

AGENDA
Irving City Council Regular Meeting
Thursday, January 30, 2020 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

Organizational Service Announcements

Invocation

Pastor Keith Luttrell, Christ 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 26

CITY COUNCIL AGENDA

- 1 City Operations Update**
- Delaware Creek Improvements Update

CONSENT AGENDA

- 2 Approving Work Session Minutes for Wednesday, January 15, 2020**
- 3 Approving Regular Meeting Minutes for Thursday, January 16, 2020**

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.

A member of the public may address the City Council regarding an item on the agenda either before or during the Council's consideration of the item, upon being recognized by the presiding officer or the consent of the Council.

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 the Acquisition of a Vacant Lot on Lot 24, Block A, of Las Brisas Town Homes Addition, Located at 4236 Nia Drive in the Amount of \$71,126.98

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Water Utilities Department. It supports Strategic Objective 2.4 - Maintain and extend water, wastewater and storm water systems.
2. **Impact:** The City's existing sewer line encroaches on an adjacent vacant lot belonging to Sumeer Homes Inc., and adversely impacts the landowner's ability to construct future residences. Additionally, any proposed development within the lot would prevent Water Utilities from being able to access the sewer line for maintenance and/or repairs.
3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**
4. The purchase price for this 4,368 square foot vacant lot is \$70,000, with an additional \$1,126.98 being requested to cover closing expenses with, Republic Title of Texas, Inc. Therefore the total cost of acquisition is (\$70,000 + \$1,126.98) \$71,126.98
5. Funding in the amount of \$71,126.98 is available within the Water and Sewer Non-Bond CIP Fund.

Recommendation

Postpone to February 27, 2020.

5 Resolution - Approving the Acquisition of a Vacant Lot on Lot 23, Block A, of Las Brisas Town Homes Addition, Located at 4240 Nia Drive in the Amount of \$71,126.98

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Water Utilities Department. It supports Strategic Objective 2.4 - Maintain and extend water, wastewater and storm water systems.
2. **Impact:** The City's existing sewer line encroaches on an adjacent vacant lot belonging to Sumeer Homes Inc., and adversely impacts the landowner's ability to construct future residences. Additionally, any proposed development within the lot would prevent Water Utilities from being able to access the sewer line for maintenance and/or repairs.

3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**
4. The purchase price for this 4,787 square foot vacant lot is \$70,000, with an additional \$1,126.98 being requested to cover closing expenses with, Republic Title of Texas, Inc. Therefore the total cost of acquisition is (\$70,000 + \$1,126.98) \$71,126.98
5. Funding in the amount of \$71,126.98 is available within the Water and Sewer Non-Bond CIP Fund.

Recommendation

Postpone to February 27, 2020.

6 Resolution - Approving the Acquisition of Two Road Right-Of-Way Easements on 1905 Hard Rock Road in the Amount of \$209,360.00

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Traffic and Transportation Department. It supports Strategic Objective 2.3 - Expand, extend and maintain the major thoroughfare network.
2. **Impact: Impact: This item supports the city's Road to the Future initiative.** The proposed easement acquisition (totaling 14,966 square feet) will allow for expansion of Hard Rock Road. Capturing both easements allows the city to reduce acquisition cost.
3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**
4. Funding in the amount of \$209,360.00 is available within the Street Improvement Bond Fund.

Recommendation

Postpone to February 27, 2020.

7 Resolution - Approving the Acquisition of a Road Right-Of-Way Easement on 1406 Hard Rock Road in the Amount of \$12,360.00

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Traffic and Transportation Department. It supports Strategic Objective 2.3 - Expand, extend, and maintain the major thoroughfare network.
2. **Impact: This item supports the city's Road to the Future initiative.** The proposed easement acquisition (totaling 610 square feet) will allow for expansion of Hard Rock Road. The negotiated amount is 15 percent above the appraised value and therefore must be presented to City Council for approval.
3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**
4. Funding in the amount of \$12,360.00 is available within the Street Improvement Bond Fund.

Recommendation

Postpone to February 27, 2020.

8 Resolution - Approving the Acquisition of a Road Right-Of-Way Easement on 1418 Hard Rock Road in the Amount of \$14,280.00

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Traffic and Transportation Department. It supports Strategic Objective 2.3 - Expand, extend, and maintain the major thoroughfare network.
2. **Impact: Impact: This item supports the city's Road to the Future initiative.** The proposed easement acquisition (totaling 714 square feet) will allow for expansion of Hard Rock Road. The negotiated amount is 15 percent above the appraised value and therefore must be presented to City Council for approval.
3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**
4. Funding in the amount of \$14,280.00 is available within the Street Improvement Bond Fund.

Recommendation

Postpone to February 27, 2020.

9 Resolution - Approving the Acquisition of a Public Utility Easement on Parcel 115-NA12, Located at 3215 Spur 482 in the Amount of \$161,500.00

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Water Utilities Department. It supports Strategic Objective 2.4 - Maintain and extend water, wastewater and storm water systems.
2. **Impact:** In order to accommodate the Texas Department of Transportation's (TxDOT) Diamond Interchange Expansion Project, the City of Irving will need to relinquish existing utility easements that will conflict with the Diamond Interchange project design. Therefore, the City must acquire several new easements on adjacent privately owned lands. The purpose of this agenda item is for acquisition of a 1.186 acres utility easement, across Parcel 115-NA12 situated at 3215 Spur 482 and owned by FEDEX Ground Package System, Inc.
3. **This item was presented to the Transportation and Natural Resource Committee on January 15, 2020.**
4. Funding in the amount of \$161,500.00 is available within the Water and Sewer System Non-Bond CIP Fund.

Recommendation

The resolution be approved.

10 Resolution - Approving an Amended and Restated Economic Incentive Agreement Between the City of Irving and Hidden Ridge Development, LLC, in an Amount Not to Exceed \$24,300,000 for the Hidden Ridge Development Project

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** This amended and restated agreement provides an economic development incentive grant for a transit oriented development with mixed-use components that is envisioned to include two large corporate offices surrounding a pedestrian-friendly, walkable lifestyle core with retail, restaurants, residential, and additional office options in proximity to a DART light rail station on approximately 70 acres of vacant land on Hidden Ridge Road.
3. **This amended and restated incentive agreement was discussed in executive session at the January 15, 2020 City Council Work Session meeting.**

4. City Council approved Resolution No. 2018-88 on March 18, 2018, approving a 380 economic development incentive agreement for a term of up to 25 years consisting of a total Grant not to exceed \$24,300,000 (the City retains the first \$6,300,000 in grant payments and the Company is eligible for up to \$18,000,000 in grant payments). To receive the full \$18,000,000 Grant, the Company is required to construct a minimum of 975,000 gross square feet of Office Space and achieve a minimum increase in real property value of \$300,000,000. The Grant can be achieved in phases which are explained below.
5. The amended and restated agreement requires the Company to achieve the following minimum eligibility requirements prior to the receipt of any incentive grant:
 - a. DART Station – The Company must provide or cause funding to the City for the construction of the Dallas Area Rapid Transit (DART) light rail station associated with the project as follows:
 - i. Initial Deposit of \$3,200,000 by June 30, 2018.
 - ii. Second Deposit of \$1,581,406 by May 15, 2020.
 - iii. Any increases to the total project costs for the DART Station within thirty (30) days of notice from the City.
 - b. Phase I – The Company must construct a minimum of 375,000 gross square feet of Office Space in one or more buildings and achieve a minimum Eligible Real Property Value of \$100,000,000 within eight (8) years of the March 22, 2018 Effective Date.
6. The amended and restated agreement also provides for additional incentive grants should the Company achieve the following additional minimum eligibility requirements:
 - a. Phase II – The Company must construct a minimum of 300,000 additional gross square feet of Office Space in one or more buildings for a Single User on Parcel B or H and achieve a minimum additional Eligible Real Property Value of \$100,000,000. (Total Eligible Real Property Value of \$200,000,000.)
 - d. Phase III – The Company must construct a minimum of 300,000 additional gross square feet of Office Space in one or more buildings for a Single User on Parcel B or H and achieve a minimum additional Eligible Real Property Value of \$100,000,000. (Total Eligible Real Property Value of \$300,000,000).
 - e. The Company must maintain a total taxable value \$118,516,543 for 600 and 700 Hidden Ridge Rd. or offset any decreases with additional increases in taxable value in Phases I, II, and III.
7. Once the minimum eligibility requirements are met for the DART Station and Phase I, the City will provide a Grant Payment of seventy-five percent (75 %) of the real property ad valorem taxes paid to the City on the increase to the taxable value above the 2017 DCAD taxable value (\$12,668,693).

- a. The City shall retain the first \$6,300,000 in Grant Payments. This Agreement will terminate if \$6,300,000 in Grant Payments is not generated within eight (8) years of the March 22, 2018 Effective Date of this Agreement. The timeframe for generating the \$6,300,000 in Grant Payments would be extended to within twelve (12) years of the March 22, 2018 Effective Date of this Agreement, should the Company do the following:
 - i. Secure a Tax-Exempt single-user for a minimum of 300,000 square feet of office and/or health care uses by December 30, 2020; and the Tax-Exempt single-user occupies this space within eight (8) years of the March 22, 2018 Effective Date of this Agreement; and
 - ii. Commence construction of a minimum of 500,000 gross square feet of Office Space on the Property on or before January 30, 2021.
 - b. Phase I Grant – The Company will receive Grant payments up to \$6,000,000.
 - c. Phase II Grant – The City will increase the maximum allowable Grant payment an additional \$6,000,000 to a total not to exceed \$12,000,000.
 - d. Phase III Grant – The City will increase the maximum allowable Grant payment an additional \$6,000,000 to a total not to exceed \$18,000,000.
8. The minimum 300,000 square feet of office and/or health care uses by the Tax-Exempt single-user shall not count towards the achievement of any of the Office Space requirements for Phase I, II, or III.
 9. If the Company achieves all three phases of the incentive Agreement, revenues of \$32,791,570 are projected to be retained by the City. This includes the \$6,300,000 in Grant payments retained by the City.
 - a. Phase I is projected to generate \$14,454,426 in City retained revenue.
 - b. Phases I and II combined are projected to generate \$25,562,606 in City retained revenue.
 - c. Phases I, II, and III combined are projected to generate \$32,791,570 in City retained revenue.
 10. There is a companion item on this agenda for Amendment One to the Interlocal Agreement (ILA) between the City and DART. Hidden Ridge Development, LLC is not a party to the ILA. The ILA contains relevant terms regarding the financial obligations for the construction of the DART Light Rail Station.

Recommendation

The resolution be approved.

11 Resolution - Approving Amendment One to Interlocal Agreement Between the City of Irving and Dallas Area Rapid Transit (DART) for the Construction of Carpenter Ranch Light Rail Station Related to the Hidden Ridge Development

Administrative Comments

1. This item is recommended by the Traffic and Transportation Development.
2. **Impact:** Approval of Amendment One to Interlocal Agreement (ILA) between the City and DART will amend the agreement revising certain respective duties and responsibilities in relation to design, construction and financing of the construction of the Carpenter Ranch Light Rail Station related to the Hidden Ridge Development.
3. **This item was discussed in executive session at the City Council Work Session meeting on January 15, 2020.**
4. The City has requested that DART construct the Carpenter Ranch Light Rail Station in coordination with the planned Hidden Ridge Development. Construction is anticipated to be complete in October 2020, and revenue service to begin in December 2020.
5. On July 13, 2017, the Regional Transportation Council of the North Central Texas Council of Governments (NCTCOG) metropolitan planning commission approved a list of projects to fund through the 2017-2018 Congestion Mitigation and Air Quality Surface Transportation Block Grant Transit Program (CMAQ Grant), which included the Carpenter Ranch Light Rail Station in the amount of \$8,800,000. DART is the eligible recipient for CMAQ grant and will construct the station.
6. On April 10, 2018, the City and DART entered into an interlocal agreement for funding the design and construction for the Station. The Preliminary Engineer's Estimate for the construction of the DART station was \$12,000,000. The City made an initial deposit in the amount of \$3,200,000 [the difference between the grant and engineer's estimate].
7. The construction bid for the Total Project Cost is in the amount of \$13,581,406, which exceeds the Preliminary Engineer's Estimate. Accordingly, the City will deposit \$1,581,406 no later than June 30, 2020. The amendment to the ILA provides for DART to award the construction contract prior to the City making the second payment.
8. City funding will be expended first during construction. DART will seek reimbursement from the CMAQ grant as expenses are incurred. DART will advise City of change orders for City review and funding.
9. This Amendment One to the ILA was presented to the DART Board on January 14, 2020. By DART Resolution 200013, the DART Board authorized (1) the award of the construction contract to Archer Western Construction in the amount of \$11,067,000, plus supplemental work contingency of \$553,350 (5%) for unanticipated expenses, for a total authorized amount not to exceed \$11,620,350;

and (2) the execution of an amendment to the existing ILA with the City.

10. This is a companion to the Amended and Restated Economic Development Incentive Agreement on this agenda between the City and Hidden Ridge Development, LLC (Developer), which contains terms where the Developer makes the cash deposits described above, with the City, in advance, to meet these obligations.

Recommendation

The resolution be approved, if the Amended and Restated Economic Development Incentive Agreement with Hidden Ridge Development, LLC is approved.

12 Resolution - Approving an Agreement with Sole Source Provider Hach Company in an Amount Not to Exceed \$100,000.00 for the Purchase of Hach Equipment and Services to Test and Maintain Water Quality

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This agreement will allow staff to purchase new equipment and maintain existing equipment used to test and verify the quality of our drinking water.
3. **This item was presented to the Transportation and Natural Resources Committee on January 15, 2020.**
4. This award establishes an Annual Award Contract for continuing the purchase and maintenance of Hach equipment. The contract is subject to two one-year renewal options with an effective date of January 1 to December 31, 2020.
5. Water Utilities routinely takes water samples and tests for the amount of chlorine disinfectant and free ammonia. This testing is done to ensure that our water meets regulatory requirements and that the system is operated efficiently.
6. Staff utilizes Hach Company equipment to perform this testing and materials from Hach need to be purchased periodically. Testing equipment from Hach is replaced when it reaches the end of its useful life. Hach also provides maintenance for specialized equipment used at the City's water pumping stations.
7. Funding in the amount of \$100,000.00 is available in the Water Utilities Budget within the Water and Sewer System Fund.

Recommendation

The resolution be approved.

Bids & Purchasing Items

Items 13 - 19

13 Resolution - Approving Payment in the Second and Final Renewal Term of the Contract with Bank of America, NA, and Banc of America Merchant Services, LLC in the Total Estimated Amount of \$192,000.00 for Merchant Credit Card Processing Services

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** This contract benefits the city by providing services to accept and process credit and debit card payments from residents and customers.
3. This renewal establishes the continuation of a contract to provide merchant credit card processing services. The original three-year contract, which was awarded to the respondent scoring the highest points based on criteria established through an RFP process, has fixed rates for the full contract duration. This is the second and final one-year renewal period. The current contract automatically renews on February 5, 2020.
4. Funding for Fiscal Year 2019-20 is available in the Non-Departmental budget within the General Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Bank of America, NA, and Banc of America Merchant Services, LLC	2/5/20 – 2/4/21	\$128,000.00	2019-20
		\$ 64,000.00	2020-21
TOTAL		\$192,000.00	

Recommendation

The resolution be approved.

14 Resolution - Approving the Annual Contract with Bound Tree Medical, LLC, in an Amount Not to Exceed \$100,000.00 for Emergency On-Board Medications

Administrative Comments

1. This item is recommended by the Fire Department.
2. **Impact:** Firefighters and paramedics are able to provide the highest quality of treatment for residents by having these approved medications available for use in emergency response vehicles.
3. This award establishes an annual contract for the continuation of purchasing emergency on-board medications. This award is for one year with two one-year renewal options. The current contract expires January 31, 2020.
4. Funding for Fiscal Year 2019-20 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.
5. Because this annual contract runs from February 2020 through January 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 Est. Expenditure	Fiscal Year(s)
Bound Tree Medical, LLC	2/1/20 – 1/31/21	\$58,000.00	2019-20
		\$42,000.00	2020-21
TOTAL NOT TO EXCEED AMOUNT		\$100,000.00	

Recommendation

The resolution be approved.

15 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Associated Supply Company, Inc., through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Fleet Services Division and Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Associated Supply Company, Inc., for utilization of BuyBoard Contract No. 597-19 which expires on November 30, 2020 will allow the city to procure construction, road, bridge, ditching, trenching, utility and other equipment under the best possible terms and conditions for the city.
3. Approval of this contract supports the purchase of a 2020 Case Backhoe loader as presented in the following item on this agenda as well as any future purchases from this vendor through the designated BuyBoard contract for the specified contract term.

Recommendation

The resolution be approved.

16 Resolution - Approving the Purchase from Associated Supply Company, Inc., for a 2020 Case Backhoe Loader in the Total Estimated Amount of \$127,000.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Water Utilities Department and approved by the Fleet Services Division and the Financial Services Department – Purchasing Department.
2. **Impact:** Replacement of aging vehicles and equipment will reduce downtime and provide departments with critical resources to maintain optimum services for the Irving community.
3. This budgeted replacement is in accordance with the city’s vehicle and equipment replacement policy for City Vehicle Tag No. 32168, a 2004 Ford Backhoe Loader. There will be a trade-in allowance given for the current vehicle as shown in the table below.
4. This purchase is supported by a Vendor/Member Contract Pursuant to a

Cooperative Purchasing Agreement between the City of Irving and Associated Supply Company, Inc., utilizing BuyBoard Contract No. 597-19 which expires on November 30, 2020 as presented in the previous item on this agenda.

- Funding in the amount of \$127,000.00 is available in the Water & Sewer System Fund.

Vendor	Qty	Item Description	Total Estimated Expenditure
Associated Supply Company, Inc.	1	2020 Case Backhoe Loader	\$154,360.42
		Trade-In Allowance	(\$ 27,360.42)
TOTAL			\$127,000.00

Recommendation

The resolution be approved.

17 Resolution - Approving the Renewal of the Annual Contract with Texas Bit in the Total Estimated Amount of \$252,750.00 for Asphalt Patching Materials

Administrative Comments

- This item is recommended by the Traffic & Transportation and the Water Utilities departments.
- Impact: This contract supports the Road to the Future Program.** It provides the necessary resources to expedite repair of damaged roadways. Asphalt patching materials are used by the Water Utilities to provide the necessary resources to temporarily fix existing roadways due water and sewer line road repairs.
- This renewal establishes the continuation of an annual contract to provide asphalt patching materials. This is the first of two, one-year renewal options. The current contract expires January 31, 2020.
- The item was presented to Transportation and Natural Resources Committee on January 15, 2020.**
- Funding for Fiscal Year 2019-20 is available in the Traffic & Transportation budget within the General Fund and in the Water & Sewer System Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
Texas Bit	2/1/20-1/31/21	\$168,500.00	2019-20
		\$84,250.00	2020-21
TOTAL		\$252,750.00	

Recommendation

The resolution be approved.

18 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Sam Pack's Five Star Ford through an Interlocal Cooperative Purchasing Agreement with Tarrant County

Administrative Comments

1. This item is recommended by the Fleet Services Division and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Sam Pack’s Five Star Ford, for the utilization of Tarrant County Contract No. 2019-014, which expires on December 3, 2020, will allow the city to purchase and replace older vehicles.
3. Approval of this item allows for the purchase of police vehicles as presented in the following item on this agenda as well as any future purchases from this vendor through the designated Tarrant County contract during the specified contract term.

Recommendation

The resolution be approved.

19 Resolution - Approving the Purchase from Sam Pack's Five Star Ford of Police Vehicles in the Total Estimated Amount of \$221,651.00 through an Interlocal Cooperative Purchasing Agreement with Tarrant County

Administrative Comments

1. This item is recommended by Police Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of the vehicles shown below will allow for replacement of older vehicles in order to reduce vehicle downtime as well as adding supplemental vehicles to increase effectiveness and better support the needs of Police Department and the residents of Irving.
3. These purchases are supported by a Vendor/Member contract between the City of Irving and Sam Pack’s Five Star Ford utilizing Tarrant County Contract No. 2019-014, which expires on December 3, 2020 and is presented as a previous item on this agenda.
4. Funding is available in the Vehicle & Equipment Replacement Fund.
5. Budgeted replacements are as follows:

Department	Item Description (Quantity)	Replaces City Tag #	Total Expenditure
Police	2020 Transit Van (1)	04292	\$ 48,923.00
	2019 F-150 Responder Patrol Vehicle (2)	04265 04279	\$ 86,886.00
	2019 F-150 Supervisor Patrol Vehicle (2)	04196 04198	\$ 85,842.00
TOTAL			\$221,651.00

Recommendation

The resolution be approved.

End of Bids

20 Ordinance - Approving an Amended & Restated Development Agreement with Vaquero Ventures Management, LLC for the Sale of 313 W. Irving Boulevard

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this amendment to the Development Agreement with Vaquero Ventures would allow for the Closing Date for the Sale of City-owned property at 313 W. Irving Blvd. to be extended, enabling the developer to obtain all necessary closing documents, such as an executed lease with Starbucks for the occupancy of the building to be constructed.
3. **This item was discussed at the City Council Work Session meeting on January 15, 2020.**
4. On October 3, 2019, City Council approved ORD-2019-10268 approving a Development Agreement with Vaquero Ventures Management, LLC to redevelop the city's property located at 313 W. Irving Blvd. by building a Starbucks coffee store with indoor seating, patio, and drive through.
5. The sale price of the city land is \$119,390.00. The Development Agreement includes certain criteria that must be included at the time of closing. Those criteria include (i) an executed lease with Starbucks to operate a Starbucks store with an initial term of not less than five (5) years; (ii) a Performance Bond in the full amount of the Purchase Price, guaranteeing the purchaser will take all actions reasonably necessary and required by the City to construct and occupy a minimum 2,100 square foot Starbucks coffee store on or before the Date of Occupancy; (iii) if necessary, obtain proper Zoning for the site plan; and, (iv) obtain a building permit for the construction of the coffee store.
6. Per the current agreement, the City will close on the property with Vaquero Ventures Management by February 7, 2020, and Starbucks will have to occupy the building by December 31, 2020.
7. This property is located in the Irving Boulevard TIF (TIF #2). The TIF's Project and Financing Plan includes the development of vacant properties and diversification of retail in the corridor. This project is consistent with the purpose of the TIF and will sell at fair market value using the Dallas County Appraisal District (DCAD) market value; therefore, the property can be sold without any bids.
8. To date, the Purchaser has obtained Title Commitment, Exception Documents, and Tax Certificate covering Property; and deposited \$2,000 Earnest Money.
9. Purchaser executed its option to extend Inspection Period and deposited an additional \$10,000, making the Initial \$2,000 Earnest Money non-refundable, and obtained proper zoning on December 12, 2019.
10. Purchaser is still negotiating a Lease with Starbucks, which is due at closing.

Purchaser estimates an additional 75-90 days for executed lease, plus an additional 30-60 days for ordering plans and permitting; therefore, has requested to extend the closing date to the end of June.

11. The amendment to the current Development Agreement would extend the Closing Date to July 7, 2020 (a 5 month extension). The Purchaser will deposit an additional \$10,000 Earnest Money, non-refundable except for Seller's Default and amend Date of Occupancy to May 31, 2021.

Recommendation

The resolution be approved.

INDIVIDUAL CONSIDERATION

- 21 **Ordinance - Amending the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 8B, "Rental Registration;" Providing Definitions; Providing Permitting Procedures and Fees for Operating a Rental Home; Providing Violations and Penalties; Providing Severability, Repealer and Savings Clauses; and Providing an Effective Date.**

Administrative Comments

1. This item has been recommended by the Code Enforcement Department. This item supports Strategic Goal No. 4.3 – Improve community appearance and protect neighborhood integrity; and Strategic Goal No. 4.1 – Safeguard public safety, security and health.
2. **Impact:** The adoption of this ordinance is expected to improve conditions at single family rental properties by virtue of a rental registration which would avail the city ownership contact information needed for expedited compliance.
3. The proposed ordinance creates a new rental registration program for single family, duplex and triplex residential properties and would require owners who are renting their homes for any duration of time to register and pay a \$25 fee annually. The proposed ordinance exempts rental homes from the registration permit requirement if they are occupied by the owner during the period of the rental.
4. This item was requested and reviewed by members of the Planning & Development Committee.
5. During the January 15 work session, there was a full consensus to bring this item forward for action.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

- 22 Ordinance - Zoning Case #ZC19-0076 - Considering a Zoning Change from HCD-TMU (Heritage Crossing District - Transit Mixed Use Subdistrict) to S-P-2 (Generalized Site Plan) District for HCD-TMU (Heritage Crossing District - Transit Mixed Used Subdistrict) Uses - Approximately 1.03 Acres Located at 303 and 305 Ada Street - Jesse Lowe, Applicant/Owner (Postponed from December 12, 2019)**

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: December 2, 2019 – Favorable for a six-foot open wrought iron fence in the front setback, 9-0. January 20, 2020 – Postpone to February 3, 2020, 8-0 (Commissioner Patel, absent).
2. The 2017 Imagine Irving Comprehensive Plan recommends Urban District uses for the subject property, which is for the highest intensity areas of Irving containing a variety of uses in multi-story buildings. This classification includes pedestrian-design streets and buildings, high quality design and materials, and reduced parking requirements. While the existing single family use is not a preferred new use in the Urban District area where more intensive uses are desired, this application was submitted to request exceptions to standards for a single family home existing before the HCD zoning was established the request is not for a change in land use. The single family use is a legal non-conforming use in the HCD/TMU district.
3. The applicant is proposing the following uses and exceptions within his property:
 - a. Single family as an allowed use in the Heritage Crossing Form Based Code District;
 - b. A six (6) foot tall wrought-iron fence in the front setback of 303 Ada, along the property line per the site plan;
 - c. An eight (8) foot tall metal R-panel fence along the side and rear property lines of both properties and in the front yard of 305 Ada; and
 - d. A detached garage in the front setback of 305 Ada.
4. For clarity, staff is providing an evaluation of each proposed exception as follows:
 - a. The HCD-TMU (Heritage Crossing District – Transit Mixed Use Subdistrict) does not allow single family residential uses by right. All properties on Ada Street, however, are single family uses. Staff believes it is appropriate to continue to allow single family uses on properties along Ada Street.
 - b. The applicant is proposing a wrought iron fence along the front property line of 303 and 305 Ada Street and within the front setback (in front of the house) for 303 Ada. No other homes along Ada Street have a fence over 4 feet tall in the front setback, let alone along the property line. A six-foot tall fence is

out of character with the rest of the neighborhood; therefore, staff cannot support this portion of the request.

- c. The applicant is requesting approval to build a solid metal fence along the south and west property lines using “R-panel” metal. The Fence Ordinance states that only materials designed to be used as fencing can be used for fence construction. “R-panel” is described by various manufacturers as a roof and exterior wall material, not as a fencing material.
 - d. The applicant is proposing a detached garage within the 25-foot front setback on 305 Ada Street. Other areas of the property have room for a detached garage that is not encroaching into any easements and is not within the front setback. Since there are other viable options for placement of the garage on the lot, staff cannot support this request.
5. All accessory structures need to meet zoning requirements and Building and Fire Codes.
 6. The properties are at the end of the street. The pavement on the street and the right of way was not designed to accommodate a cul-de-sac for turnaround as is now typical in street design. Traffic and Fire staff have approved the site plan since it is the existing condition.
 7. The applicant made further adjustments to the site plan after notification and has not provided sufficient detail on the site plan to allow for an adequate review or to determine needed exception requests, therefore staff is requesting another postponement.
 8. The applicant requested a predevelopment conference to consider another option for this property, necessitating further discussion on the intentions for the property.
 9. A total of 22 public notices were mailed. Staff has received three (3) responses in support and none in opposition to this request.
 10. On December 4, 2019, the applicant requested this item be postponed to the January 20, 2020 hearing. Subsequent to the Planning and Zoning Commission hearing, the applicant elected to modify the zoning request. On January 20, 2020, the Planning and Zoning Commission postponed the hearing for the revised request pending submittal of the revised site plan from the applicant.
 11. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

Postpone to February 13, 2020.

23 Ordinance - Zoning Case #ZC19-0085 and Multifamily Concept Plan MF20-0001 - Considering a Comprehensive Plan Amendment Changing the Recommended Future Land Use from "Neighborhood Commercial" to "Mid-Density Residential", a Community Framework Plan, a Zoning Change from S-P-2 (Generalized Site Plan) District for C-N (Neighborhood Commercial) Uses to S-P-2 (Generalized Site Plan) District for R-MF-2 (Multifamily) Uses, and Multifamily Concept Plan MF20-0001 - Approximately 5.3 Acres Located at 9905 W. Valley Ranch Parkway, 10001 and 10049 N. MacArthur Boulevard - Criterion/Enviktus, Applicant - CPC Land Acquisition Company, LLC, Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: Favorable 8-1 (Commissioner Cronenwett, nay; Commissioner Patel, absent).
2. The applicant is seeking approval of a Community Framework Plan, Comprehensive Plan Future Land Use Amendment, a zoning change and a Multifamily Concept Plan in order to develop a two building, 236-unit urban form multifamily complex on 5.3 acres (approx. 45 units/acre).
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Neighborhood Commercial uses for this property. This land use category is described as mixed-use commercial areas along major corridors. The requested zoning is not conformance with the Comprehensive Plan.
4. The Comprehensive Plan stipulates that, if an area that is designated and/ or developed as non-residential desires to transition to a residential use, the City of Irving should require the following:
 - a. The area is physically appropriate (i.e., size, shape, etc.) for residential use.
 - b. The area is adjacent to a residential neighborhood shown on the generalized Future Land Use Map and is not separated from the neighborhood by a major thoroughfare (or larger), or the residential use is a part of a mixed-use development.
 - c. The rezoning will not result in a shortage of land designated for non-residential development.
 - d. The rezoning does not leave a residual tract of non- residentially zoned property that does not conform to the generalized Future Land Use Map, or that negatively affects the proposed residential use.
 - e. The rezoning provides for an appropriate transition between residential and non-residential uses through separation by distance, screening, or land use (i.e., creek, four-lane roadway, etc.), if integration of residential and non-residential land uses into a mixed-use environment is not achievable.

Staff believes the proposed Comprehensive Plan Amendment meets these criteria.

5. Although the Land Use + Urban Design section of the 2017 Imagine Irving

Comprehensive Plan recommends limiting new multi-family construction to mixed-use developments, Strategy 1.5.8 under Goal 1 of this section does allow for approving new development that is consistent with and enhances existing development.

6. Since the tract under consideration is located adjacent to existing multi-family uses in an infill setting, this will serve to meet the above strategy 1.5.8 of Goal 1 of the Comprehensive Plan. If viable connections are made with the existing retail immediately to the east, the argument can be made that it would then be part of a horizontal mixed use development which would then be in conformance with goal 1.
7. The applicant is seeking the following exceptions to numerous required zoning and multifamily development standards. These standards were established to create a suburban, mid-density product. The applicant is requesting to build an urban, high density product which, with the configuration of the lot, necessitates the number of exceptions.

Code	Requirement	Request
52-16b (d)	Maximum density: 18 units/acre	45 units/acre
52-59 (b) 4 c 1	Parking Required: 1 space per efficiency, 1.5 spaces per one bedroom, 1.8 spaces per two bedroom (329 required)	1 space/bedroom, plus 1 space/250 sq. ft. of common areas, offices and recreation. (291 required, 295 provided) (Note: public transportation (bus stop) is within 50 feet of the front of the property. Development is not adjacent to any single family property).
52-59 (b) 4 c 2	No parking allowed in the front yard	Parking allowed in front yard
52-59 (b) 4 c 3 and 52-59 (c) 4 d 4	Maximum of 10 parking spaces between landscaped islands having a minimum width of 8'	Max. of 13 parking spaces between landscaped islands; islands can be less than 8'
52-59 (b) 4 c 3	Parking shall not be constructed more than one parking bay in width unless a min. 8-foot wide strip of landscaping is provided between bays	No landscape strip required between parking bays
52-59 (b) 4 e 1	Buildings shall not exceed 200 feet in length	Buildings shall not exceed 400 feet in length
52-59 (b) 4 e 2	3 stories maximum building height	4 stories maximum height
52-59 (b) 4 e 3,4	Minimum building setbacks from street right-of-way, side and rear yard	Minimum building setbacks per site plan
52-59 (b) 4 e 5	Minimum separation between buildings	Minimum building separations per site plan
52-59 (b) 4 f 2	Maximum 10% of total units can be efficiency units	Efficiency units shall not total more than 35% of total units
52-59 (b) 4 g 1	A min. of 30% of the gross area of the site must be provided as open space	A min. of 20% of the gross area of the site must be provided as open space
52-59 (b) 4 g 2	Minimum useable open space: 25% of total net floor area.	Minimum useable open space: 3% of total net floor area.
52-59 (b) 4 g 3	Instead of setting aside a least 25% of usable open space for children and youth, the applicant may elect to install: basketball court, swings, playground equipment, sidewalk loops	Dog park
52-59 (b) 4 h 1	A min. 8' wide perimeter landscape area shall be contiguous to all side and rear property lines adjacent to other multi-family or non-residentially zoned land and private access drives	No min. width perimeter landscape area shall be required

52-59 (b) 4 h 2	No swimming pools may be located between an adjacent street and a main building. [Pools] shall be located within the interior of the site, screened from view by main buildings, unless adjacent to other multifamily or non-residentially zoned land.	No building or opaque screening of pool from Valley Ranch Parkway. However, pool and deck will be elevated above grade of parking lot
52-59 (b) 4 h 3 and 52-59 (b) 4 h 4	A min. 25' wide landscape area adjacent to abutting streets shall be maintained	Min. 5' wide landscape area adjacent to abutting streets; tree requirement will be met
52-59 (b) 4 h 3	A min. 12' wide landscape area adjacent to principle buildings	No minimum landscape area adjacent to principle buildings
52-59 (c) 4 c 1	8' width landscape buffer contiguous along perimeter	No min. width; tree requirements will be met
52-59 (c) 4 c 4	Min. 12' width along principle buildings; trees at (1) per 480 sq. ft. / max 33% small trees	No min. width along principle buildings; 50% tree reduction / no limit on ornamental trees
52-59 (c) 4 c 5	Open space trees at (1) per 1500 sq. ft. above required buffer / perimeter trees	No open space trees required

8. A total of 20 public notices were mailed. Staff has received 26 letters in support of this request. Staff has not received any responses in opposition.
9. Staff believes that the proposed multifamily development is a good infill use between the commercial property to the east and the lower density multifamily development to the west. The exceptions requested from the multifamily design standards are typical of a modern urban product. Therefore, staff can support this request.
10. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

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

24 Ordinance - Zoning Case #ZC19-0086 - Considering a Zoning Change from R-6 (Single Family) District Uses to S-P-2 (Generalized Site Plan) District for R-6 (Single Family) Uses - Approximately 0.17 Acres Located at 2809 Cheyenne Street - Wuilber Ventura, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 20, 2020 – Favorable 8-0 (Commissioner Patel, absent).
2. **The owner is requesting a zoning change to allow a pool to be built with an exception to the required distance from the side property line.** The pool was built without a permit, and a code compliance case was opened.
3. The 2017 Imagine Irving Comprehensive Plan recommends *Residential Neighborhood* uses for the subject property, which allows predominantly single-family detached homes or duplexes with some mix of non-residential uses. The existing single family use remains unchanged and is in conformance with the Comprehensive Plan.
4. An exception is being requested to allow the pool to encroach into the required five (5) foot side setback by two (2) feet, resulting in a three (3) foot setback from the side property line.
5. The pool and surrounding construction has been inspected and approved by the Inspections Department. In addition to the deck around the pool, a retaining wall was built on the property line with a wrought iron fence on top.

	Required in R-6	Proposed
Minimum Setback from Property Line for a Pool	5 feet	3 feet

6. The site plan only allows the exception for the pool from the side setback. All construction must still be permitted if the zoning request is approved.
7. A total of 23 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
8. 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.

25 Ordinance - Zoning Case #ZC19-0094 - Considering a Zoning Change from HCD-CMU (Heritage Crossing District -Corridor Mixed Use Subdistrict) Uses to S-P-1 (Detailed Site Plan) District for HCD-CMU (Heritage Crossing District - Corridor Mixed Use Subdistrict) Uses - Approximately 0.38 Acres Located at 701 E. Irving Boulevard - Blue Lake Spirits LLC, Applicant - Long Oil Company, Inc., Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 20, 2020 – Favorable 8-0 (Commissioner Patel, absent) subject (a) to removal of the storage shed on the east side of the building and placing parking in this area, and (b) adding landscaping in front of the building after completion of reconstruction of Irving Boulevard.
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Main Street* uses for this property. This land use category is described as mixed-use walking district with single and multi-story buildings, with on street parking. The requested zoning is in conformance with the Comprehensive Plan.
3. **The applicant is seeking to convert a portion of the existing building into a 2,200 square foot convenience store.** The 4800 sq. ft. remainder of the building will remain used for warehousing.
4. **The City's Convenience Store Standards require that buildings being changed from another use to a convenience store use be brought into compliance with all current standards for landscaping, screening, parking, loading, building and other codes, and accessibility requirements prior to receiving a certificate of occupancy.** While the retail use is allowed under the existing zoning, Section 52-32f (h)(2) of the Heritage Crossing District form based code requires a minimum three-foot tall vegetative screen to be placed between the parking lot and Irving Boulevard. The applicant is requesting to not install this parking lot screening at this time due to the pending reconstruction of Irving Blvd. and the uncertainty of how that may affect his driveways and parking.
5. Section 52-32f (f)(2) of the Heritage Crossing District requires one off-street parking space per 300 square feet of retail space. 13 spaces are required for the convenience store and warehouse uses. The property is currently striped to accommodate approximately 15 parking spaces; five in front of the building and ten along the side and rear.
6. This site plan also clarifies that the existing building may remain at its current location, a maximum 55 feet from the front property line.
7. A total of 17 public notices were mailed. Staff has not received any written responses in support of or in opposition to this request.
8. The property owner across Irving Blvd. to the south spoke at the Planning and Zoning Commission hearing and expressed concerns about potential overflow parking onto her auto repair business.

9. The Planning and Zoning Commission recommendation includes the removal of a side storage building in order to provide additional parking spaces and installation of landscaping at the front of the building after completion of the Irving Boulevard reconstruction.
10. Since the property currently complies with the required parking, staff recommends approval of the applicant's request without the stipulations recommended by the Commission.
11. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

The ordinance be adopted per the staff recommendation

APPOINTMENTS AND REPORTS

26 Mayor's Report

Adjournment