4. Funding in the amount of \$67,600.00 is available in the Irving Arts Center's budget within the General Fund.

Recommendation

The resolution be approved.

Bids & Purchasing Items

Items 14 – 19

14 Resolution - Approving a Vendor/Member Agreement Between the City of Irving and GT Distributors, Inc., and Authorizing As-Needed Purchases in the Estimated Amount of \$313,300.00 for Body Armor and Assorted Police Duty Gear and Tactical Gear through the State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard)

Administrative Comments

1. This item is recommended by the Police, Fire, and Municipal Court Departments, and by the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and GT Distributors, Inc., for utilization of BuyBoard Contract No. 524-17 Public Safety and Firehouse Supplies and Equipment, which expires on March 31, 2020, will allow the city to purchase body armor, duty gear, and other related supplies and equipment under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed purchases of body armor, police duty gear, ammunition, and tactical gear such as tear gas and face shields through the designated BuyBoard contract for the specified contract term.
4. Funding for Fiscal Year 2018-19 is available in the Police, Fire, and Municipal Court Department budgets within the General Fund, while funding for Fiscal Year 2019-20 is subject to budget appropriation.
5. Because this annual contract runs April 2019 through March 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 Est. Expenditure	Fiscal Year
GT Distributors, Inc.	4/4/19 – 3/31/20	\$150,800.00	2018-19
		\$162,500.00	2019-20
Total		\$313,300.00	

Recommendation

The resolution be approved.

15 Resolution - Renewing the Contract with Taylor Smith Consulting, LLC, in the Estimated Annual Amount of \$200,000.00 for Temporary Personnel for Refuse Workers

Administrative Comments

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** Use of temporary personnel will enable the Solid Waste Services Department to respond to fluctuating program needs and demands in an efficient and cost effective manner.
3. This renewal establishes the continuation of an annual contract to provide personnel for refuse workers. This is the first of two, two-year renewal options. The current contract expires on April 30, 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.
5. Because this contract runs from May 2019 through April 2021, 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)
Taylor Smith Consulting, LLC	5/1/19 – 4/30/21	\$ 83,333.00	2018-19
		\$200,000.00	2019-20
		\$116,667.00	2020-21
TOTAL AMOUNT NOT TO EXCEED		\$400,000.00	

Recommendation

The resolution be approved.

16 Resolution - Approving an Agreement with Avenu Insights & Analytics, LLC, in the Total Estimated Annual Amount of \$250,000.00 for Sales Tax Compliance, Monitoring, Forecasting, and Reporting

Administrative Comments

1. This item has been recommended by the Financial Services Department.
2. **Impact:** Through utilization of this contract, the city will be able to recover any sales tax collections that have been misfiled or were not paid correctly to the city going back four years. The contract also allows for increased analysis and review of sales tax revenues that would otherwise not be possible without adding additional city personnel.
3. The city has over 10,000 businesses with 1,000 new sales tax permits added each year. The sales tax geographical analysis will provide a tool for economic development to better gauge the commercial viability of an area and make better informed development incentive agreements.
4. A Request for Proposals was issued for these services, and Avenu Insights & Analytics, LLC, an affiliate company of MuniServices, LLC, was determined to be a highly qualified provider with reasonable fees.
5. Under this new contract, the annual fee for sales tax analysis and reporting is \$12,500, or \$3,125.00 per quarter. Additional specific reports are available as requested, with an anticipated annual cost of \$1,000.00 per report with a one-time setup fee of \$500.00 per report. The annual fee and optional fees will increase annually at least 2% but not more than 10% per the Consumer Price Index for Dallas County. The fee for sales tax recovery is a 25% contingency of revenues recovered, representing a 5% decrease in this fee from the previous contract.
6. Funding for contingency fees, sales tax analysis and reporting for Fiscal Year 2018-19 is available in the General Fund, while funding for Fiscal Years 2019-20, 2020-21, and 2021-22 is subject to budget appropriation.

Vendor	Contract Term	FY 2019-20 Est. Exp.	Fiscal Year(s)
Avenu Insights & Analytics, LLC	4/5/19 -2/28/22	\$125,000.00	2018-19
		\$250,000.00	2019-20
		\$250,000.00	2020-21
		\$125,000.00	2021-22
TOTAL		\$750,000.00	

Recommendation

That the Resolution be approved.

17 Resolution - Approving a Vendor/Member Agreement Between the City of Irving and Fastenal Company in the Total Estimated Amount of \$175,000.00 for As-Needed Purchases of Maintenance, Repair & Operations (MRO) Supplies and Related Services through the National Intergovernmental Purchasing Alliance Company (National IPA)

1. This item is recommended by the Financial Services Department - Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member contract between the City of Irving and Fastenal Company, for the utilization of National IPA Contract No. R142101, which expires on March 31, 2020, will allow the city to purchase MRO items under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed purchases of tools, maintenance supplies, hardware items, etc. from local stores or by purchase order as well as through the designated National IPA contract for the specified term. It additionally provides a vending program at no cost to the city for dispensing often-used items in order to provide accountability for employee usage.
4. 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 appropriation.
5. Because this contract runs from April 2019 through March 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)
Fastenal Company	4/5/19 - 3/31/20	\$ 87,500.00	2018-19
		\$ 87,500.00	2019-20
TOTAL		\$ 175,000.00	

Recommendation

The resolution be approved.

18 Resolution - Approving a Vendor/Member Agreement Between the City of Irving and Texas Materials Group, Inc., Dba Texas Bit, and Authorizing Expenditures in the Total Estimated Amount of \$5,500,000.00 for Asphalt, Milling, and Overlay Services through the City's Interlocal Cooperative Purchasing Agreement with Dallas County

Administrative Comments

1. This item is recommended by the Transportation Department – Streets Division and the Financial Services Department – Purchasing Division.
2. **Impact: This service contract is utilized as part of the Road to the Future Program.** Establishment of a Vendor/Member Contract between the City of Irving and Texas Materials Group, Inc., dba Texas Bit, for utilization of Dallas County Contract No. 2018-057-6750 which expires on November 19, 2019, will allow the city to procure asphalt, milling, and overlay services under the best possible terms and conditions for the city.
3. **This item will be presented to the Transportation and Natural Resources Committee on April 3, 2019.**
4. Asphalt, milling, and overlay services are utilized by the Streets Department to maintain and enhance mobility for the safe and effective transit of motorists throughout the City of Irving. This contract will provide the necessary resources to expedite repair of damaged existing roadways.
5. Funding in the amount of \$5,500,000.00 is available in the Street Improvement Bond Fund.

Recommendation

The resolution be approved.

19 Resolution - Approving Professional Services Agreements with Halff Associates, Inc., in an Amount Not to Exceed \$300,000.00 and with Teague Nall and Perkins, Inc., in an Amount Not to Exceed \$300,000.00 for Right-of-Way Acquisition and Real Estate Appraisal Services

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) Department.
2. **Impact:** Approval of these agreements for right-of-way acquisition services and real estate appraisal services will allow city staff to proceed with ongoing and future CIP projects in a timely and effective manner.

3. **This item was initially presented to the Transportation and Natural Resources Committee on November 14, 2018, and will be discussed at the April 3, 2019 committee meeting.**
4. Right-of-way acquisition services are related to the purchase of various real property interests to accommodate multiple currently pending and future as-needed CIP projects. The right-of-way acquisitions will primarily involve securing easements and other real property interests including, but not limited to, sewer, water, drainage, and other right-of-way from commercial and residential properties in Irving. Right-of-way acquisitions must be made in accordance with (i) the city's Charter, which requires the Mayor to sign all conveyances made or entered into by the city; (ii) on a form approved by the City Attorney's office; and (iii) in accordance with Section 16-27 of the city's Code of Ordinances.
5. Real estate appraisal services are related to the as-needed appraisal of real property or a real property interest owned or held by the city, and the acquisition of various easements and other real property interests for ongoing and future CIP projects. Real estate appraisal services may be required by the city on a case-by-case basis in accordance with the city's needs. The appraisal of real property or a real property interest may be required to determine the fair market value or appraisal value for the sale or exchange of real property or a real property interest owned or held by the city, and may be required for general real property acquisitions, as needed by the city, and right-of-way acquisitions, and for compliance with TxDOT, FHA, FHWA, and other state or federal laws, rules, and regulations.
6. Requests for Proposals were solicited for these services, and proposals were received from 13 firms. Of those firms, Halff Associates, Inc. and Teague Nall and Perkins, Inc. were determined to be the most highly qualified providers with reasonable fees for right-of-way acquisition services and real estate appraisal services respectively. Both firms have worked with the city on other service contracts and have an experienced base of professional staff. In general, Halff Associates, Inc. will be assigned real estate services associated with Road to the Future projects. Teague Nall and Perkins, Inc. will generally be assigned real estate services associated with water and wastewater projects.
7. Funding for Fiscal Year 2018-19 is available in various project funds, while funding for Fiscal Year 2019-20 is subject to budget appropriation.
8. Because this annual contract runs 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 amount is not exceeded.

Vendor	Contract Term	FY 2018-19 Est. Exp.	FY 2019-20 Est. Exp.	Total Not to Exceed Amount
Halff Associates, Inc.	3/22/19 – 2/28/20	\$150,000.00	\$150,000.00	\$300,000.00
Teague Nall and Perkins, Inc.		\$150,000.00	\$150,000.00	\$300,000.00
TOTALS		\$300,000.00	\$300,000.00	\$600,000.00

Recommendation

The resolution be approved.

End of Bids

20 Ordinance - Authorizing the Execution and Delivery of Promissory Notes with an Aggregate Actual Principal Amount Not to Exceed \$3,359,000; Authorizing the Execution and Delivery of an Amended Restated Master Fiscal Agency Agreement, a Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, as Amended, a Trust Agreement and Trust Supplement Agreement; and Enacting Other Provisions Incident and Relating to the Subject

Administrative Comments

1. This item has been recommended by the Planning and Community Development Department
2. **Impact:** The Section 108 Guarantee Loan Program will provide funds to repair and expand the Georgia Farrow Recreation Center.
3. On February 1, 2018, the Irving City Council (RES 2018-42) authorized staff to apply for funding through the Section 108 Guarantee Loan program. On May 16, 2018, staff was informed that the U.S. Department of Housing and Urban Development (HUD) had approved its application for funding.
4. On June 7, 2018, the Irving City Council (RES 2018-188) authorized the Mayor to sign the Funding/Approval Agreement to implement the acceptance of the award of the Section 108 Guarantee Loan Program funds in the amount of \$3,359,000.00.
5. On January 31, 2019, the Irving City Council (RES 2019-39) authorized the Mayor to sign all documents necessary to accept the Section 108 Guarantee Loan, and conditionally pledging the City’s full faith and credit in support of its obligations as Borrower under the Section 108 Guarantee Loan.
6. On March 6, 2019, the loan contract signed by HUD was sent to the Texas Attorney General for approval in accordance with Texas Government Code Chapter 1202. Since then the Texas Attorney General has requested additional items from the City of Irving, including the attached Ordinance.

7. This Ordinance will authorize the execution and delivery of the promissory notes with an aggregate actual principal not to exceed \$3,359,000; and authorize the execution and delivery of an amended restated master fiscal agency agreement, a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, 42 §U.S.C 5308, a trust agreement, and a trust supplement.

Recommendation

The ordinance be adopted.

21 Ordinance - Amending Chapter 38 Entitled "Boards, Commissions and Committees" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, Relating to the Frequency of City Board Meetings Held Each Year

Administrative Comments

1. This item has been recommended by the City Secretary's Office
2. **Impact:** The revision to the boards, commissions and committees ordinance will modify the minimum number of meetings held by city boards each year.
3. In Section 38-9 of the City Code each city board shall hold a meeting at least once a quarter. There are a few city boards that do not have business to conduct quarterly, including the Construction Board of Appeals and the Zoning Board of Adjustments and Appeals.
4. Amending the minimum number of meetings to once a year will allow for city boards that are less active to meet the requirements of the city board ordinance.

Recommendation

The ordinance be adopted.

INDIVIDUAL CONSIDERATION

- 22 Ordinance - Amending Chapter 13 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adopting the Texas Department of Health and Human Services Minimum Standards for Child-Care Centers and Homes with Amendments, Modifications, and Deletions, and Designating it as the Child-Care Code for the City of Irving, Texas**

Administrative Comments

1. This item has been recommended by the Inspections Department.
2. **Impact:** It is necessary for Irving's Child-Care Code to be updated to include changes to the Texas Department of Health and Human Services Minimum Standards for Child-Care Centers and Homes. This updated code promotes public health, child safety, and the general welfare of the residents, visitors and businesses of Irving.
3. **This item was presented at the March 21, 2019, meeting of the Planning and Development Committee.**
4. All current 114 child-care permit holders were invited to a town hall type meeting to discuss proposed changes to the code.
5. The effective date for this ordinance is May 1, 2019.

Recommendation

The ordinance be adopted.

- 23 Resolution - Approving Request of ARK Group of Irving, Inc. for a Structural Alteration to Allow a String Lighting Feature Connecting Buildings A3 and A4 to Building B1 at the Toyota Music Factory Located at 300 West Las Colinas Boulevard**

Administrative Comments

1. This item is recommended by the City Manager's Office.
2. **Impact:** Approval of this item will allow ARK Group of Irving to make structural alteration to the Toyota Music Factory to install poles and string lighting connecting Buildings A3 and A4 with Building B1.
3. ARK is proposing to install approximately six (6) twenty-two feet (22 ft.) tall poles near the parking spaces west of Buildings A3 and A4 to support several strings of lights connecting to plates welded to existing steel channels on Building B1. The lights would be approximately twenty-one (21) feet above the ground. The poles would be set approximately 8 feet into the ground with concrete foundations. Staff

has determined that this represents a “structural alteration” that requires City Council approval.

4. Section 6(b) of the City’s lease with ARK Group provides “After completion of construction of the Entertainment Center under the Development Agreement, the Company may, at any time and from time to time and at no out-of-pocket cost to the City, alter structurally or otherwise remodel, reconstruct, and add to the Entertainment Center, or any part thereof, subject to approval by the City of any structural alterations to the Entertainment Center.”
5. The poles and lights comply with building code requirements.
6. Should the Council choose to approve this request, the company is required to comply with all applicable codes and regulations that govern the alteration, and to secure appropriate permits before proceeding.

Recommendation

The resolution be approved.

ZONING CASES AND COMPANION ITEMS

- 24 Resolution - Approving Sign Variance Case #S1903-0055 to Allow Height, Area, Location and Material Variances to Proposed Signs Within the Irving Music Factory - Approximately 16.787 Acres Located North of Fuller Drive and West of West Las Colinas Boulevard - ARK Group of Irving, Inc., Applicant - City of Irving, 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 variance will allow the Irving Music Factory to expand an iconic and appropriately themed signage program.
3. On March 20, 2014, the City Council approved variances to the City’s sign ordinance in order to allow a variety of signs that would be unique to this location and this development. On January 12, 2017, the City Council approved an updated sign package that added additional signs and modified others that had been approved in 2014. The Irving Music Factory is an entertainment destination with a multitude of venues including an amphitheater, outdoor stages, restaurants and retail businesses. The previous sign packages were approved since the City’s standard sign regulations are not designed to facilitate a development of this kind.

4. The applicant is now requesting some additional modifications to the previously approved sign programs. The applicant has provided an updated booklet that identifies the types of signs proposed for the various locations throughout the development. Proposed signs include enhanced sponsor identification signs, kiosk, beverage cart and valet station signs, A-frame or “sandwich board” signs and menu board signs.
5. The proposed sign package reflects the types of signage typically associated with an entertainment center such as this and continues the themes already approved for the project.
6. The sign package has not yet been submitted to the Las Colinas Association for approval, pending City Council action. Signs must be approved by both the City and the Las Colinas Association prior to installation, as noted on the sign package.

Recommendation

The resolution be approved.

25 Ordinance - Zoning Case #ZC18-0090 - Comprehensive Plan Amendment Changing the Recommended Land Use from "Business District" to "Commercial Corridor", and Granting C-OU-2 (Commercial Outdoor) District - Approximately 0.92 Acres Located at 2334 Penn Street - Yana Gladtskova, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 18, 2019 – Postpone to April 1, 2019, 8-0 (Commissioner Richards, absent). April 1, 2019 – Pending. The recommendation of the Planning and Zoning Commission will be provided to the Council at the work session.
2. The request is for an amendment to the Comprehensive Plan from *Business District* to *Commercial Corridor* uses and a zoning change to allow for automobile sales on this lot. The *Business District* is described as “Flexible use district for retail, office and commercial uses. Predominantly mid-rise with a mix of surface and structured parking.” The *Commercial Corridor* is described as “Auto-oriented district for retail, office and commercial uses. Parking in front with buildings set back from the street. Low to midrise buildings.”
3. The 2017 Imagine Irving Comprehensive Plan states that, if an area that is designated and/or developed as non-residential desires to transition to a different non-residential use, the City of Irving should require the following for existing development:

- a) The area meets all compatibility standards for adjacent uses.
- b) The rezoning does not cause any negative impacts on adjacent uses.

Staff believes the criteria have been met.

- 4. In July 2018, the subject property was cited by Code Enforcement for the following violations: inoperable vehicles, outdoor storage, and zoning violation. The applicant worked extensively to clean up the property by removing the outdoor storage items and inoperable vehicles and was given a certificate of compliance in October 2018.
- 5. The applicant is requesting the rezoning to the C-OU-2 (Commercial Outdoor) District to use the property to store and sell automobiles. Storage of inoperable vehicles will not be allowed. The area of the lot where automobiles will be parked will need to be paved in accordance with current City requirements.
- 6. The adjacent area has already been largely developed with light industrial uses, some of which allow some type of accessory outdoor storage. Most of the surrounding properties have businesses that include truck and trailer sales and repairs, equipment sales, warehousing, and other light industrial type uses. Given this trend, staff believes the proposed use would be suitable in this area.
- 7. The existing fence on the property was installed without a permit and violates both the current ML-20 District requirements as well as the proposed C-OU-2 zoning, which requires a 25-foot front yard setback. Should the zoning be approved, staff recommends that the fence be removed, no parking be allowed in the front setback, and the 25-foot front yard be landscaped with grass in accordance with the City's landscaping requirements. If the requested zoning is not approved, the applicant must move the fence to comply with the 30-foot setback of the ML-20 District.
- 8. Additionally, two mature trees currently exist within the front yard area. Staff recommends the addition of one additional four-inch caliper tree to the front yard landscape area, which will also satisfy the landscape and tree standards.
- 9. Redevelopment of the property must be in conformance with all regulations and ordinances.
- 10. A total of 19 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.
- 11. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

Pending.

26 Ordinance - Zoning Case #ZC19-0095 - Comprehensive Plan Amendment to Change the Recommended Land Use from "Business District" to "Residential Neighborhood", and Granting S-P-2 (Generalized Site Plan) District for R-6 (Single Family) District Uses - Approximately 14.54 Acres Located at 4961 Courtside Drive - Harlan Properties, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 18, 2019 – Favorable 4-3 (Commissioners Taylor, Zeske and Hoedebeck, nay; Commissioner Patel, abstain; Commissioner Richards, absent).
2. The 2017 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.
3. The Comprehensive Plan includes seven criteria to be satisfied should a property owner wish to amend the Comprehensive Plan Future Land Use Map to transition from non-residential to residential uses, including:
 - 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;
 - 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;
 - 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; and
 - 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.).

Staff believes the proposal meets these requirements.

4. The site plan proposes 55 single family lots, including one large residential lot of 3.0 acres in the middle of the subject property (Lot 15, Block B). A note has been

added to the site plan that this lot may not be subdivided. A new open space lot of 0.37 acres has been provided (Lot 7X, Block B). This lot count is 32 less than the previous case's proposed layout of 87 lots; a 37% reduction in density from 5.98 units/acre to 3.78 units/acre. Two entrances from Courtside Drive are provided as required by fire code, with one internal street and an alley to access lots fronting on Courtside Drive.

5. The site plan proposes the following exceptions to the R-6 (Single Family) district:

	Required:	Provided:
Front Yard Setback:	25 ft.	20 ft.
Rear Yard Setback:	20 ft.	10 ft.
Minimum Lot Size:	6,000 sq. ft.	5,000 sq. ft.
Maximum Lot Coverage by Principal Building:	40%	80%

The site plan previously included a variance to the lot width from a 50' minimum to a 40' minimum. This variance request has been removed, and all lots must be a minimum of 50' wide at the building line, as required by R-6 zoning.

The minimum lot size was proposed to be 4,200 square feet on the previous site plan. The minimum lot size is now proposed to be 5,000 square feet. A total of 27 lots are 6,000 square feet or more, and 28 lots are less than 6,000 square feet. Only two (2) lots are less than 5,500 square feet. By contrast, the lots in the neighborhood to the east range from approximately 4,200 square feet to 5,200 square feet.

6. 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; and
- d) Homes shall be constructed in a manner that complies with all City of Irving building codes (including local amendments) regarding noise attenuation.

7. The site plan also notes that the minimum air conditioned living area of each

dwelling shall be 1,700 square feet, with a minimum 400 square foot garage, that will comply with the current garage standards. Exterior wall surfaces must be 80% masonry, and at least two masonry materials shall be used on each side.

8. A total of 30 public notices were mailed. Staff has received two (2) responses in support and four (4) responses in opposition to this request, along with three (3) emails in opposition. The opposition represents 42.42% 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.
9. 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 will not interfere with airport operations.
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.

27 Ordinance - Zoning Case #ZC19-0003 - Granting S-P-2 (Generalized Site Plan) for R-10 (Single Family) District Uses - Approximately 0.33 Acres Located at 3206 Salinas Court - Sean McCown, Applicant/Owner.

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 18, 2019 – Favorable 7-1 (Commissioner Cronenwett, nay; Commissioner Richards, absent).
2. The Comprehensive Plan Future Land Use Map recommends *Residential Neighborhood* uses for this property. The *Residential Neighborhood* category calls for “predominantly single-family detached homes and duplexes.” This use is in conformance with the Comprehensive Plan.
3. The owner is requesting to rezone the property to allow a single family residential home without a garage.
4. Section 52-36(f)(4) of the Zoning Ordinance states: “Entry into an attached converted garage must be available through the house. Entry into the converted garage from the exterior shall be prohibited.” The owner had begun converting the existing garage into living space when they realized they needed a permit and an exception to allow for an external entrance to the converted area.

5. The conversion is being made to accommodate an aging parent. The front door to the main home can only be accessed from a stairway. Therefore, an exterior door to the converted area will allow easier access to the new living space.
6. The site plan and photos submitted by the owner show that the driveway can accommodate the requirement for at least two (2) vehicles for off-street parking.
7. The site plan stipulates that no individual rooms or floors may be rented or leased separately from the entire structure.
8. The Las Colinas Association approved the request with the condition that when the mother-in-law suite is no longer required, the space is returned to the originally approved garage. It should be noted that the City cannot enforce this requirement.
9. A total of 40 public notices were mailed. Staff received no responses in support and three (3) responses in opposition to this request. The opposition represents 0.02% of the land within 200 feet of the subject property. Since this is less than 20%, a $\frac{3}{4}$ -vote is not required for approval.
10. Since the owner is able to provide off-street parking in the driveway for the minimum of at least two (2) vehicles and can actually accommodate up to three (3) vehicles, staff can support this request.
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 - Street Name Change - ZC19-0016 - Changing the Name of Haggar Circle on the University of Dallas Campus to Novinski Circle - University of Dallas, Applicant

Administrative Comments

1. This request is that the street named **Haggar Circle** shall be renamed **Novinski Circle** from Gorman Drive to the dead end of the existing street.
2. This street name change is being requested in order to recognize the contributions of Lyle and Sybil Novinski to the growth and development of the University of Dallas.
3. Staff has no concerns regarding this new proposed name.
4. Three (3) University of Dallas buildings are addressed from Haggar Street.
5. Staff recommends that the request be accepted.

6. Public notice was sent to the **one (1)** property adjacent to this street. No letters have been received either in support or opposition.

Recommendation

The ordinance be adopted.

29 Ordinance - Street Name Change - ZC19-0017 Naming the Street Immediately North of SB Hall on the University of Dallas Campus to Win Bell Way - University of Dallas, Applicant.

Administrative Comments

1. This request is that the unnamed street immediately north of SB Hall on the University of Dallas Campus and running parallel to Dominican Lane be named **Win Bell Way** from Gorman Drive to the dead end of the existing street.
2. This street name change is being requested in order to recognize Win Bell's contributions to the construction of SB Hall on the University of Dallas campus and to assist in on-campus wayfinding.
3. Staff has no concerns regarding this new proposed name.
4. There are no properties addressed from this unnamed street.
5. Staff recommends that the request be accepted.
6. Public notice was sent to the **one (1)** properties adjacent to this street. No letters have been received either in support or opposition.

Recommendation

The ordinance be adopted.

30 Ordinance - Street Name Change - ZC19-0018 - Changing the Name of Science Drive on the University of Dallas Campus to Clodovia-Doe Way - University of Dallas, Applicant.

Administrative Comments

1. This request is that the street named **Science Drive** be renamed **Clodovia Doe Way** from East Northgate Drive to the end of the street.

2. This street name change is being requested to recognize the contributions of Dr. Frank Doe and Sister Clodovia Lockett in the science and pre-health professional programs at the University of Dallas.
3. Staff has no concerns regarding this new proposed name.
4. Three (3) University of Dallas buildings are addressed from Science Drive.
5. Staff recommends that the request be accepted.
6. Public notice was sent to the **two (2)** properties adjacent to this street. No letters have been received either in support or opposition.

Recommendation

The ordinance be adopted.

APPOINTMENTS AND REPORTS

31 Resolution - Appointments to the Museum Advisory Board and the Tax Increment Reinvestment Zone No. 1 Board to Fill Various Terms

Administrative Comments

1. This item is recommended by the City Secretary's Office.
2. **Impact:** Appointment of Irving residents to boards, commissions, and committees assures that our residents have a voice in city government.
3. Council originally conducted interviews and filled various vacancies on October 22, 23 and 27, 2018. Council conducted Tax Increment Reinvestment Zone (TIF) No. 1 Board interviews on March 26, 2019 to fill a new term.
4. The positions under consideration include two appointments for the Museum Advisory Board and one to the TIF No. 1 Board.

Recommendation

The resolution be approved.

32 Mayor's Report

Adjournment