

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, September 17, 2020 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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Members of the City Council and public may participate in the Regular Meeting by telephone conference or videoconference call. Sign-in via telephone or online will be from 6:00 p.m. to 7:00 p.m. on September 17, 2020. Citizens that would like to provide a presentation to Council must submit their presentation(s) to Information Technology no later than 2:00 p.m. on the Tuesday prior to the work session or council meeting at [councilpubpres@cityofirving.org](mailto:councilpubpres@cityofirving.org). All participants by telephone conference or videoconference will be able to speak when called upon, however video images of the citizen participants will not be available. The phone numbers to sign-in and participate are +1 346 248 7799 or +1 312 626 6799 or online at <https://zoom.us/j/91285670635> Meeting ID: 912 8567 0635

Organizational Service Announcements

Invocation

Pastor Greg Beauchamp, 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 31

## **CITY COUNCIL AGENDA**

### **1 City Operations Update**

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This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

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.

**2 Ordinance - Adoption of the 2020-21 City of Irving Fiscal Year Budget**

**Administrative Comments**

1. This item has been recommended by the Financial Services Department.
2. **Impact:** The FY 2020-21 budget has been prepared pursuant to discussion with Council and submitted for adoption.
3. Public Hearings were held on June 4, 2020, June 25, 2020, and September 10, 2020 to allow resident input.

**Recommendation**

The ordinance be adopted.

**3 Ordinance - Setting the 2020 Tax Rate and Levying the Tax as Required by the State of Texas Property Tax Code**

**Administrative Comments**

1. This item has been recommended by the Financial Services Department.
2. **Impact:** The adoption of the tax rate of \$0.5941 per \$100 of value provides the revenues necessary to balance the proposed FY 2020-21 budget.
3. The total proposed tax rate is \$0.5941 per \$100 in value. The Texas Property Tax Code requires adoption of the tax rate in its two components, Maintenance and Operations and Debt Service. The proposed tax rate in its component parts is:

<b>Maintenance and Operations Tax Rate</b>	<b>\$0.4741</b>
<b>Debt Service Tax Rate</b>	<b><u>\$0.1200</u></b>
<b>Total City of Irving Tax Rate</b>	<b>\$0.5941</b>

4. For comparison, the proposed, current, No New Revenue, and Voter Approval rates are:

Proposed Tax Rate	\$0.594100
Preceding Year's Tax Rate	\$0.594100
No New Revenue Tax Rate	\$0.656756
Voter Approval Tax Rate	\$0.701186

5. The proposed tax rate maintains the same rate as the prior year.
6. This year's levy to fund maintenance and operations expenditures does not exceed last year's maintenance and operations tax levy. The ordinance, resolution, or order setting this year's tax rate does not require the statements about "tax increase" as specified in 26.05(b) of Property Tax Code.
7. On August 19, 2020 at the Budget Retreat, Council adopted a resolution expressing an intent to adopt a tax rate that does not exceed \$0.5941.

**Recommendation**

The ordinance be adopted.

**4 Ordinance - Adopting the 2020 City of Irving Tax Roll as Required by the State of Texas Property Tax Code**

**Administrative Comments**

1. This item has been recommended by the Financial Services Department.
2. **Impact:** Adoption of the Appraisal Roll with the calculation of tax imposed on each property becomes the City's Tax Roll for collection of this year's taxes.
3. The Tax Assessor has calculated and determined the tax imposed on each piece of property included on the appraisal roll for the City of Irving pursuant to Section 26.09 of the Texas Property Code and has submitted it to the City Council for approval.

**Recommendation**

The ordinance be adopted.

## CONSENT AGENDA

- 5 **Approving Budget Retreat Minutes for Wednesday, September 02, 2020**
- 6 **Approving Work Session Minutes for Thursday, September 03, 2020**
- 7 **Approving Regular Meeting Minutes for Thursday, September 03, 2020**
- 8 **Ordinance - Amending Ordinance No. 2019-10250 Providing Budget Adjustment #7 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: Entertainment Venue Debt Service Fund, Entertainment Venue Reserve Fund, New Lien Water-Sewer Debt Service Fund, MDU Revenue Bond Fund, MDU CO CIP Fund, Street Improvement Bond Fund, Park Improvement Bond Fund, Fire Improvement Bond Fund, and Miscellaneous 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.

- 9 **Resolution - Take Appropriate Action Concerning Declaration of Local Disaster for Public Health Emergency to Address COVID-19**

### **Administrative Comments**

1. This item is recommended by the City Manager's Office and the Office of Emergency Management.
2. **Impact:** The proposed resolution would ratify the local state of disaster declared by the Mayor on March 12, 2020, and extend it to October 8, 2020, which is the date of the next City Council meeting.
3. On March 12, 2020, Mayor Richard H. Stopfer issued a proclamation declaring a local state of disaster resulting from a public health emergency caused by the 2019 Coronavirus Disease (COVID-19). This order was effective through 11:00 a.m. on March 20, 2020.

4. On March 19, 2020, City Council ratified and extended the Declaration of Local Disaster for Public Health Emergency until April 18, 2020, and subsequently ratified and extended the Declaration until September 17, 2020.

**Recommendation**

The resolution be approved.

**10 Resolution - Approving a Texas Traffic Safety Program Grant Agreement Between the City of Irving and the State of Texas, Acting by and through the Texas Department of Transportation, for a Selective Traffic Enforcement Program (STEP) Grant for Fiscal Year 2020-2021**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant provides overtime expenses to increase safety belt usage, increase driver compliance with posted speed limits, and decrease impaired driving and alcohol-related crashes.
3. The grant becomes effective October 1, 2020, and terminates on September 30, 2021, unless terminated or otherwise modified.
4. The STEP grant is reimbursable up to \$140,998.29 with the City's match being covered by a cash match of \$67,435.57 and "in kind" contributions of \$35,249.57.
5. Funding in the amount of \$67,435.57 is available in the Police budget within the General Fund

**Recommendation**

The resolution be approved.

**11 Resolution - Approving Amendment No. 4 Renewing the Intergovernmental Lease Agreement Between the City of Irving and the Texas Health and Human Services Commission (HHSC), on Behalf of the Texas Department of Family and Protective Services, for the Lease of 4,175 Square Feet of Office Space at the Family Advocacy Center Located at 600 West Pioneer**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Goal No. 4.1: Safeguard public safety, security and health.
2. **Impact:** The approval of this lease agreement renewal will ensure that services provided by the Texas Department of Family and Protective Services will continue to be available at the Family Advocacy Center for families and victims of crime in the City of Irving.
3. This renewal shall be for the period of 12 months commencing on December 1, 2020 and ending on November 30, 2021 unless sooner terminated as provided.
4. This lease is provided at no cost to the Texas Health and Human Services Commission due to the government services they provide at the Irving Family Advocacy Center.

**Recommendation**

The resolution be approved.

**12 Resolution - Approving an Interlocal Agreement with Dallas County Health and Human Services for Control of Communicable Disease Services in the Total Estimated Amount of \$81,906.00**

**Administrative Comments**

1. This item is recommended by the Code Enforcement Department. This item supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** Providing preventative health services helps to promote a healthier lifestyle and improved quality of life for Irving residents.
3. This agreement establishes the continuation of an annual contract to provide control of communicable disease services. This contract includes services for tuberculosis control, sexually transmitted diseases, laboratory tests, immunizations, and well-baby exams.
4. This contract cost is based on the prior year amount with no increase.
5. There are no changes to service levels or deliverables.

6. Funding in the amount of \$81,906.00 is available in the Code Enforcement budget with the Health Board Program Fund. Funding is subject to approval of FY20-21 budget.

**Recommendation**

The resolution be approved.

**13 Resolution - Approving a Contract with Single Source Provider Municipal Emergency Services (MES) for Rescue Extrication Equipment for Fire Apparatus in the Total Estimated Amount of \$98,656.74**

**Administrative Comments**

1. This item is recommended by the Fire Department.
2. **Impact:** Purchase of rescue extrication equipment enables the Fire Department to manipulate various incidents in which persons are trapped or entangled in vehicles, machinery or other situations that require force to free trapped victims.
3. Municipal Emergency Services (MES) is a Single Source dealer for Hurst Jaws of Life, Inc. rescue equipment whose personnel have been factory trained and certified by Hurst Jaws of Life, Inc. on operation, maintenance and service and are approved by Hurst Jaws of Life, Inc. to perform warranty repairs, warranty required annual maintenance and other services on the rescue equipment.
4. Funding in the total estimated amount of \$98,656.74 is available in the Infrastructure Fund.

Vendor	Item Description	Total Estimated Expenditure	Fund
Municipal Emergency Services	2 - Spreader (SP 555EWXT) 2 - Cutter (S 789EWXT) 2 - Ram (R 522EWXT) 10 - 9 Ah Battery (EWXT) 4 - 110V Charger (EWXT) 2 - StrongArm Fire 100E Pkg Blue 2 - Edraulic Spreader Shackle (HR149330044) 2 - Combi, Charger, & 2 EXL Battery Package (SC 358E2)	\$98,656.74	Infrastructure Fund

**Recommendation**

The resolution be approved.

**14 Resolution - Renewing the Contract with Life Insurance Company of North America in the Total Estimated Amount of \$115,500.00 for Life Insurance and Accidental Death & Dismemberment (AD&D) Insurance Services for a Period of Nine Months**

**Administrative Comments**

1. This item is recommended by the Human Resources Department.
2. **Impact:** Life insurance and AD&D coverages will continue to be made available for employees, retirees, and Council members at a guaranteed rate.
3. Through utilization of this contract, the city provides basic life insurance and AD&D coverage to all employees with a benefit amount equal to their salary at no cost to the employee. The contract also provides employees with the opportunity to purchase voluntary benefits such as supplemental life and AD&D coverage, for which the premiums are employee-paid.
4. The renewal comes with a thirty three-month rate guarantee, which provides the City with flexibility to continue obtaining coverage from the carrier for each renewal period.
5. There will be no increase to the basic life insurance/AD&D coverage that the city provides, nor to the voluntary life/AD&D coverage that the employees can purchase.
6. Because this renewal provides a locked-in rate guarantee for thirty three months, the Human Resources Department is recommending funding for a nine-month period, as the City will be releasing an RFP for Life and Accident benefits for the upcoming 2021-22 fiscal year. Additionally, the benefit plan year will be transitioning from a calendar year to a fiscal year, starting October 1, 2021.
7. Funding in the amount of \$115,500.00 is available in the Health Self Insurance Fund.

<b>Vendor</b>	<b>Contract Term</b>	<b>Estimated Expenditure</b>	<b>Fiscal Year</b>
Cigna Group Insurance (CGI)	01/01/2021 – 9/30/2021	\$115,500	2020-21
<b>TOTAL ESTIMATED AMOUNT</b>		\$115,500	

**Recommendation**

The resolution be approved.



**15 Resolution - Approving the First Amendment to the Professional Services Agreement Between the City of Irving and McGriff, Seibels, and Williams of Texas, Inc. (MSW), in the Additional Estimated Amount of \$400,000.00 for the Fiscal Year Beginning October 1, 2020 and \$550,000.00 for the Fiscal Year Beginning October 1, 2021 to Cover Anticipated Increases in Costs for Casualty Insurance Coverage**

**Administrative Comments**

1. This item is recommended by the Human Resources Department – Risk Management.
2. **Impact:** Property & Casualty Insurance mitigates the City’s exposure to loss.
3. A professional services agreement was awarded to MSW on September 19, 2019 by Resolution No. 2019-366 for the purpose of securing casualty insurance coverage and providing risk management services for the city. Since that time, circumstances in the insurance market beyond the control of the city have resulted in a significant increase in the cost of casualty insurance, requiring the city to budget additional funds for this necessary coverage.
4. Based on this market situation, Risk Management recommends increasing the budgeted amount for casualty insurance coverage in the estimated amount of \$400,000 for Fiscal Year 2020-21 and in the estimated amount of \$550,000 for Fiscal Year 2021-22, bringing the total estimated amount for these coverage years to \$1,000,000 and \$1,200,000 respectively as shown in the attached amendment document. The cost of risk management services as provided by MSW will remain the same and is included in these figures.
5. Funding for Fiscal Years 2020-21 and 2021-22 is subject to budget appropriation in the Self-Insurance Fund.

<b>Vendor</b>	<b>Casualty Insurance Coverage</b>	<b>FY 2020-21 Est. Amt.</b>	<b>FY 2021-22 Est. Amt.</b>	<b>TOTAL INCREASE AMOUNT</b>
McGriff, Seibels and Williams of Texas, Inc.	Excess Liability, Special Event, and Cyber Liability Insurance Coverage	\$400,000.00	\$550,000.00	\$950,000.00

**Recommendation**

The resolution be approved.

**16 Resolution - Awarding a Contract to SYB Construction Company, Inc., in the Amount of \$1,362,778.15 for the Texas Plaza & Tom Braniff Drive Water & Wastewater Improvements Project**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This work is part of the Water Utilities Department’s water and wastewater system improvements. This project directly impacts about 95 residential properties and several commercial properties along the Loop 12 and SH 183 frontage road.
3. **This item was included as part of the Transportation and Natural Resource Committee meeting agenda on September 3, 2020.**
4. This project will rehabilitate the wastewater main along Tom Braniff Drive from Northgate Drive to Texas Plaza Drive and the installation of a new water main to serve the Texas Plaza Development and future water needs of the area.
5. Bids were received from six bidders. SYB Construction, Inc., submitted the lowest responsive responsible bid of \$1,362,778.15. This is \$948,814.85 (41.05%) below the Engineer’s estimate.
6. Minority- and/or Women-owned Business (M/WBE) participation in this award is 100%.
7. Funding in the amount of \$1,362,778.15 is available in the Water and Sewer System Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**17 Resolution - Approving the FY 2020-21 Entertainment Center Maintenance and Operations Work Plan and Budget**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** The resolution approves the ARK Group of Irving’s submitted Maintenance and Operations Work Plan and Budget. In connection with the City’s FY 2020-21 budget, this item authorizes the City’s Designee to reimburse the ARK Group of Irving for expenditures identified in the work plan and budget as revenues become available based on the flow of funds identified in the Lease.

3. The Second Amended and Restated Entertainment Center Lease Agreement requires ARK to submit an annual Maintenance and Operations Work Plan and Budget.
4. Brimer Hotel Occupancy Tax (HOT) revenue and Admission Tax revenue are restricted for use on the Entertainment Center project. The Bond Ordinance and Lease provide the order in which Brimer HOT revenue and Admission Tax revenue may be expended.
5. Available Excess Brimer HOT revenue and Admission Tax revenue are used to reimburse ARK for eligible expenditures. ARK is only eligible for reimbursement based on actual revenues received. ARK must provide invoices and proof of payment for all reimbursements.
6. Funding is provided by available FY 2020-21 Excess Brimer HOT and Admission Tax revenues totaling \$1,850,000.
7. The work plan and budget address maintenance and repair items in the amount of \$238,000 that were identified by ASM Global, LLC during the annual physical inspection. Other expenditures include advertising, insurance, landscaping, parking, and security.
8. This item does not amend any provisions in the Lease.

#### **Recommendation**

The resolution be approved.

### **18 Resolution - Approving an Interlocal Agreement and License Between the City of Irving and the City of Dallas in an Estimated Amount of \$1,160,447.00 for Relocation of the Dallas DFW Water Supply Pipeline Within Irving Rights-Of-Way**

#### **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:** Approval of this Interlocal Agreement and License will allow Dallas to relocate a portion of the DFW Water Supply Pipeline to Irving street right-of-way to improve access and ability to maintain the pipe.
3. **This item supports the city's Investing in our Future initiative.**
4. **This item was presented to the Transportation and Natural Resources Committee on September 3, 2020.**

5. Dallas delivers treated water to Irving through three supply lines, one of which being the 48-inch DFW Water Supply Pipeline that is used to deliver treated water from the Elm Fork Water Treatment Plant to Irving's Hackberry Pump Station. Dallas also uses this supply pipeline to deliver water to Lewisville, Coppell and ultimately the DFW Airport. Irving has contracted for 24 million gallons per daily (mgd) capacity in this pipeline.
6. The 48-inch DFW Water Supply Pipeline runs through Valley Ranch and Dallas would like to relocate approximately 3,000 linear feet of the pipeline from the property of Irving homeowners into Ranch Trail and Ranchview Drive right-of-way. This will improve access for Dallas to maintain the water supply pipeline.
7. The total cost for this relocation is \$3,136,344.00 and under this agreement Irving will provide funding in the amount of \$1,160,447.00. This agreement shall have the same term and run concurrently with Irving's Wholesale Treated Water Contract approved and executed on January 22, 1998 (RES-1-8-9-018).
8. Funding in the amount of \$1,160,447.00 is available in the Water Utilities budget within the Water and Sewer System Non-Bond CIP Fund.

### **Recommendation**

The resolution be approved.

## **19 Resolution - Approving of a Three-Year Microsoft Enterprise Agreement with Microsoft Corporation Which Will be Fulfilled by SHI Government Solutions, Inc. in the Total Estimated Amount of \$772,640.10 Annually through the State of Texas Department of Information Resources (DIR) Program**

### **Administrative Comments**

1. This item is recommended by the Information Technology Department.
2. **Impact:** Entering into a new Microsoft Enterprise Agreement (EA) allows the city to maintain legal license compliance for the use of Microsoft software products.
3. The city has been enrolled in a Microsoft EA program since 2002. As the city has standardized on Microsoft Office Professional Suite (O365) on all computer systems, Windows server and computer operating systems, and SQL databases for the city's applications, it is important to continue to stay current with this licensing agreement to maintain license compliance, obtain the best pricing, support, software services, and training.
4. Fulfillment of this agreement through SHI Government Solutions, Inc. is supported by a Vendor/Member contract which was approved July 16, 2020, through RES-2020-237.
5. Estimated annual expenditures under this three-year contract are shown below;

however, true-up costs must be declared each year. These costs are handled separately from the base annual license costs. Additional licenses added by the true-up process will increase the following years enterprise agreement annual cost.

6. Funding for Fiscal Year 2019-20 is available in the Information Technology Internal Service Fund, while funding for Fiscal Years 2020-21 and 2021-22 is subject to budget appropriation and will be brought back for approval when actual expenditures have been determined should they differ from the amounts shown below.

Vendor	Contract Term	Est Expenditure	Fiscal Year(s)
SHI Government Solutions, Inc.	8/1/2020 - 7/31/2023	\$ 772,640.10	2019-20
		\$ 772,640.10	2020-21
		\$ 772,640.10	2021-22
<b>TOTAL</b>		<b>\$2,317,920.30</b>	

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 20-23**

**20 Resolution - Renewing the Annual Contract with Bound Tree Medical, LLC, Henry Schein, Inc., Life-Assist, Inc., and QuadMed, Inc., in an Amount Not to Exceed \$200,000.00 for Medical Supplies**

**Administrative Comments**

1. This item has been 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 supplies available for use in emergency response vehicles.
3. This renewal establishes the continuation of an annual contract for providing medical supplies to be used by the Fire Department. The current contract expires on September 30, 2020. This is the first of two one-year renewal options.
4. Funding for Fiscal Year 2020-21 will be available in the Fire Department budget within the General Fund, subject to budget appropriation.

Vendor	Item(s)	Contract Term	Total Not to Exceed Amount	Fiscal Year(s)
Bound Tree Medical, LLC	1-3,5,6,9,12-14,17,19-21,25,30, 31 and 34	10/1/20 – 9/30/21	\$200,000.00	2020-21
Henry Schein, Inc.	33,35			
Life-Assist, Inc.	7,8,10,15,16,22-24,29, and 36			
QuadMed, Inc.	11,18, 26 and Group B			

**Recommendation**

The resolution be approved.

**21 Resolution - Renewing the Professional Services Agreement with Haston Associates, Inc., in the Total Estimated Amount of \$171,866.09 for Compliance Monitoring for the Hunter Ferrell Landfill**

**Administrative Comments**

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** The work outlined in this contract is required to maintain the Hunter Ferrell Landfill in compliance with its municipal solid waste, air quality, and site specific storm water permits as required by the Texas Commission on Environmental Quality (TCEQ).
3. **This item was included as part of the Transportation & Natural Resources Committee meeting agenda on September 3, 2020.**
4. Each year, a number of sampling, testing, and reporting services must be completed in order for the landfill operations to maintain compliance with the permit requirements as mandated by state and federal regulations. This contract also provides an electrical resistivity survey and remedial planning and testing of gas systems, if needed, as well as analysis of the landfill leachate.
5. This renewal establishes the continuation of an annual contract to provide compliance monitoring services. The original contract was awarded as the result of a negotiated agreement with the vendor receiving the highest evaluation criteria score through a Request for Qualifications process. This is the fifth and final one-year renewal option. The current contract expires on September 30, 2020.
6. Funding for Fiscal Year 2020-21 is subject to budget appropriation in the Solid

Waste Enterprise Fund.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Estimated Amount</b>
Haston Associates, Inc.	10/1/20 – 9/30/21	\$171,866.09

**Recommendation**

The resolution be approved.

**22 Resolution - Approving the Purchase from Holt Texas, Ltd., for GPS Equipment for Hunter Ferrell Landfill in the Total Estimated Amount of \$64,286.44 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by Solid Waste Services Department.
2. **Impact:** The purchase of this equipment will ensure that Solid Waste Services is able to operate the landfill in an efficient manner by achieving optimum landfill compaction of the waste.
3. **This item was presented to the Transportation and Natural Resources Committee Meeting on September 3, 2020.**
4. This purchase utilizing BuyBoard Contract No. 597-19 for Construction, Road & Bridge, Ditching, Trenching and Other Equipment, which expires on November 30, 2020, was identified as a supplemental budget request and also supports the Smart Cities Initiative for FY 2019-20.
5. Funding in the total estimated amount of \$64,286.44 is available in Solid Waste Operating Fund.

**Recommendation**

The resolution be approved.

## 23 Resolution - Rejecting the Single Response Bid for an Annual Flex Base Contract

### Administrative Comments

1. This item is recommended by the Traffic & Transportation and Solid Waste Services departments.
2. **Impact:** This contract for as-needed flex base, utilized by Street Operations, helps in the maintenance and enhancement of city's transportation network for the safe and effective transit of motorists. Flex base is also used by Solid Waste Services at Hunter Ferrell Landfill for repairs to keep the roadway to the working face passable.
3. An Invitation to Bid was issued for these services and responses were received from two bidders on August 7, 2020, one of which was non-responsive. The single, responsive bid received was over budget.
4. Staff recommends rejection of this bid in order to issue a new solicitation.

### Recommendation

The resolution be approved.

### End of Bids

## 24 Ordinance - Second and Final Reading - Amending Chapter 52 Entitled "Water and Sewer Rates" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Providing for New Monthly Water and Sewer Rates

### Administrative Comments

1. This item has been recommended by the Water Utilities Department.
2. **Impact:** A 2.0% combined water and sewer rate increase will help provide funding to cover increases to pass-through costs for wastewater treatment and water supply while also providing additional revenues to fund capital projects with cash to reduce the bond sale and future debt.
3. **This item was presented at the Budget Retreat on September 2, 2020.**
4. The proposed 2.0% increase is slightly less than the 2.6% increase adopted by the City Council for the fiscal year 2019-20 budget. The proposed increase is consistent in building the debt coverage ratio up to the level expected by bond rating agencies for an "AA" rating.
5. The need for the proposed rate increase is primarily driven by increasing pass-through cost for contracted services. Irving contracts with the Trinity River Authority (TRA) for sewage treatment and this pass-through cost is expected to increase \$1.7



million in FY 2020-21. Pass-through costs from the City of Dallas for water treatment also increased.

6. The proposed budget is \$115.1 million and includes a Capital Improvement Program (CIP) of \$34,480,000.00. The CIP is projected to be funded with \$14,000,000.00 in cash and \$20,480,000.00 in bonds.
7. The monthly bill for a residential customer with 10,000 gallons of water usage and 8,000 gallons of wastewater would increase approximately \$1.50 under the proposed rates depending on the customer's meter size. Residential customers using less water will most likely see a smaller increase.

### **Recommendation**

The ordinance be adopted.

## **INDIVIDUAL CONSIDERATION**

- 25 Ordinance - Public Hearing and First Reading – an Ordinance Amending Section 41-57 of Article IX Entitled “Municipal Drainage Utility System” of Chapter 41 Entitled “Water and Sewer Systems” of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Setting a New Schedule of Drainage Charges; Providing for Penalty; Providing a Severability Clause; and Providing an Effective Date**

### **Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. This item supports Objective 2.4: Maintain and extend water, wastewater and storm water systems.
2. **Impact:** The Municipal Drainage Utility (MDU) fees provides a funding source for growing regulatory requirements and the demand for continued improvements to the drainage system within Irving.
3. **This item was included as part of the Transportation and Natural Resources Committee meeting agenda on September 3, 2020.**
4. These fees were last increased on February 1, 2020, and City Council approved Resolution 2020-224 on July 16, 2020, to change the effective date of the rate plan to October 1 of each year for Fiscal Years 2020-2021 through 2023-2024.
5. The proposed schedule of storm water drainage fees includes the following:

**Residential**

under 5,000 SF lot	\$5.63
over / = 5,000 SF lot	\$7.50

**Multi-Family**

triplex / fourplex (per plex per month)	\$19.65
condominiums (impermeable land per SF per mo)	\$0.001875
apartments (impermeable land per SF per mo)	\$0.001875

**Commercial**

under 10,000 SF parcel	\$16.88
10,001 - 20,000 SF parcel	\$33.75
20,001 - 45,000 SF parcel	\$67.50
over 45,000 SF parcel (impermeable land per SF per mo)	\$0.001875

6. This is the first reading of two readings of this ordinance.

**Recommendation**

The ordinance be adopted.

**ZONING CASES AND COMPANION ITEMS**

**26 Ordinance - Zoning Case ZC20-0038 - Considering a Proposed Zoning Change from R-MF-2 (Multi-Family) District to S-P-2 (Generalized Site Plan) District for R-3.5 (Two-Family) District Uses - Approximately 1.03 Acres Located at 1111 Hilltop Dr - Martin Doan, Applicant; Martin Doan and Binh Nguyen, Owners**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 8, 2020 – Favorable 8-0 (Commissioner Joy, absent).
2. The subject property is a 1.03 acre lot that is currently developed with a single family home that has a detached garage. **The applicant is proposing rezoning to develop a second detached primary living quarters on the property.** The lot is jointly owned by two people and one of the owners wants to construct a second primary dwelling on the lot. The existing single family structure is proposed to remain and the owners want to demolish the detached garage and build a second detached primary single family structure. The existing R-MF-2 district does not allow for the construction of new single family structures.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Compact Neighborhood* uses for this property. This land use category is described as predominantly single-family homes with a diverse mix of building types including

small lot cottage homes, clustered courtyard homes, townhouses, row houses, and small-scale apartment buildings. The requested zoning is in conformance with the Comprehensive Plan.

4. The site was zoned for R-MF-2 (Multi-Family) District uses in 1974 as part of the City's South Area Zoning Study. The Imagine Irving Comprehensive Plan later recommended the Compact Neighborhood land use category based on the existing land uses. It appears that several of the larger lots with existing single family homes pre-date the multi-family zoning.
5. The second primary residence is proposed to be 1,206 square feet, with an additional 867 square consisting of an attached three-car garage. It includes two bedrooms, one bathroom, main living and dining areas and a full kitchen. The current plan is for the second primary residence to be on the same water meter as the existing residence. The applicant is willing to place them on separate meters if the Water Utilities Department prefers at time of permitting.
6. Both houses will be accessed by the existing driveway which the applicant has indicated will be improved to a concrete surface that can support a fire vehicle. The current dwelling has multiple off-street parking spaces. A 3-car garage is proposed for the new dwelling unit for use by both residences. Adequate parking is provided on the property for both units.
7. The new detached home will comply with the setbacks and height limitations of the proposed R-3.5 District. While the applicant has provided elevation drawings showing what the home is proposed to look like, it should be noted that the City cannot enforce any architectural standards.
8. The proposed rezoning would be less intense than the existing zoning, which allows for multi-family residential uses. The addition of a second primary residence to residential lots is often seen as very desirable for families to provide more flexible living options. With the lot being just over one acre in size, the additional residence will still be physically and functionally in character with the surrounding homes in the neighborhood. Since the City is seeking ways to encourage more housing options on infill lots, and to provide affordable housing options, the staff is recommending approval.
9. A total of 16 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
10. This item support Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

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

**27 Ordinance - Zoning Case ZC20-0042 - Considering a Proposed Zoning Change from C-W (Commercial Warehouse) Uses to S-P-1 (Detailed Site Plan) District for C-OU-2 (Commercial Outdoor) Uses - Approximately 0.42 Acres Located at 3411 Conflans Rd - DeVoe Land Consultants, Applicant; Bayshore Group, Inc, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 8, 2020 – Favorable 8-0 (Commissioner Joy, absent), subject to **adding notes to the site plan stipulating (1) that no auto repair work shall be conducted outdoors, and (2) that the existing chain link fence shall be replaced by an 8 ft. solid screening fence.** While the applicant agreed to these stipulations at the public hearing, staff has not received a revised site plan reflecting these stipulations.
2. The owner is requesting to allow auto repair with storage and auto sales, and a variance to the landscape requirements of Sec. 52-35a.
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. Opportunities for residential and commercial infill and reinvestment. The requested zoning is in conformance with the Comprehensive Plan.
4. This property is zoned C-W (Commercial Warehouse). The applicant is currently operating an automotive repair business, which would require C-C (Community Commercial) district zoning as the least intense district that allows major auto repair. **The applicant is also requesting to add outside sales and display of automobiles, and is asking for an S-P-1 (Detailed Site Plan) District for C-OU-2 (Commercial Outdoor) uses which allows the auto sales use.**
5. The auto repair area is 3,935 sq. ft. in size. The applicant is providing 11 parking spaces, at one space for each 400 sq. ft. of auto repair area. The applicant is showing 10 additional spaces for storing cars to await repair and make-ready for sale at the offsite Auto Plaza used car sales site located at 1660 N. Belt Line Road. The applicant is also proposing two (2) spaces for occasional sales of automobiles on this site, as indicated on the site plan.
6. The applicant must reconfigure the driveway to the center of the property in order to meet Traffic and Fire requirements.
7. Sec. 52-35a requires that the applicant shall provide required landscaping in the interior parkway area and grassy area along the right-of-way of Conflans Rd., for a total depth of 36 feet. The interior of the property beyond this area is completely paved. **The applicant is requesting to provide the landscaping required in the front parkway area, but is not providing any landscaping in the interior of the lot.**

8. The applicant is limiting the auto sales to two spaces. **Any areas used for holding cars for repair or for auto storage shall be screened by a solid screening fence to replace the current chain link fence.**
9. Any auto repair uses should be indoors only, as is required throughout the rest of the City. Since the additional landscaping and screening of storage areas represents an overall improvement to the lot, staff can support this request.
10. A total of 16 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
11. This item support Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

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

**28 Ordinance - Zoning Case ZC20-0043 - Considering a Proposed Zoning Change from S-P-1 (Detailed Site Plan) for C-C (Community Commercial) District Uses to S-P-1 (Detailed Site Plan) for C-C (Community Commercial) District Uses with a Variance to the 300-Foot Distance Requirement Required Between a School and an Establishment that Sells Alcohol for Off-Premises Consumption - Approximately 2.87 Acres Located at 5140 N. Belt Line Rd - Murphy Oil USA, Inc, Applicant; 5140 N. Belt Line LLC, Owner; Martin Frost & Hill, Agent (Postponed from August 20, 2020)**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: August 3, 2020 – Denial 7-1 (Commissioner McPhail, nay; Commissioner Joy, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Business District* uses for this property. This land use category is described as a flexible use district for retail, office and commercial uses. The requested zoning is in conformance with the Comprehensive Plan.
3. The subject property a 2.87 acre tract located at 5140 N. Belt Line Road. The site is currently being developed with a gas station and related convenience store.
4. **The applicant is requesting a variance to the 300-foot separation requirement between an establishment that sells alcohol for off-premises consumption and a school.**
5. The Great Hearts America public charter school is located on the west side of N. Belt Line Road, across from the subject property and less than 300 feet away. The applicant’s request would allow the sale of alcoholic beverages for off-premises consumption from the convenience store under construction.
6. Section 52-49(a)(10) states, “The sale of alcoholic beverages within three hundred

(300) feet of a church, public or private school, or public hospital is hereby prohibited.” It further specifies, “The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections”.

7. Using the measurement requirements above, the distance between the property lines of the subject property and the Great Hearts America school (to the west across N. Belt Line Rd.) is 133 feet. **Therefore, the applicant is requesting a variance of 167 feet from the 300-foot setback.**
8. Per Section 52-49(a)(14), the city council may grant a variance to the separation requirements “if it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes a waste or inefficient use of land or other resources, creates an undue hardship on an applicant, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council determines is in the best interest of the community after consideration of the health, safety, and welfare of the public and the equities of the situation.”
9. While the Council has granted variances to the distance separation from a school in the past, these have been due to unique circumstances of the property. In one case, it was due to the school being on an extended flag lot. In another case, it was due to the school site having unimproved portions of the property within 300 feet of the convenience store. In this case, there is no unusual shape or configuration of the property, so no hardship exists in that regard.
10. An existing Race Trac convenience store and gas station is within 300 feet of the school property and sells alcohol; however, that convenience store and gas station were built prior to the school.
11. A site plan for the school site was approved in May of 2018 for the property to be developed with an approximate 40,700 square foot primary school building; an approximate 40,500 square foot secondary school building; an approximate 18,500 square foot gymnasium; and two outdoor play areas. According to State data and the school’s website, the school currently serves grades K through 12 and has approximately 885 students.
12. This case was postponed on August 20, 2020 at the applicant’s request. No changes have been submitted for this case.
13. **Given the clear nature of the language of the code and the size of the exception being requested from the 300-foot distance requirement, staff cannot support the request.**
14. A total of 18 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.

15. This item support Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

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

**29 Ordinance - Zoning Case ZC20-0046 - Considering a Proposed Zoning Change from S-P-2 (Generalized Site Plan) District for C-C (Community Commercial) Uses to S-P-2 (Generalized Site Plan) District for C-C (Community Commercial) Uses - Approximately 20.45 Acres Located at 1635 Market Place Blvd - Kimley-Horn, Applicant; Wal-Mart Real Estate Business Trust, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 8, 2020 – Favorable 6-2 (Commissioners Zeske and McPhail, nay; Commissioner Joy, absent), subject to the required screening wall being 9 feet tall. A revised site plan has not been provided indicating the 9 ft. fence and therefore the stipulation of the Planning and Zoning Commission has not been met.
2. **The owner is requesting to allow the outside storage of shipping containers on a permanent basis on the parking lot located on the north side of the property** that exits to Walton Blvd. A total of 46 parking spaces are located in this area.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Business District* uses for this property. This land use category is described as a flexible use district for retail, office and commercial uses. Predominantly mid-rise with a mix of surface and structured parking. The requested zoning is in conformance with the Comprehensive Plan.
4. On October 10, 2002 the City Council approved Ordinance No. 8070 for S-P-2 (Generalized Site Plan) for C-C (Community Commercial) uses for the retail center on the north side of IH 635, west of MacArthur Blvd. The existing Wal-Mart retail center at 1635 Market Place Blvd. was developed as a legal use under that site plan.
5. In order to provide storage for additional inventory and layaway for the holiday season, the applicant began to place and use shipping containers within a parking lot to the north of the store in 2018, in violation of the zoning which does not allow outside storage of shipping containers.
6. The retail store is 222,187 sq. ft. in size. The current parking requirement is 1,111 parking spaces, at one space for each 200 sq. ft. These spaces are provided on

site. The applicant is proposing a reduced parking ratio of one space for each 235 sq. ft. with this site plan, or 948 total parking spaces.

7. The applicant is proposing to use the area where 46 parking spaces are currently provided as the outside container storage site. The location of this parking helped meet the previous parking requirement, but it was under-utilized due to its location which is far from the front entrance of the store. The applicant is proposing this area be used for permanent shipping container storage, as the need for inventory storage is high at this store year-round, but especially at holidays.
8. **The applicant is proposing an eight (8) foot tall solid screening masonry wall around the north, east and west sides of the shipping containers, which are slightly taller than 8 feet.** The fence material is not specified on the site plan. The applicant indicated they would not likely be in agreement with the P&Z recommendation of the 9 ft. fence and may request the original 8 ft. fence.
9. A site plan note states, "Outside storage containers to be allowed as indicated on the site plan. Shipping containers shall not be stacked". This is to ensure that containers will be set only on the ground level and not on top of each other.
10. A similar case was approved by the City Council earlier this year for the Wal-Mart located on State Highway 183. An 8 ft. tall masonry screening fence was required for the shipping container storage area in that location.
11. With the limitation of storage containers to the one area and being behind a solid screening wall, staff has no objection to the request, provided that they are screened.
12. A total of 48 public notices were mailed. Staff not received any responses in support, and has received three (3) responses in opposition from the residential properties to the west. The opposition represents 1.28% of the land within 200 feet of the subject property. Since this is less than 20%, per state law a  $\frac{3}{4}$ -vote is not required for approval.
13. This item support Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission for a minimum 9-foot tall masonry screening wall.



**30 Ordinance - Zoning Case ZC20-0048 - Considering a Proposed Zoning Change from S-P-2 (Generalized Site Plan) District for R-6 (Single Family) Uses to S-P-2 (Generalized Site Plan) District for R-6 (Single Family) Uses - Approximately 6.2238 Acres Located at 1, 2, 3, 4, 6, 8, 11, 12 & 1525 Hardrock Rd and 1525 Wildbriar Rd - JDJR Engineers & Consultants, Inc., Applicant; Hamra Holdings, LLC, Thundil Ansari Faizal & Karim Suhana, Wildbriar Lakeside Homeowners, Iqbal & Safia Memon, Blake & Gayle Bloomfield, Owners**

**Administrative Comments**

1. This The Planning and Zoning Commission Hearing Date and Recommendation: September 8, 2020 – Favorable 5-3 (Commissioners Collins, Kliner and McPhail, nay; Commissioner Joy, absent).
2. With the exception of an existing home on a portion of this property, the tracts are currently vacant. **The applicant is proposing to amend the existing approved S-P-2 Site Plan zoning district to reduce the total residential lots to allow (8) single family houses with smaller minimum house sizes, increase the maximum lot coverage by 5%, and remove the walking trail amenity.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Compact Neighborhood* uses for this property. This land use category is described as predominantly single-family homes with a diverse mix of building types including small cottage homes, clustered courtyard homes, townhouses, rowhouses and small-scale apartment buildings with some mix of non-residential uses, especially at intersections and commercial corners.  
  
The requested use would probably be better suited under the *Residential Neighborhood* category of the Comprehensive Plan described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. However, given the mix of unit types already in the surrounding neighborhood, these lots fit in the broader context of providing a mix of housing types.
4. On December 8, 2016, the City Council approved Ordinance 2016-9893 rezoning the property to S-P-2 (Generalized Site Plan) District for R-6 (Single Family) uses for the development of 10 single family homes. The site plan provides for a maximum building size of approximately 4,100 square feet for Lots 1-4, and a maximum of approximately 2,750 square feet for Lots 6-11. It also includes a maximum 40% lot coverage by the principal structure. Furthermore, it also includes a 5-foot wide private sidewalk/trail amenity for the use of the residents, to run on the inside of Lots 1-4 and part of Lot 10, outside of lots 6-11 and part of Lot 10 and with the maintenance of the trail by the property owner. At the time of the 2016 rezoning, the property was owned by an individual owner; portions of the property have since been sold to additional owners.
5. The proposed site plan now provides eight (8) single family lots due to the

reconfiguration of Lots 6-8 and one open space lot, and will meet all other requirements of the R-6 (Single Family) district. The exceptions to the R-6 (Single Family) district for a 15-foot front yard setback, 10-foot rear yard setback and 2 ½ stories or 35 foot height approved in the previous site plan will remain.

6. **The owners want to amend the S-P-2 Site Plan district to reduce the lot sizes to add a minimum lot size of 3,200 sq. ft. for Lots 1-4, 6R, 8R & 11, a minimum of 2,500 sq. ft. for Lot 12, and to increase the maximum lot coverage to 55%. The existing house will remain in place.**
7. **The site plan also removes the 5-foot sidewalk/trail amenity running on the individual lots.** The current owners do not want to maintain a trail that is only for use of these houses.

	<u>Approved in 2016</u>	<u>Proposed Amended Site Plan</u>
Total Lots	10 single family lots One trail amenity	8 single family lots 1 open space lot
Maximum Building Size	4,100 sq. ft. for Lots 1-4 2,700 sq. ft. maximum for Lots 6-11	No change
Minimum Building Size	None Specified	3,200 sq. ft. for Lots 1-4, 6R, 8R & 11 2,500 sq. ft. minimum for Lot 12
Maximum Lot Coverage by principal structure	40%	55%
Sidewalk/trail Amenity	5-ft. wide inside Lots 1-4, part of Lot 10	Not provide/remove from site plan

8. Since the proposed zoning is to make some minor adjustments to the existing site plan and since the property is still mostly undeveloped, staff can support this request.
9. A total of 41 public notices were mailed. Staff has not received any responses in writing in support of or in opposition to this specific zoning request.
10. This item support 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

**31 Mayor's Report**

**Adjournment**