

AGENDA
Irving City Council Regular Meeting
Thursday, February 13, 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 35

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving Work Session Minutes for Wednesday, January 29, 2020

3 Approving Special Meeting Minutes for Wednesday, January 29, 2020

4 Approving Regular Meeting Minutes for Thursday, January 30, 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.

5 Ordinance - Amending Ordinance No. 2019-10250 Providing Budget Adjustment #2 to the 2019-20 Fiscal Year Budget

Administrative Comments

1. This item has been recommended by the Financial Services Department.
2. Budget Adjustments are needed in the following funds: General Fund, Economic Development Project Fund, ICVB General Fund, ICVB Convention Center Fund, Museum Fund, Miscellaneous Donations Fund, and Emergency Management Grant Fund.
3. The adjustment has been proposed by city staff, and has been reviewed and recommended by Budget staff and Financial Services.

Recommendation

The ordinance be adopted.

6 Resolution - Authorizing the Mayor to Enter into an Agreement with Dallas County Elections Department in an Amount Not to Exceed \$160,000.00 to Administer the Regular Municipal Election and Special Election to be Held on Saturday, May 2, 2020, for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5), and Bond Election; Subsequent Run-Off Election If Necessary

Administrative Comments

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The Dallas County Elections Department contract streamlines the election process, reduces cost by splitting fees amongst all Dallas County entities; including school districts, community college districts and hospital authorities, and reaches the broadest spectrum of Irving voters due to various early voting polling locations available throughout Dallas County.
3. Dallas County has implemented countywide polling places, also known as Vote Centers. On Election Day, voters may vote at any countywide polling place within Dallas County. Voters are no longer limited to the polling place designated by their precinct.
4. The standard contract that the City will enter into with Dallas County Elections Department is in compliance with the Texas Election Code and has been reviewed by the City Secretary's Office and the City Attorney's Office.
5. Council has approved up to \$160,000.00 for the May election and run-off election, if needed; these funds are available in the General Fund.

6. City of Irving's total contract amount due is subject to increase pending cancellation of various entity elections throughout Dallas County.

Recommendation

The resolution be approved.

7 Resolution - Approving a Clinical Affiliation Agreement Between the City of Irving and Collin County Community College District for the Emergency Medical Services Program with the Irving Fire Department

Administrative Comments

1. This item is recommended by the Fire Department.
2. **Impact:** This opportunity provides clinical experience to students of Collin County Community College District's Emergency Medical Services Program.
3. This Agreement shall become effective on January 1, 2020, for a term of one (1) year, and shall continue annually thereafter, unless terminated by either party.

Recommendation

The resolution be approved.

8 Resolution - Approving the Acquisition of a Public Utility Easement on Parcel 115-14, Located at 1400 N. Walton Walker Blvd in the Amount of \$24,075.00

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 0.123 acre utility easement, across Parcel 115-14 situated at 1400 N. Walton Walker Blvd and owned by Sunbelt Rentals, Inc.
3. **This item will be presented to the Transportation and Natural Resource Committee on February 12, 2020.**

4. Funding in the amount of \$24,075.00 is available in the Water and Sewer System Non-Bond CIP Fund.

Recommendation

The resolution be approved.

9 Resolution - Consider a Request by San Vito, LLC, for Local Support for an Application to the Texas Department of Housing and Community Affairs to Develop Affordable Housing at 550 E. John Carpenter Fwy.

Administrative Comments

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This project could potentially increase the number of affordable housing units in Irving.
3. Saigebrook Development, LLC and O-SDA Industries, LLC is requesting a resolution of support from the City of Irving as part of its application to the Texas Department of Housing and Community Affairs (TDHCA) Low Income Housing Tax Credit (LIHTC) program.
4. The location of the proposed project is 550 E John Carpenter Frwy.
5. An overview presentation of the LIHTC program was presented at the City Council Work Session on January 15, 2020.
6. On January 30, 2020, Saigebrook Development, LLC presented an overview of their proposed project to the Community Services Committee.

Recommendation

The resolution be considered.

10 Resolution - Consider a Request by MHP Region 3 II, LLC, for Local Support for an Application to the Texas Department of Housing and Community Affairs to Develop Affordable Housing at 2800 S. MacArthur Blvd.

Administrative Comments

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This project could potentially increase the number of affordable housing units in Irving.
3. McDowell Housing Partners is requesting a resolution of support from the City of Irving as part of its application to the Texas Department of Housing and Community Affairs (TDHCA) Low Income Housing Tax Credit (LIHTC) program.
4. The location of the proposed project is 2800 S. MacArthur Blvd.
5. An overview presentation of the LIHTC program was presented at the City Council Work Session on January 15, 2020.
6. On January 30, 2020, McDowell Housing Partners presented an overview of their proposed project to the Community Services Committee.

Recommendation

The resolution be considered.

11 Resolution - Approving an Agreement with Sole Source Provider Utilis, Inc., in an Amount Not to Exceed \$72,000.00 for Satellite Leak Detection Services

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 item supports the Irving Connects, the city's smart city initiative.** This contract will allow for identification of leaks which have not yet surfaced in order to schedule repairs to reduce the city's non-revenue water or advise customers of leaks on private systems.
3. **This item was presented to the Transportation and Natural Resources Committee on January 15 and will be presented again on February 12, 2020.**
4. A pilot program of satellite leak detection covering 500 miles of water line was completed in FY18-19 which resulted in identification and repair of 38 leaks.
5. This project is designed to capture leak data across the entire 700+ miles of water

distribution pipes in Irving. It will include two complete satellite passes and investigations over the next 12 months.

6. Ground Crew leak confirmation will be provided by the Water Utilities leak detection staff after each satellite pass. Once confirmed, leaks will be scheduled for repair by maintenance staff. Early detection and repair of leaks can prevent large main breaks which may result in more expensive repairs and greater customer inconvenience.
7. As a supplement to our traditional Leak Detection Program, using satellite radar remote survey technology expedites discovery of leaks, allows the Leak Detection Team to identify leaks which may not be readily found with traditional methods and costs slightly less per leak found based on the 2019 pilot program data. Both approaches used in tandem ensure a more comprehensive method for monitoring the water distribution system and minimizing non-revenue water.
8. Funding in the amount of \$72,000.00 is available in the Water Utilities budget within the Water and Sewer System Fund.

Recommendation

The resolution be approved.

Bids & Purchasing Items Items 12-23

12 Resolution - Approving Expenditures for As-Needed Purchases from Plano Office Supply Co., in the Total Estimated Amount of \$236,000.00 for Furniture through the Collin County Community College District Interlocal Cooperative Purchasing Program

Administrative Comments

1. This item is recommended by the Financial Services Department – Purchasing Division.
2. **Impact:** Use of this contract will allow the city to purchase office furniture under the best possible terms and conditions for the city.
3. These purchases are supported by a Vendor/Member contract between the City of Irving and Collin County Community College District Contract No. 4203, which expires on January 31, 2024, which was approved by RES-2019-107 on March 21, 2019.
4. Approval of this contract supports as-needed purchases and installation of office furniture manufactured by HON, Allsteel, Body Built and other manufacturers through the designated Collin County Community College District contract for the

specified contract term. The requested spending amount also includes furniture purchases for the Council Conference Room renovation, the West Library renovation, additional cubicle space to accommodate new hires for the Capital Improvement Program Department, and items needed to outfit the new Fire Station #4 location.

- Funding for Fiscal Year 2019-20 is available in various departmental budgets within various funds, while funding for Fiscal Year 2020-21 is subject to budget appropriation. Authorization for additional spending will continue to be requested annually in order to accommodate any known building or renovation project-related requirements.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Plano Office Supply Co.	2/14/20 – 1/31/21	\$173,500.00	2019-20
		\$ 62,500.00	2020-21
TOTAL		\$236,000.00	

Recommendation

The resolution be approved.

13 Resolution - Approving an Expenditure with Mart, Inc., in the Total Estimated Amount of \$66,980.00 for Upgraded Security Infrastructure Items for the Municipal Court, through the Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center

Administrative Comments

- This item is recommended by the Municipal Court.
- Impact:** The installation of bullet resistant glass will increase the security of court personnel on the first floor in the customer service area.
- The work to be performed includes demolition and removal of the existing glass windows, cutting openings in the countertop for stainless steel trays, installation of ten bullet resistant glass windows at the customer service counter and two door view windows on each side, patching and repairing openings, a speaker cut-out with bullet resistant cover, and cleanup of all debris.
- This purchase is supported by a Vendor/Member Contract utilizing TIPS Contract No. 170201 which expires on April 26, 2020. The contract was approved by Council on February 28, 2019 by RES-2019-86.
- Funding in the total estimated amount of \$66,980.00 is available in the Court

Building Security Fund.

Recommendation

The resolution be approved.

14 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Facility Solutions Group and Authorizing As-Needed Expenditures in the Total Estimated Amount of \$180,000.00 for Parks and Recreation Equipment and Field Lighting Products and Installation, through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks and Recreation Department, the Capital Improvement Program Department – Facilities Services Division, and the Financial Services Department - Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Facility Solutions Group, for utilization of BuyBoard Contract No. 592-19 which expires on September 30, 2020 will allow the city to purchase parks and recreation equipment and field lighting products and installation, under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed purchase, installation, and repair of lighting systems through the designated BuyBoard contract for the specified contract term. This will allow the city to purchase, install, and repair lighting systems to ensure that all City of Irving parks and recreation facilities and athletic fields are equipped with safe, essential, and progressive lighting components for our customers.
4. Funding for Fiscal Year 2019-20 is available in the Parks and Recreation Department budget within the General Fund and in the Park Improvement Bond Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Facility Solutions Group	2/14/20 - 9/30/20	\$180,000.00	2019-20

Recommendation

The resolution be approved.

15 Resolution - Approving the Purchase from Professional Turf Products, LP, of Replacement Grounds Maintenance Equipment in the Total Estimated Amount of \$180,733.16 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of new grounds maintenance equipment as shown below will reduce equipment downtime, thereby increasing effectiveness and better supporting the needs of the Parks & Recreation Department and the residents of Irving.
3. These budgeted replacements are supported by a Vendor/Member contract between the City of Irving and Professional Turf Products, LP, which was approved by Administrative Award No. 6632 on December 13, 2019, utilizing BuyBoard Contract No. 529-17. This contract expires on May 31, 2020.
4. Funding is available in the Vehicle and Equipment Replacement Fund.

Department	Equipment Type	Replaces City Tag # (Year Model)	Total Est. Expenditure
Parks & Recreation	Field Groomer	07736-3 (2004)	\$ 25,163.96
	Triplex Reel Mower	56758-3 (1995)	\$ 52,658.68
	16 ft Wide Mower	07752-3 (2005)	\$ 99,366.73
	BuyBoard Destination Fee		\$ 3,543.79
TOTAL			\$180,733.16

Recommendation

The resolution be approved.

16 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Blackmon-Mooring Services, Ltd., and Authorizing As-Needed Expenditures in an Amount Not to Exceed \$750,000.00 for General Disaster Recovery and Restoration Services through the Texas Local Government Statewide Purchasing Cooperative Purchasing Program Administered by the Texas Association of School Boards (The BuyBoard Program)

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) Department – Facilities Maintenance Division and the Financial Services Department - Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Blackmon-Mooring Services, Ltd., for utilization of BuyBoard Contract No. 591-19 which expires on September 30, 2020 will allow the city access to general disaster recovery and restoration services under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed services associated with disaster recovery efforts for facilities damaged through catastrophic events and natural disasters. A quick and efficient response to facility damage helps to ensure the on-going vital operations of the city. This agreement provides for clean-up and reconstruction services to facilities damaged by water, fire, wind, etc.
4. **The item was presented to Transportation and Natural Resources Committee on February 12, 2020.**
5. Funding will generally be available in the Self-Insurance Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Blackmon-Mooring Services, Ltd.	2/14/20 - 9/30/20	\$750,000.00	2019-20

Recommendation

The resolution be approved.

17 Resolution - Approving the Purchase from Facility Solutions Group (FSG), in the Total Estimated Amount of \$155,587.00 for Replacement of the Backup Generator at the Jack D. Huffman Community Building through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.5 – Support strategic investments in the city facilities.
2. **Impact:** Approval of this item provides for replacement of the backup generator at the Jack D. Huffman Community Center.
3. **This item will be discussed with the Transportation and Natural Resources Committee on February 12, 2020.**
4. In the event of an electrical power interruption, this replacement generator will ensure that fundamental functions of the building will continue to be supported.
5. This purchase is supported by a Vendor/Member contract between the City of Irving and FSG utilizing BuyBoard Contract No. 558-18, which expires on February 29, 2020. The contract was approved on March 21, 2019 by RES-2019-113.
4. Funding in the total estimated amount of \$155,587.00 is available in the City Building Improvement Bond Fund.

Recommendation

The resolution be approved.

18 Resolution - Approving and Accepting the Bid from Midway Press, Ltd., in the Total Estimated Amount of \$83,820.00 for Printing of Resident Newspaper

Administrative Comments

1. This item is recommended by the Communications Department.
2. **Impact:** Printing and distribution of the City Spectrum ensures that city information and events are communicated to residents in a timely manner.
3. This award establishes an annual contract for the continuation of printing the resident newspaper. The contract is subject to two, one-year renewal options.
4. Funding for Fiscal Year 2019-20 is available in the Communications Department budget within the General Fund while funding for Fiscal 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Midway Press, Ltd.	3/1/20 – 02/28/21	\$44,340.00	2019-20
		\$39,480.00	2020-21
TOTAL		\$83,820.00	

Recommendation

The resolution be approved.

19 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Kirby-Smith Machinery, Inc., through the State of Texas Local Government Statewide Purchasing Cooperative Program (BuyBoard)

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 Kirby-Smith Machinery, Inc., for utilization of BuyBoard Contract No. 597-19 which expires on November 30, 2020 will allow the city to procure construction, road and bridge, ditching, trenching, and other equipment under the best possible terms and conditions for the city.
3. Approval of this item allows for the purchase of various excavators and dump trucks as presented in the following item on this agenda as well as any future purchases from this vendor through the designated BuyBoard contract during the specified contract term.

Recommendation

The resolution be approved.

20 Resolution - Approving the Purchase from Kirby-Smith Machinery Company, Inc., for Various Excavators and Dump Trucks in the Total Estimated Amount of \$1,733,402.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Traffic & Transportation and Solid Waste Services departments and approved by the Fleet Services Division.
2. **Impact:** The purchases shown below from Kirby-Smith Machinery Company, Inc., will allow for replacement of older equipment in order to reduce downtime, increase effectiveness, and better support the needs of the stated departments and residents of Irving.
3. The purchase of a Gradall XL 4100 hydraulic excavator is a budgeted replacement which will enhance the Streets Division fleet and will be used for street maintenance in support of Strategic Systematic Infrastructure Investment. The new excavator will replace City Tag #18117, a 2008 Gradall excavator.
4. The purchase of a Komatsu PC360LC-11 excavator and two Komatsu HM400-5 articulated dump trucks will ensure that Solid Waste Services is able to maintain a high level of customer service for Irving residents as a Successful Environmentally Sustainable Community. These new vehicles and equipment will provide improved performance, reduced energy costs, and cleaner air. The purchase includes scheduled maintenance for three years or 200 hours, as well as a 36 month/3,000 hour premier warranty package.

Department	Description (Quantity)	Replaces City Tag #	Total Estimated Amount	Fund(s)
Traffic & Transportation	Gradall XL 4100 Hydraulic Excavator (1)	18117	\$ 406,074.00	Vehicle & Equipment Replacement
Solid Waste Services	Komatsu PC360LC-11 Excavator (1)	06196	\$ 348,317.00	Solid Waste Operating
	Komatsu HM400-5 Articulated Dump Truck (2)	06200 06206	\$ 979,011.00	
TOTAL			\$1,733,402.00	

Recommendation

The resolution be approved.

21 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and MHC Kenworth through the State of Texas Local Government Statewide Purchasing Cooperative Program (BuyBoard)

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 MHC Kenworth for utilization of BuyBoard Contract No. 601-19 which expires on November 30, 2020 will allow the city to procure vehicles, heavy duty trucks, parts and service labor under the best possible terms and conditions for the city.
3. Approval of this item allows for the purchase of dump trucks as presented in the following item on this agenda as well as any future purchases from this vendor through the designated BuyBoard contract during the specified contract term.

Recommendation

The resolution be approved.

22 Resolution - Approving the Purchase of Dump Trucks from MHC Kenworth in the Total Estimated Amount of \$378,792.08 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by Traffic & Transportation 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 enhance mobility for the safe and effective transit of motorists throughout the City of Irving.
3. These purchases are supported by a Vendor/Member contract between the City of Irving and MHC Kenworth utilizing BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which expires on November 30, 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	Qty	Replaces City Tag #	Total Est. Expenditure
Traffic & Transportation	T730 Kenworth 5-6 yd Dump Truck	4	18080 18092 18099 18107	\$378,792.08

Recommendation

The resolution be approved.

23 Resolution - Approving Spending for As-Needed Expenditures from GTS Technology Solutions, Inc., in an Amount Not to Exceed \$100,000.00 for Panasonic Branded Products and Related Services through the State of Texas Department of Information Resources (DIR)

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** Approval of this item will allow for the purchase of Panasonic CF-33 Toughbooks and related accessories under the best possible terms and conditions for the city.
3. A Vendor/Member Contract between City of Irving and GTS Technology Solutions, Inc. was approved on December 13, 2018 by RES-2018-483 for as-needed purchases. The contract supports utilization of DIR Contract No. DIR-TSO-4025 for Panasonic Branded Products and Related Services, which has been renewed by DIR for the period of November 11, 2019 through November 10, 2020.
4. Approval of this contract supports the purchase of Panasonic CF-33 Toughbooks and related accessories as well as any future purchases from this vendor through the designated DIR contract for the specified contract term.
5. Funding is available in various departmental budgets within various funds.
6. Because this contract term runs from February 2020 through November 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	Estimated Amount	Fiscal Year
GTS Technology Solutions	02/14/20 – 11/10/20	\$ 90,000.00	2019-20
		\$ 10,000.00	2020-21
Total Not to Exceed Amount		\$100,000.00	

Recommendation

The resolution be approved.

End of Bids

24 Ordinance - Authorizing the Abandonment and Vacation of a Certain Portion of a 15-Foot Wide Water Line Easement in Lot 1R, Block A, of the Hidden Ridge Lifestyle Core Revised Addition

Administrative Comments

1. This item has been recommended by the Capital Improvement Program Department.
2. **Impact:** The 15' foot water line easement being abandoned is not now needed for public utility purposes and will not be needed in the future for such purposes. Verizon Realty Corporation requested this abandonment.
3. **This item will be presented to the Transportation and Natural Resources Committee on February 12, 2020.**
4. Capital Improvement Program and Water Utilities Departments have approved the abandonment of this easement.

Recommendation

The ordinance be adopted.

25 Ordinance - Authorizing the Abandonment and Vacation of a Certain Portion of a 30-Foot Wide Mutual Access Easement in Lot 1R, Block A, of the Hidden Ridge Lifestyle Core Revised Addition

Administrative Comments

1. This item has been recommended by the Capital Improvement Program Department.
2. **Impact:** The 30' foot mutual access easement being abandoned is not now needed for public access purposes and will not be needed in the future for such purposes. Verizon Realty Corporation requested this abandonment.
3. **This item will be presented to the Transportation and Natural Resources Committee on February 12, 2020.**
4. Capital Improvement Program and Water Utilities Departments have approved the abandonment of this easement.

Recommendation

The ordinance be adopted.

26 Resolution - Adopting Guidelines and Criteria Governing Tax Abatement Agreements

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Adoption of guidelines and criteria governing tax abatement agreements will allow the City to enter into a tax abatement agreement.
3. **This item was presented to the Irving City Council Planning and Development Committee on November 14 and December 12, 2019 and discussed at the City Council Work Session meeting on January 29, 2020.**
4. Currently, the majority of the economic development incentives utilized by the City of Irving are governed by two main policies: Guidelines and Criteria Governing Tax Abatement Agreements and Comprehensive Policy Statement of Local Economic Development and Business Stimulation Incentives. The City engaged TXP, Inc. to review Irving's existing economic development incentive policies and to make needed recommendations for amending these policies.
5. The Guidelines and Criteria Governing Tax Abatement Agreements provides the guidelines and criteria for tax abatements as economic development incentives under Sections Chapter 312.201 through 312.209 of the Texas Local Government Code. The current policy outlines very specific criteria and key factors to determine

the amount of economic incentives to be considered. TXP recommended amending the policy to provide City Council with greater flexibility in setting the level of incentives under this policy.

6. Based on the recommendations presented by TXP, Inc., the City of Irving will continue to offer tax abatements grants as economic incentives under the amended Guidelines and Criteria Governing Tax Abatement Agreements but shall not be limited to a pre-determined level of investment or level of incentive to be offered. The amended policy will allow City Council to evaluate projects and provide incentives on a case-by-case basis.
7. The city last adopted these guidelines by Resolution No. 2018-136 on April 19, 2018. Adopted guidelines are effective for two years [Tax Code 312.002(c)].

Recommendation

The resolution be approved.

27 Ordinance - Amending the Irving Policy Statement on Local Economic Development and Business Stimulation Incentives

Administrative Comments

1. This item has been recommended by the Office of Economic Development.
2. **Impact:** The amended Comprehensive Policy Statement of Local Economic and Business Stimulation Incentives Policy will create greater flexibility.
3. **This item was presented to the Planning and Development Committee on November 14 and December 12, 2019, and discussed in the City Council Work Session meeting on January 29, 2020.**
4. Currently, the majority of the economic development incentives utilized by the City of Irving are governed by two main policies: Guidelines and Criteria Governing Tax Abatement Agreements and Comprehensive Policy Statement of Local Economic Development and Business Stimulation Incentives. The City engaged TXP, Inc. to review Irving's existing economic development incentive policies and to make needed recommendations for amending these policies.
5. The Comprehensive Policy Statement of Local Economic and Business Stimulation Incentives provides the guidelines and criteria for incentives under Chapter 380 of the Texas Local Government Code. The current policy outlines very specific criteria and key factors to determine the amount of economic incentives to be considered. TXP, Inc. recommended amending the policy to provide City Council with greater flexibility in setting the level of incentives under this policy.
6. Based on the recommendations presented by TXP, Inc., the City of Irving will

continue to offer Chapter 380 grants as economic incentives under the amended Comprehensive Statement of Local Economic and Business Stimulation Incentives Policy but shall not be limited to a pre-determine level of investment or level of incentive to be offered. The amended policy will allow City Council to evaluate projects and provide incentives on a case-by-case basis.

7. Under the amended policy, the following specific incentive programs have been removed to their specific requirements and limited use as economic development tools: Inventory Incentives, the Grant of Economic Equivalent of Tax Abatement for Real property Improvement with Multiple Ownership, the Grant of an Economic Equivalent of an Abatement of Real and Personal Property Taxes Following Ten Year Tax Abatement Period, the Infrastructure Improvement Policy for Major Corporate Development and Mall Construction, and the Policy for Retail Economic Development Incentive Rebates
8. The Small Business Expansion Incentive Program, Corridor Enhancement, Downtown Façade Enhancement Incentive and Downtown Sign Enhancement Incentive Programs are being retained and amended to require grants funds to be returned if improvements are not maintained in “like new” condition for 5 years. In addition, the Corridor Enhancement Incentive and the Downtown Façade Enhancement Incentive Programs shall allow City Council to extend a project completion date past 180 days of notice of award.

Recommendation

The ordinance be adopted.

INDIVIDUAL CONSIDERATION

28 Ordinance - Calling a Bond Election to be Held on Saturday, May 2, 2020; Making Provisions for the Conduct of the Election and Other Provisions Relating Thereto

Administrative Comments

1. This item has been recommended by the Financial Services Department.
2. **Impact:** The City Council has determined that it is necessary and advisable to call and hold an election in the City for the purpose of submitting certain propositions pertaining to the issuance of bonds for capital improvements.
3. An election shall be held for and within the City on Saturday, May 2, 2020, a uniform election date established by Section 41.001(a) of the Texas Election Code.
4. On August 1, 2019, the City Council appointed eighteen citizens to the Citizen’s Bond Task Force Committee. The committee met diligently, assembling public input, conducting research, and reviewing technical and financial materials

regarding capital improvements within the city.

5. The Committee presented City Council with its recommendations on November 13, 2019.
6. City Council has met several times to further review and revise the list of projects in light of the city's financial and operational capacity to fund and manage the projects and upon receiving additional comments from the public at several public meetings.
7. City staff have conferred with the city's bond counsel, which has submitted the proposed projects, propositions, and ballot language to the Texas Attorney General's Office for review, guidance, and approval of the grouping of projects by bond proposition and the requisite proposition and ballot language.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

29 Resolution - Temporary Use Permit G2001-0009 - to Allow a Fat Tuesday Event with Outdoor Food and Alcohol Sales at the Property Located at 4070 North Belt Line Road, Suite 100 for February 24, 2020 through February 26, 2020 - PO Melvin's Restaurant, Applicant

Administrative Comments

1. This item is recommended by the Planning and Community Development Department.
2. Po Melvin's restaurant is requesting approval for a Fat Tuesday event on February 25, 2020. The applicant is setting up a tent for overflow seating during the event.
3. The tent will be in front of the building and extend into the parking lot, covering several parking spaces. Ample parking exists in the shopping center. The tent will not encroach into the fire lane.
4. The events will consist of several tents that will serve food and alcoholic beverages with live bands and lawn games. Setup for the event begins on February 24, 2020, and tear-down will occur on February 26, 2020.
5. All required permits will be obtained by the applicant.

Recommendation

The resolution be approved.

30 Resolution - Considering Sign Variance Case #S1909-0065 to Allow Modifications to the Required Materials for Monument Signs- Property Located at 1921 Hurd Drive - Abbott Laboratories, Applicant/Owner

Administrative Comments

1. This item is recommended by the Planning and Community Development Department and supports Strategic Objective 3.5 – Effectively plan and manage land use.
2. **Impact:** Approval of this sign variance will allow two monument signs to not include a masonry surround.
3. The applicant is seeking approval of a Sign Variance to allow an existing non-conforming monument sign and a new monument sign to maintain a current look without having to add brick or stone around the cabinet.
4. The property is located at 1915 Hurd Drive, which is located northeast of West Story Road and north of West Walnut Hill Lane.
5. The current monument signs do not have brick or stone encasing the cabinet. The applicant is requesting a variance to allow the signs to be updated with a modern appearance that matches the main building.
6. The signs will comply with all other requirements of the Sign Ordinance.
7. Since approval of this request would lead to an improved appearance of the sign, by allowing them to match the building, staff can support this request.

Recommendation

The resolution be approved.

31 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 and January 30, 2020)

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). February 3, 2020 – Approval of only the following elements of the site plan: (a) single family uses, (b) A six-foot tall wrought iron fence on the property

line of 305 Ada Street, and (c) use of R-panel as a privacy fence on the south and west property lines of 303 and 305 Ada Street.

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 currently a legal non-conforming use in the HCD/TMU district.
3. The applicant is proposing the following uses and exceptions within his property:
 - a. Add single family as an allowed use in the Heritage Crossing Form Based Code District for the existing single family structures;
 - b. A six (6) foot tall wrought-iron fence on the front property lines per the site plan on 303 and 305 Ada;
 - 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;
 - d. A 3-car detached garage in the front setback of 305 Ada; and
 - e. A two-story, 4,260 square foot accessory building on 303 Ada with 5 ft. setbacks on 3 sides.

	<u>Required</u>	<u>Proposed</u>
(a) Use	Heritage Crossing District/Transit Mixed Use Subdistrict does not permit single family, duplex or multi units less than 8 units	Single Family (existing structures)
(b) Front Fence Setback	25 ft.; fence 4 ft. and open permitted within the front yard	6 ft. open wrought iron fence on front property lines
(c) Fence Material	Masonry, wood, Standing seam metal or otherwise intended for fences specifically	8 ft. R-Panel metal on side and rear property line as delineated on site plan
(d) Detached Garage Setback (305 Ada)	Within 25 ft. front setback	5 ft. from front property line
(e) Accessory Building (303 Ada)		
Size	Maximum 250 sq. ft. or 25% of the footprint (primary structure is 768 sq. ft.)	Maximum 4,260 sq. ft.
Height	One story not to exceed 15 ft.; Greater than 15 ft. requires 20 ft. setback	25 ft. (two story)
Setback	20 ft., due to height	5 ft. from sides and rear property lines

4. For clarity, staff is providing an evaluation of each proposed exception as follows:

- a. **Use:** The HCD-TMU (Heritage Crossing District – Transit Mixed Use Subdistrict) does not allow single family residential uses by right in preparation for future transit and mixed use development in the area. 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 at this time.
- b. **Front Fence Setback (b-1 and b-2):** The applicant is proposing a 6 ft. open wrought iron fence along the front property lines of 303 and 305 Ada Street and within the front setbacks (in front of the house). No other homes along Ada Street have a fence over 4 feet tall in the front setback, let alone along the property line. As 305 Ada is at the end of the street with no adjacent residential properties, staff supports the wrought iron fence in the front yard (b-1). A six-foot tall fence is not consistent with the block face of 303 Ada (b-2), therefore, staff cannot support this portion of the request.
- c. **Fence Material:** 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 commercial roof and exterior wall material, not as a

fencing material.

- d. **Detached Garage Setback (305 Ada):** The applicant is proposing a three-car 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.
 - e. **Accessory Building (303 Ada):** The applicant is proposing a two story accessory structure on 303 Ada that is a maximum of 25 feet tall and five (5) feet from the side and rear property lines. Since the main house on this lot is under 1,000 square feet, this accessory building cannot be larger than 250 square feet, per Section 52-40(f)(1) of the Zoning Ordinance. Accessory buildings have a required 20-foot setback for a structure more than 2,000 sq. ft. in size.
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. After the February 3, 2020 Planning and Zoning Commission recommendation, the applicant proposed an eight (8) foot fence with privacy panels on the property line of 305 Ada Street. This proposal has not been noticed, is not part of the case, and cannot be under consideration by the City Council.
 8. A total of 22 public notices were mailed. Staff has received three (3) responses in support and none in opposition to this request.
 9. 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; specifically, approval of:

- (a) Single family uses,
- (b-1) A six ft. wrought iron fence on the property line of 305 Ada Street, and
- (c) R-panel as privacy fence on the south and west property lines of 303 and 305 Ada Street

and denial of:

- (b-2) Fence in the front yard of 303 Ada Street,

- (d) A garage in the front yard of 305 Ada Street, and
- (e) A denial of the variances for the accessory structure on 303 Ada Street.

32 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 (Postponed from January 20, 2020)

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 was postponed from the January 20, 2020 City Council meeting at the applicant's request. Staff has not received any new information from the applicant.
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.

33 Ordinance - Zoning Case #ZC19-0092 - Considering a Zoning Change from S-P-1 (Detailed Site Plan) District for C-C (Community Commercial) Uses to S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) - Approximately 11,693 Square Feet Located at 3554 W. Airport Freeway - P&P Barragan, Applicant - Allenex Investments, Inc., Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 3, 2020 – Favorable 9-0.
2. 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. Opportunities for residential and commercial infill and reinvestment. The requested zoning is in conformance with the Comprehensive Plan.
3. The subject property is a vacant 11,693 square foot lease space in a multi-tenant retail center. The multi-tenant building is part of an approximate 32-acre retail center with shared parking. The applicant is proposing rezoning to allow a restaurant to sell alcoholic beverages for on-premises consumption along with entertainment uses. The sale of alcoholic beverages for on-premises consumption is allowed only in the S-P-1 (Detailed Site Plan) for R-AB district. The zoning case is necessary to permit the sale of alcohol as an accessory use for on-premises consumption.
4. The proposed remodel of the lease space includes a 4,080 square foot restaurant

seating area, a 1,108 square foot amusement area, a 1,853 square foot pool table area, a 931 square foot serving/bar area, and a 539 square foot outdoor deck at the rear of the facility. The outdoor deck has no tables and chairs and therefore there is no food service in this area.

5. The restaurant area will have approximately 118 seats. A total of 117 parking spaces are required at one space for each 100 square feet of restaurant/entertainment area. These spaces can be provided from the existing 1,880 spaces that exist within the shopping center.
6. The site plan indicates a stage and an amusement area with pool tables. Under R-AB zoning, the kitchen must be fully operational and food must be served at all times while the business is open to the public. The entertainment uses are secondary to the primary use as a restaurant and cannot operate independently. Tables and chairs cannot be moved or removed which would cease the operation of the business as a full service restaurant.
7. Staff can support this request since the new restaurant and amusement uses may attract new customer traffic to the existing shopping center, and since the use is compatible with the surrounding area.
8. A total of eight (8) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
9. This items supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

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

APPOINTMENTS AND REPORTS

34 Resolution - Board Appointments to the Planning and Zoning Commission, Youth Council and the Zoning Board of Adjustments and Appeals to Unexpired 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 conducted interviews to fill various vacancies on October 14, 21 and 28, 2019.
4. The vacant positions under consideration are for the Planning and Zoning Commission, Youth Council and Zoning Board of Adjustments and Appeals.

Recommendation

The resolution be approved.

35 Mayor's Report

Adjournment