

**IRVING CITY COUNCIL
SPECIAL MEETING AGENDA
WEDNESDAY, AUGUST 25, 2010
6:00 PM**

COUNCIL CHAMBER - CIVIC CENTER COMPLEX - 825 West Irving Boulevard, Irving, TX 75060

This meeting can be adjourned and reconvened, if necessary, within 24 hours on the following day in the First Floor City Council Conference Room.

1 Resolution--Approving and Accepting the Proposal of Key Life Homes, Inc., for Development of Vacant Lots on Tudor Lane

Administrative Comments

1. This item supports Strategic Goal No. 2: Vibrant Neighborhoods.
2. This item has been recommended by Housing and Human Services.
3. **Impact:** Providing homeownership opportunities for income qualified individuals and families who wish to reside in Irving.
4. The City issued a request for proposal for the design, engineering, and development of the three acre site on Tudor Lane, which also included the construction of at least 14 single family residences. The goal is to initiate the revitalization of Tudor Lane by creating a safe, livable, model block neighborhood.
5. Key Life Homes, Inc. is an Irving based builder who has participated in a number of housing development projects within the City of Irving. This developer has an exceptional record in partnering with community housing development organizations to assist with the redevelopment of various areas in the city.
6. The proposal was reviewed in accordance with pre-established criteria which included the quality of the development concept, benefits to the city and community, project feasibility, as well as the developer's capacity and experience.
7. Funding in an amount not to exceed \$1,975,000.00 is available in the Neighborhood Stabilization Program Fund; an amount not to exceed \$400,000.00 is available in the Community Development Block Grant Fund; and an amount not to exceed \$207,700.00 is available in the Home Investment Partnerships Grant Fund. Total funding for this contract is \$2,582,700.00.

Recommendation

The resolution be approved.

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 wheel chair accessible and handicap-parking spaces are available. Requests for interpretation services of assistive hearing devices must be made 48 hours prior to the meeting. Contact the City Secretary's Office at (972) 721-2493 or (TDD) 1-800-RELAY TX (1-800-735-2989) for assistance.

2 Resolution--Authorizing the Filing of an Expedited Declaratory Judgment Petition Regarding the Issuance of Public Securities to Finance the Planning, Design, and Construction of the Entertainment Center and Hotel Project

Administrative Comments

1. This item supports Strategic Goal No. 3: Economic Development.
2. **Impact:** Approval of the resolution will authorize the City's attorneys to file the bond validation suit to provide assurances regarding the funding of the Entertainment Center and Hotel Project.
3. Staff recommends filing an expedited declaratory judgment petition to obtain judicial validation of the revenue sources and the proposed use of funds for the Entertainment Center and Hotel Project. The court's judgment will provide assurances to bondholders and equity investors that the City is properly utilizing statutorily authorized revenues to fund the project.
4. Bond Counsel will be available in executive session to brief the Council on the litigation process.
5. The resolution also approves the form of the bond ordinances for the three series of municipal bonds. Current drafts of the ordinances are attached. The ordinances are still being reviewed and any changes will be distributed at the council meeting.
6. No additional funding is required because the City Council previously authorized Vinson & Elkins, LLP, to prepare the pleadings.

Recommendation

The resolution be approved.

3 Resolution--Approving Concessionaire Non-Disturbance Agreements Between the City of Irving and the Las Colinas Group, LP with Blue Marble 360, LLC, B Concessionaire-Las Colinas, LLC, BB Concepts, LLC, and B Retail, LLC, Related to the Irving Entertainment Center and Hotel Project

Administrative Comments

1. This item supports Strategic Goal No. 3: Economic Development.
2. **Impact:** These agreements approve the terms of the concessionaire agreements for the Irving Entertainment Center at Las Colinas and provide for the agreements to remain in effect should the City or Tenant terminate the lease agreement.
3. The City has entered into a development agreement and lease with Las Colinas Group, LP (Tenant) to construct, lease and operate the Irving Entertainment Center at Las Colinas. The Tenant is required to enter into an agreement with a concessionaire to provide food and beverage concessions within the entertainment center. In addition, the Tenant has entered into agreements for other operation activities. The concessionaire and other providers have requested that the City acknowledge these agreements and agree to allow the agreements to continue as a direct relationship with the City in the event that the City terminates the lease with the Tenant. The Non-

Disturbance Agreements benefit the City because of assurances that the concessionaire will continue to operate even if the Tenant or the City terminates the lease.

4. On June 3, 2010, the Tenant entered into a Content Agreement with Blue Marble 360, LLC, for the content intellectual property rights related to recording, replay and distribution of live performances at the Irving Entertainment Center at Las Colinas.
5. On May 28, 2010, the Tenant entered into a Concession Agreement with B Concessionaire – Las Colinas, LLC, doing business as Texas Hospitality Group, for pre-development consulting services and for the food and beverage operations related to the Irving Entertainment Center at Las Colinas.
6. On May 28, 2010, the Tenant entered into a Concepts Agreement with BB Concepts, LLC, to develop food and beverage design concepts and other intellectual property, talent booking and production assistance for the operation of the Irving Entertainment Center at Las Colinas.
7. On May 28, 2010, the Tenant entered into a Retail Sublease with B Retail, LLC, for the Irving Entertainment Center at Las Colinas.
8. The Concessionaire Non-Disturbance Agreements provide for the subordination of these agreements to the Development Agreement and Lease with the Tenant.

Recommendation

The resolution be approved.

- 4 **Ordinance--Amending the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16G, "Irving Entertainment Center Admissions Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a 10 Percent Tax on Each Ticket Sold as an Admission to an Event Held at Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance**

Administrative Comments

1. This item supports Strategic Goal No. 3: Economic Development.
2. **Impact:** Approval of the ordinance will levy and impose the admissions tax for the entertainment center and hotel project.
3. In November of 2007, Irving voters overwhelmingly approved the imposition of a 10% admissions tax to provide funding for the development, construction and financing of the entertainment center and hotel project to support Irving's convention center.
4. The proposed ordinance will require the City's lessee/operator of the entertainment center to charge a 10% admissions tax on the price of each admission ticket sold at the venue. State law and the ordinance allow the lessee to retain 1% of the tax proceeds to offset the cost of collecting the tax.

5. These tax revenues will be pledged to repay the bonds sold to finance the entertainment center and hotel project.

Recommendation

The ordinance be adopted.

- 5 Ordinance--Amending the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Adding Chapter 16H, "Irving Entertainment Center Parking Tax"; Providing Definitions; Providing for the Levy, Imposition, and Use of a Tax Equal to \$3.00 Per Motor Vehicle on Each Motor Vehicle Parked in a Parking Facility for Irving Entertainment Center; Providing Collection, Reporting, Payment, and Recordkeeping Requirements and Procedures; Providing for Interest and Civil Penalties; and Providing for a Fine of Up to \$500 for Each Offense in Violation of the Ordinance**

Administrative Comments

1. This item supports Strategic Goal No. 3: Economic Development.
2. **Impact:** Approval of the ordinance will levy and impose the parking tax for the entertainment center and hotel project.
3. In November of 2007, Irving voters overwhelmingly approved the imposition of a \$3 per vehicle parking tax to provide funding for the planning, construction and financing of the entertainment center and hotel project to support Irving's convention center.
4. The proposed ordinance will require the City's lessee/operator of the entertainment center to charge a parking tax of \$3 per vehicle for all cars parked in parking facilities controlled by the lessee/operator, including the Urban Towers parking garage during the times authorized by the Urban Towers parking lease approved by the City Council on May 28, 2009 (Res. No. RES-2009-225). The ordinance will also levy the parking tax on vehicles parked at any parking facilities contractually secured by the lessee/operator for festival or special event parking. State law and the ordinance allow the lessee/operator to retain 1% of the tax proceeds to offset the cost of collecting the tax.
5. These tax revenues will be pledged to repay the bonds sold to finance the entertainment center and hotel project.

Recommendation

The ordinance be adopted.