

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, November 11, 2021 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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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).

Organizational Service Announcements

Invocation

Reverend Johnathan Tony, Hackberry Creek Church

Pledge of Allegiance

Proclamations and Special Recognitions

Public Hearing: Items 1 through 42

**CITY COUNCIL AGENDA**

- 1 City Operations Update**  
-Eerie Irving Update

**CONSENT AGENDA**

- 2 Approving Work Session Minutes for Thursday, October 28, 2021**
- 3 Approving Regular Meeting Minutes for Thursday, October 28, 2021**
- 4 Approving Special Work Session Minutes for Monday, November 01, 2021**

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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.

**5 Resolution - Approving an Agreement with Baylor Medical Center at Irving for Reimbursement of Health Care Staffing Due to COVID-19 in the Amount Not to Exceed \$1,000,000.00 from CARES Act Funding**

**Administrative Comments**

1. This item is recommended by the City Manager's Office.
2. **Impact:** This resolution will approve an Agreement with Irving Baylor Medical Center at Irving for health care staffing expenses associated with COVID-19, in an amount not-to-exceed \$1,000,000.00, funded through the City's CARES Act Funding allocation from Dallas County.
3. On March 27, 2020, President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The \$2 trillion economic relief package was designed to assist the nation's welfare and economy.
4. The CARES Act allocated \$250 million to Dallas County. Dallas County distributed approximately \$75 million to 29 cities throughout the county. The City of Irving received \$13,223,100.00.
5. Funds must be spent by November 30, 2021.
6. On August 17, 2021, the City of Irving received a written request for financial assistance from Irving Baylor Scott & White Medical Center in amount of \$5.1 million.
7. After reviewing the City's remaining CARES Act funding balance, \$1 million was set aside to fulfil this request.
8. Eligible project activities include payroll and benefits expenses, including straight time and overtime, that are eligible for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
9. Funds will be dispersed on a reimbursement basis pending sufficient support documentation consistent with applicable laws and Coronavirus Relief Funds Program Terms and Conditions.

**Recommendation**

The resolution be approved.

**6 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2021 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2021/22 Homeland Security Grant Program (HSGP) for a total of \$11,565.00 for the Urban Area Security Initiative (UASI).
4. The project includes the vulnerability assessment of various software systems and network applications for the City of Irving.
5. The grant is for the period of October 1, 2021 through April 30, 2022.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2021 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2021/22 Homeland Security Grant

Program (HSGP) for a total of \$122,304.56 for the Urban Area Security Initiative (UASI).

4. The Planning Enhancement project pays 100% of the salary and benefits for the Emergency Management Planner position and GIS specialist for one year.
5. The grant is for the period of March 1, 2022, to February 28, 2023.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**8 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2021 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2021/22 Homeland Security Grant Program (HSGP) for a total of \$41,000.00.
4. This project provides Personal Protective Equipment for the Police Department Explosive Ordinance Disposal (EOD) Unit.
5. The grant is for the period of October 1, 2021 through March 31, 2022.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**9 Resolution - Approving an Agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency (THSSAA) to Receive and Participate in the Fiscal Year 2021 Homeland Security Grant Program and Authorizing the Mayor to Execute Any Necessary Documents Related to the Grant**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** This grant will allow the City of Irving to continue funding and implementing emergency management and homeland security projects that significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.
3. The City of Irving has been awarded a FY2021/22 Homeland Security Grant Program (HSGP) for a total of \$29,377.50.
4. The project includes night vision equipment for the Irving Police Department Tactical Team.
5. The grant is for the period of October 1, 2021 through March 31, 2022.
6. Pursuant to the conditions contained in the grant sub-recipient agreement with the Office of the Governor (Texas)/Texas Homeland Security State Administrative Agency, this is a reimbursement grant which reimburses 100% of allowable expenditures.

**Recommendation**

The resolution be approved.

**10 Resolution - Approving an Agreement with Single Source Provider Stryker Corporation in the Amount of \$70,246.80 for the Service and Repair of LifePak Defibrillator Units and Associated Components for Fiscal Year 2021-2022.**

**Administrative Comments**

1. This item is recommended by the Fire Department. It supports Strategic Objective 4.1 – Safeguard public safety, security and health.
2. **Impact:** This service ensures that equipment is properly maintained, receives software updates, and is serviced by certified technicians so that we can provide outstanding emergency service for citizens.
3. Thirty-eight LifePak 15 units and fourteen AED 1000 units will be covered by the Service Plan providing inspections, preventative maintenance, updates, repairs, and supplies.

4. Funding in the amount of \$70,246.80 is available in the FY 2021-22 Fire Department budget within the General Fund.

**Recommendation**

The resolution be approved.

**11 Resolution - Approving the Expenditure with Mart, Inc., in the Amount of \$172,680.00 for Repair and Replacement of Concrete Driveways at Various City Facilities through Interlocal Purchasing System (TIPS)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.5 – Support strategic investments in city facilities.
2. **Impact:** This project will provide for the repair of the driveway entrance at the North Police Department facilities and for the replacement of the driveway at the Police and Fire Training Academy.
3. Approval of this contract will allow for the efficient repair and replacement of the driveways at the police and fire facilities as needed, allowing for improved access to these locations.
4. This project utilizes The Interlocal Purchasing System (TIPS) contract #200602 for Pavement and Other Related Services (JOC) and it expires on August 31, 2022.
5. Funding in the amount of \$172,680.00 is available in the City Building Improvement Bond Fund.

**Recommendation**

The resolution be approved.

**12 Resolution - Ratifying Payments Made to Structural Technologies, LLC, in the Total Amount of \$636,510.76 for Emergency Repairs to the Irving City Hall Parking Garage**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) Department.

2. **Impact:** A structural assessment of the City Hall parking garage performed by the city's structural engineering consultant indicated the need for temporary shoring and post-tension cable repairs to be performed immediately to maintain the integrity of the structure at optimal conditions. Based on this assessment, the work was declared an emergency on December 11, 2020 by Patrick Lamers, CIP Director.
3. Structural Technologies, LLC had the experience and expertise necessary to perform this work, and an emergency repair contract was approved by Council on December 17, 2020 by Resolution No. 2020-495.
4. Excavation for the repair exposed additional below-grade beams which resulted in the CIP director authorizing inspection and completion of indicated repairs to these beams to maintain the integrity of the structure on January 12, 2021.
5. A total of 31 beams were inspected after which post-tension cable repairs were made to 30 of those beams. Due to the condition of the post-tension cables in the remaining beam, a concrete expansion of the beam was required as its method of repair. All 31 beams have now been repaired and work is complete.
6. Funding in the total amount of \$636,510.76 was available in the CIP Department budget within the General Fund and in the City Building Improvement Bond Fund.

### **Recommendation**

The resolution be approved.

## **13 Resolution - Acknowledging Assignment of Tax Abatement Rights and Obligations to 777 HR Associates A, LLC and 777 HR Associates B, LLC Previously Granted to Verizon Realty Corporation for the Pioneer -Verizon Hidden Ridge Development Project**

### **Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Acknowledges receipt of the Assignment of Verizon Realty Corporation's rights and obligations under the original Tax Abatement Agreement with Verizon Realty Corp. and Pioneer Natural Resources USA, Inc. to HR Horseshoe Venture LLC and then from HR Horseshoe Venture LLC to 777 HR Associates A, LLC and 777 HR Associates B, LLC.
3. On May 12, 2016, Council approved RES-2016-191 authorizing the original Tax Abatement Agreement granted to Verizon Realty Corp. and Pioneer Natural Resources USA, Inc. for the construction of a new corporate headquarters in the Hidden Ridge development area.
4. On May 31, 2017, Verizon Realty Corp. sold its ownership in the real property and

assigned its rights and obligations to HR Horseshoe Venture LLC. Subsequently, on December 6, 2019, HR Horseshoe Venture LLC sold its ownership in the real property and assigned its rights and obligations to 777 HR Assoc A, LLC and 777 HR Assoc B, LLC. The Agreement allows Verizon Realty Corp. to assign its rights and obligations under the Agreement without prior approval from City Council.

5. As the current owner of the real property, 777 HR Associates A, LLC and 777 HR Associates B, LLC, will be parties with the City of Irving and Pioneer Natural Resources USA, Inc. to the 1<sup>st</sup> Amended and Restated Tax Abatement Agreement that is also scheduled on this agenda for consideration.

### **Recommendation**

The resolution be approved.

## **14 Resolution - Approving an Amended and Restated Tax Abatement Agreement Among the City of Irving, 777 HR Associates A, LLC, 777 HR Associates B, LLC, and Pioneer Natural Resources USA, Inc.**

### **Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this amended and restated tax abatement agreement will modify the minimum qualification requirements for jobs and taxable value on real property and eliminate the single ownership requirement related to the construction of a new corporate headquarters in the Hidden Ridge development area for Pioneer Natural Resources USA, Inc.
3. **This amended and restated tax abatement agreement was discussed in Executive Session of the Irving City Council Work Session on July 1, 2021.**
4. On May 12, 2016, the Irving City Council approved RES-2016-191 authorizing a tax abatement agreement with Verizon Realty Corp. ("Owner") and Pioneer Natural Resources USA, Inc. ("Company"), for the construction of a new corporate headquarters building in the Hidden Ridge development area.
5. The tax abatement agreement requires the Owner to construct and the Company to occupy, a minimum of 750,000 gross square feet of office space in a new building on the Premises; the Company to employ at least 1,090 full-time jobs with a with an average annual salary of \$110,000 at the new building; increase the taxable value of business personal property owned by the Company at the Premises by at least \$15,000,000 over the base year value; and increase and maintain the taxable value of the building improvements owned by the Owner by at least \$100,000,000 over the base year value. All Minimum Qualifications must be achieved by January 1, 2022 and maintained for the entire term of the Agreement.



6. Upon achievement of the above Minimum Qualifications, the Agreement provides a tax abatement equal to:
  - A. 75% of the City ad valorem taxes on eligible value of real property improvements at the Premises for ten years, and
  - B. 75% of the City ad valorem taxes on eligible value of business personal property at the Premises for ten years, and
7. On May 31, 2017, Verizon Realty Corp. sold its ownership in the real property and assigned its rights and obligations to HR Horseshoe Venture LLC. Subsequently, on December 6, 2019, HR Horseshoe Venture LLC sold its ownership in the real property and assigned its rights and obligations to 777 HR Assoc A, LLC and 777 HR Assoc B, LLC.
8. Due to economic factors beyond their control, Pioneer and the new property owners have requested amending the Agreement to:
  - A. Reduce the required number of full-time jobs from 1,090 to 700 with an average annual salary of \$110,000, and
  - B. Eliminate the single-ownership requirement for the real property and allows for multiple owners of the land and improvements
9. As consideration for amending the Agreement as proposed, Pioneer and the new property owners are proposing to increase the required taxable value of the real property improvements at the Premises from \$100,000,000 to \$200,000,000.
10. As proposed, the Amended and Restated Tax Abatement Agreement would require Pioneer to occupy at least 750,000 gross square feet of office space in the building for at least fifteen (15) years; employ at least 700 full-time jobs with a with an average annual salary of \$110,000; increase the taxable value of business personal property at the Premises by at least \$15,000,000 over the base year value; and increase and maintain the taxable value of the building improvements by at least \$200,000,000 over the base year value.

**Recommendation**

The resolution be approved.

**15 Resolution - Approving a Second Amended and Restated Economic Incentive Agreement Between the City of Irving and Pioneer Natural Resources USA, Inc., in an Amount Not to Exceed \$430,000.00**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this Second Amended and Restated Economic Development Incentive Agreement (EDIA) with Pioneer Natural Resources USA, Inc., will amend

the minimum qualification requirements to retain existing employees, add new jobs, and increase and maintain taxable value of the real property in the Hidden Ridge development area of the City of Irving.

- 3. This second amended and restated economic development incentive agreement was discussed in Executive Session of the Irving City Council Work Session on July 1, 2021.**
4. On May 12, 2016, City Council approved RES-2016-192 authorizing an EDIA with Pioneer related to job grant incentives in an amount not to exceed \$705,000.00. The agreement was for a Grant A equal to \$500 per existing job retained with an average annual salary of \$110,000 available for seven years; and a Grant B equal to \$500 per new job created with an average annual salary of \$90,000 available for 320 new Irving jobs for ten years. At minimum qualification levels, the project consists of 750,000 gross square feet of leased office space; 1,090 full-time employees existing with the company in Irving at an average salary of \$110,000; and business personal property of \$15,000,000.
5. Pioneer Natural Resources USA, Inc., established its corporate headquarters office at 777 Hidden Ridge when the 750,000+ square foot office building was completed in late 2019. The company requested amendments to the existing agreement to allow additional time to meet deadlines.
6. On November 12, 2020, City Council approved RES-2020-420 authorizing an Amended and Restated EDIA to delay the job retention requirement for Grant A by one year to December 31, 2021 and delay the automatic termination date to achieve Grant A minimum qualifications to January 1, 2022. In consideration, Grant B was amended to \$250 per new job created with an average salary of \$100,000 available for 320 new Irving jobs for ten years. The maximum grant payment for Grants A and B was amended from \$705,000 to \$625,000.
7. Pioneer has requested additional amendments to the EDIA to:
  - A. Reduce the number of retained full-time jobs eligible for Grant A from 1,090 to 700. The total amount of Grant A would be reduced from \$545,000 to \$350,000 (700 full-time jobs x \$500). Payments for Grant A would be made the year following achievement of Grant A Minimum Qualifications. Grant A payments would be made as follows: \$116,666 (First year), \$116,666 (Fourth year), and \$116,666 (Seventh year), respectively.
  - B. Limit the number of new full-time jobs eligible for Grant B to 320 new jobs in excess of 1,090 jobs. The total amount of Grant B shall not exceed \$80,000 (320 new jobs x \$250). Payments for Grant B would be made the year following achievement of Grant B Minimum Qualifications as follows: \$27,500 (Fourth year), \$25,000 (Seventh year), and \$27,500 (Tenth year), respectively.
  - C. The maximum grant payment for Grants A and B was amended from \$625,000

to \$430,000.

8. In consideration for amending the EDIA, Pioneer proposes adding an additional Grant B Minimum Qualification to increase the taxable value of the real property improvements at the Premises by \$200,000,000 over the base year value.
9. As proposed, the Second and Amended EDIA would require Pioneer to achieve and maintain the following minimum qualifications: occupy 750,000 square feet of leased office space by December 31, 2020; increase taxable value of business personal property by at least \$15,000,000 over the base year value by January 1, 2021; and increase and maintain taxable value of real property improvements by at least \$200,000,000 over the base year value by January 1, 2021; and employ 700 full-time employees existing with the company in Irving at an average salary of \$110,000 by December 31, 2021.

### **Recommendation**

The resolution be approved.

## **16 Resolution - Acknowledging Jamison Diversified Investments as the Highest Bidder for the Sale of 0.5005 Acres of Land Located at 419 Ada Street, Authorizing City Staff to Negotiate the Purchase and Authorizing the Mayor to Execute Any Necessary Documents Related to the Sale**

### **Administrative Comments**

1. This item is recommended by the Office of Economic Development. It supports Strategic Objective 3.1-Promote revitalization of targeted areas.
2. **Impact:** The sale of this 0.5005 acre tract of city-owned property will return it to the property tax rolls and remove the City from the management of a residential lease.
3. The residential property at 419 Ada St. was acquired by the City in 2012 through the settlement of the Comerica lawsuit involving the McDougal Partnership. The acquisition included the assignment and assumption of a one-year residential lease with a term that expired on April 30, 2012. After the initial term, the lease converted into a month-to-month lease with a lease payment of \$800 per month.
4. Current zoning for the property is HCD-TMU (Heritage Crossing District-Transit Mixed Use), and the current use (Single Family Residential-Detached) is non-conforming. The 2020 DCAD Market Value is \$114,200 of which \$64,500 is land value and \$48,800 is improvement value.
5. Bids were advertised and opened on October 18, 2021, for the sale of the property

pursuant to Council direction provided during the June 17, 2021 Council Work Session. A suggested minimum bid value was set at \$65,400. In addition to the financial element of the bid, Council directed that bidders be required to agree to retain the current tenant for at least six (6) months after purchase of the property.

6. Four bids were received, one of which was non-responsive. The winning amount of \$70,000 was submitted by two bidders, resulting in a tie bid. When tie bids are received, State law and City ordinance states that if one of the bidders is a local bidder the bid shall be awarded to that bidder.
7. Staff recommends that the bid in the amount of \$70,000.00 received from Jamison Diversified Investments, whose principal place of business is in Irving, Texas, be approved and accepted for award.

### **Recommendation**

The resolution be approved.

## **17 Resolution - Authorizing the Irving Convention and Visitors Bureau to Purchase Advertising Space in the Media in the Amount of \$560,000.00 for Fiscal and Calendar Year 2022**

### **Administrative Comments**

1. This item is recommended by the Irving Convention and Visitors Bureau (ICVB) and supports Strategic Goal No. 3: Economic Development.
2. **Impact:** The contract positively impacts City of Irving residents, visitors and businesses by generating additional community revenues through a targeted advertising program promoting the city of Irving as a premier destination.
3. Funding in the amount of \$560,000 is provided by American Rescue Plan Act (ARPA) funds, which have been transferred to the ICVB General Fund.
4. ARPA funds are available to address the negative economic impacts of the pandemic, including aid to impacted industries such as tourism, travel and hospitality. Aid is also available to help reopen travel businesses and organizations that were closed during the pandemic, to respond to the negative economic impacts of the pandemic, and to replace lost public sector revenue and cover government revenue losses that were due to the pandemic, such as hotel occupancy taxes and convention center revenues.
5. The Irving Convention and Visitors Bureau's Hotel Occupancy revenues have declined significantly since March 2020 due to the COVID-19 pandemic. Per the formula in the Act, the ARPA Calculation of Loss to date for the ICVB and ICC total \$10,860,521 for FY 20-21 and \$11,460,519 for FY 21-22.

6. The advertising schedule includes traditional and digital media in both the trade and leisure markets. Messaging will be focused primarily on the meetings trades and specialty publications within that segment, promoting Irving hotels and the Irving Convention Center for meetings and events, and will include third-party lead generation outlets. Leisure messaging will include the Texas Tourism co-operative program and focus on the 150-500 mile “drive-to” markets, as well as targeted staycation and regional event-driven messaging.
7. The final advertising schedule will be determined based on proposals submitted and the evaluation of these, to select those that best address the primary objectives of the 2021-22 ICVB Marketing Plan. Budgeting is done on a fiscal year basis; however, the media schedule primarily is placed on a calendar year with funds encumbered as commitments are made, and thus crossing fiscal years.
8. Past ICVB advertising conversion studies reported the following impacts and return on investment: for each \$1 the ICVB spent on advertising, \$31 was spent by travelers in Irving businesses. (Irving Conversion Study, Smart Business, 2000.) Based on the results received from similar advertising campaign components conducted with Coronavirus Aid Relief and Economic Security Act (CARES Act) funds, for every \$1 spent, \$74 was generated in Potential Economic Value and/or direct hotel referrals.

### **Recommendation**

The resolution be approved.

## **18 Resolution - Approving the Contract with Lewis Marketing Partners for Media Buying and Digital Media Strategy Services for the Irving Convention & Visitors Bureau for a One-Year Term in the Total Estimated Amount of \$56,000.00**

### **Administrative Comments**

1. This item is recommended by the Irving Convention & Visitors Bureau (ICVB) and supports Strategic Goal No. 3: Economic Development.
2. **Impact:** Media Buying and Digital Media Strategy Services directly enhance the efforts of the ICVB to promote the city as a destination for visitors, conventions and meetings.
3. Lewis Marketing Partners (LMP) will provide media buying and digital media strategy services to the ICVB on an annual basis, with a 10 percent fee assessed based on the media buying budget, plus any associated expenses. ICVB has worked with LMP in prior years, however this is the first year that the costs for

services require City Council action.

4. The services LMP provides are part marketing art and science, part content strategy, part research and part technology. Additionally, LMP provides a unique set of qualifications that are key for target segmentation, category, value proposition, positing and brand strategy; this is a key asset to our Marketing and Communications initiatives.
5. This contract will run January 1, 2022, through December 31, 2022.
6. Funding in the amount of \$56,000 is provided by American Rescue Plan Act (ARPA) funds, which have been transferred to the ICVB General Fund.
7. ARPA funds are available to address the negative economic impacts of the pandemic, including aid to impacted industries such as tourism, travel and hospitality. Aid is also available to help reopen travel businesses and organizations that were closed during the pandemic, to respond to the negative economic impacts of the pandemic, and to replace lost public sector revenue and cover government revenue losses that were due to the pandemic, such as hotel occupancy taxes and convention center revenues.
8. The Irving Convention and Visitors Bureau’s Hotel Occupancy revenues have declined significantly since March 2020 due to the COVID-19 pandemic. Per the formula in the Act, the ARPA Calculation of Loss to date for the ICVB and ICC total \$10,860,521 for FY 20-21 and \$11,460,519 for FY 21-22.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Estimated Amount</b>	<b>Fiscal Year(s)</b>
Lewis Marketing Partners	1/1/22 – 12/31/22	\$56,000.00	2021-22
<b>TOTAL</b>		<b>\$56,000.00</b>	

**Recommendation**

The resolution be approved.

**19 Resolution - Approving Amendment No. 2 to the Telecommunications License Agreement Between the City of Irving and PCPI UT Owner, LP, Assignee of AG-PCPI Urban Towers Owner, L.P.**

**Administrative Comments**

1. This item is recommended by the Information Technology Department. This item supports Strategic Objective 4.2 – Leverage information technology to drive efficient and responsive service delivery.
2. **Impact:** Amendment No. 2 provides for the extension of the Telecommunications License Agreement.
3. In 2001, City Council approved RES-4-5-01-160 for a Telecommunications License Agreement that granted the City a non-exclusive license to use certain space at the Millennium Building located at 222 East Las Colinas Blvd. for the purpose of installing, operating, and maintaining telecommunications equipment in connection with the Radio System Upgrade.
4. In 2017, City Council approved RES-2017-147 Amendment No.1 to the agreement provided for a five-year extension, with two five-year optional renewals, with a 5% increase for each renewal term.
5. This Amendment No. 2 provides a five-year extension. The City shall pay \$2,693.79 per month for the first year, with a 5% increase for each renewal term. The Effective Date is retroactive to April 1, 2021 and the initial term expires on March 31, 2022.
6. Funding for Fiscal Year 2021-22 is available in the Technology Fund, while funding for Fiscal Years 2022-23 through 2025-26 is subject to budget appropriation.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
PCPI UT Owner, L.P.	04/01/21-03/31/26	\$ 33,133.62	2021-22
		\$ 34,790.28	2022-23
		\$ 36,529.80	2023-24
		\$ 38,356.32	2024-25
		\$ 19,645.92	2025-26
<b>TOTAL</b>		<b>\$162,455.94</b>	

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 20-28**

**20 Resolution - Approving Renewal No. 4 of the Consulting Agreement with Holmes, Murphy & Associates, LLC, in the Total Estimated Amount of \$96,000.00 for Employee Healthcare Consultant Services**

**Administrative Comments**

1. This item is recommended by the Human Resources Department.
2. **Impact:** Employee healthcare consultant services will assist the city by identifying creative long-term strategies and short-term tactics that will improve plan performance and maintain a sustainable health and wellness program. Additionally, the consultant will develop innovative, integrated solutions for city consideration that may influence or impact projected healthcare costs and trends in areas such as wellness, disease management, and overall health plan management.
3. Services provided under this contract include, but are not limited to, actuarial analysis, drafting of Request for Proposal (RFP) specifications, negotiation of contract terms, and monitoring benefit and wellness programs for effectiveness and cost efficiency.
4. This renewal establishes the continuation of an annual contract for providing employee healthcare consultant services. The original contract was awarded to the firm scoring the highest points based on evaluation criteria established through a Request for Proposals process. This is the fourth of five, one-year renewal options. The current contract expires December 31, 2021.
5. Funding for Fiscal Year 2021-22 is available in the Health Self-Insurance Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Holmes, Murphy & Associates, LLC	1/1/22 – 12/31/22	\$72,000.00	2021-22
		\$24,000.00	2022-23
<b>TOTAL</b>		<b>\$96,000.00</b>	

**Recommendation**

The resolution be approved.

**21 Resolution - Renewing the Annual Contract with Martin & Martin Design in the Total Estimated Amount of \$118,600.00 for Art Services and Fine Arts Handling**

**Administrative Comments**

1. This item is recommended by the Irving Arts Center.
2. **Impact:** These contracted services will ensure that art handling and fine arts services necessary for the mounting of exhibitions and care of artwork at the Irving



Arts Center and Heritage Museum will be performed in a safe and professional manner consistent with industry standards, lenders' expectations, and contractual requirements. Services include, but are not limited to, transportation, framing, fabrication, conservation, installation, and packing.

3. This renewal establishes the continuation of an annual contract for providing art services and fine arts handling. This is the second and final one-year renewal option. The current contract expires on November 30, 2021.
4. Funding for Fiscal Year 2021-22 is available in the Irving Arts Center General and Museum funds, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Est. Amount	Fiscal Year
Martin & Martin Design	12/1/21 – 11/30/22	\$ 94,200.00	2021-22
		\$ 24,400.00	2022-23
<b>TOTAL</b>		\$118,600.00	

**Recommendation**

The resolution be approved.

**22 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Heritage One Roofing, Inc., and Authorizing As-Needed Expenditures in the Total Estimated Amount of \$290,000.00 for Roofing Repairs and Replacement through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center**

**Administrative Comments**

1. This item is recommended by the Capital Improvements Program (CIP) and Parks & Recreation departments and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Heritage One Roofing, Inc., for utilization of TIPS Contract No. 21063 for Roofing Part 2 (JOC), which expires on September 30, 2023, will allow for timely repair, replacement, maintenance or installation of roofing systems on city buildings and facilities at prices that will be favorable for the city.
3. This contract provides for roofing repairs and replacement on an as-needed basis. The CIP and Parks & Recreation departments maintain roofing systems at more than 60 facilities that may require the services of this agreement.
4. Funding for Fiscal Year 2021-22 is available in various departmental budgets within

various funds.

<b>Vendor</b>	<b>Spending Term</b>	<b>Total Estimated Expenditures</b>
Heritage One Roofing, Inc.	10/29/21 – 9/30/22	\$290,000.00
<b>TOTAL</b>		<b>\$290,000.00</b>

**Recommendation**

The resolution be approved.

**23 Resolution - Renewing the Professional Services Agreement between the City of Irving and LCA Environmental, Inc., in the Total Estimated Amount of \$400,000.00 for Environmental Assessment Services for a Two-Year Term**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) Department.
2. **Impact:** Environmental Assessment Services are necessary to ensure compliance with state and federal environmental regulations when acquiring, remediating, and/or demolishing property, as well as for assessing and/or monitoring other types of environmental impacts. Various departments utilize these services including CIP, Water Utilities, Economic Development, Planning & Community Development, Parks & Recreation and Code Enforcement.
3. Utilization of these services has averaged \$89,950 annually over the past three fiscal years. Spending under this contract for Fiscal Year 2020-21 was \$158,750.50. With the increased number of CIP projects programmed over the next five years, usage of this contract will continue to be critical.
4. This item establishes the renewal of a contract to provide environmental assessment services for a two-year term. The original contract was awarded as the result of a negotiated agreement with the respondent receiving the highest evaluation criteria score through a Request for Qualifications process. This is the second and final two-year renewal option. The current contract expires November 15, 2021.
5. Funding for Fiscal Year 2021-22 is available in various project funds, while funding for Fiscal Years 2022-23 and 2023-24 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditures	Fiscal Year(s)
LCA Environmental, Inc.	11/16/21 – 11/15/23	\$165,000.00	2021-22
		\$200,000.00	2022-23
		\$ 35,000.00	2023-24
<b>TOTAL</b>		<b>\$400,000.00</b>	

**Recommendation**

The resolution be approved.

**24 Resolution - Approving and Accepting the Bid from Incircle Management, Inc., in the Total Estimated Amount of \$65,000.00 for Mowing, Litter Control, and Landscape Maintenance for Water Utilities Facilities**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** This contract allows Water Utilities to ensure all of the water and wastewater facilities in Irving are maintained with continuous mowing and litter control.
3. This award establishes a contract for the continuation of mowing, litter control, and landscape maintenance for Water Utilities facilities such as pump stations, lift stations, and elevated storage tank locations. The contract includes two, one-year renewal options.
4. Funding for Fiscal Year 2021-22 is available in the Water & Sewer System Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
Incircle Management, Inc.	12/1/21 – 11/30/22	\$54,500.00	2021-22
		\$10,500.00	2022-23
<b>TOTAL</b>		<b>\$65,000.00</b>	

**Recommendation**

The resolution be approved.

**25 Resolution - Authorizing As-Needed Purchases from B D Holt Co in the Total Estimated Amount of \$300,000.00 for Heavy Equipment Repairs with Optional Parts Purchases for Caterpillar Equipment through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Fleet Services Division.
2. **Impact:** Approval of this item will allow city equipment to continue to be repaired and maintained with minimum downtime, keeping service levels high while enhancing Fleet Services Operations.
3. A Vendor/Member contract between the City of Irving and B D Holt Co was approved on January 16, 2020 by RES-2020-22. This contract supports the utilization of BuyBoard Contract No. 597-19 for Construction, Road & Bridge, Ditching, Trenching, and Other Equipment, which has been renewed by BuyBoard through November 30, 2022.
4. Funding for Fiscal Year 2021-22 is available in the Garage Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Est. Expenditure</b>	<b>Fiscal Year(s)</b>
B D Holt Co	12/1/21-11/30/22	\$250,000.00	2021-22
		\$ 50,000.00	2022-23
<b>TOTAL</b>		<b>\$300,000.00</b>	

**Recommendation**

The resolution be approved.

**26 Resolution - Approving the Purchase from B D Holt Co for a 2022 Caterpillar Model No. D6 XELGPVP Track Type Dozer in the Total Estimated Amount of \$485,996.00 through Sourcewell**

**Administrative Comments**

1. This item is recommended by the Solid Waste Services Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of the tractor dozer from B D Holt Co will allow the Solid Waste Services Department to maintain a high level of customer service for the residents of Irving.
3. This purchase is supported by a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and B D Holt Co utilizing Sourcewell Contract No. 032119 which expires on May 13, 2023.
4. This purchase includes a standard warranty of 12 months/unlimited hours, and an extended warranty of 60 months/9000 hours on powertrain hydraulics.
5. Funding is available in the Solid Waste Vehicle & Equipment Replacement Fund.

Vendor	Item Description	Total Est. Expenditure
B D Holt Co	2022 Caterpillar D6 XELGPVP Track Type Tractor Dozer	\$485,996.00

**Recommendation**

The resolution be approved.

**27 Resolution - Approving the Purchase of Various Equipment from Associated Supply Company, Inc., in the Total Estimated Amount of \$267,047.72 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 and approved by the Fleet Services Division.

2. **Impact:** Purchase of the supplemental equipment shown below will allow the department to maintain an adequate and reliable fleet for staff to provide exceptional services for drainage, construction, and private development projects.
3. A Vendor/Member contract between the City of Irving and Associated Supply Company, Inc., was approved on January 30, 2020 by RES-2020-42. This contract supports the utilization of BuyBoard Contract No. 597-19 for Construction, Road, Bridge, Ditching, Trenching, Utility and Other Equipment, which has been renewed through November 30, 2021.
4. Funding is available in the Municipal Drainage Fund.

Department	Item Description (Quantity)	Total Est. Expenditure
Capital Improvement Program	2021 or newer Toro 48" Boom High Speed Trencher Attachment for Model No. TX525 with 48" X 6" Combo Chain(1)	\$ 7,663.00
	2021 or newer Case Model Case CX57C Mini Excavator (1)	\$ 84,434.72
	2021 or newer Case 590SN Backhoe Loader Model No. FPT F5BFL413A (1)	\$146,900.00
	2021 or newer Erskine Concrete Mixer Skid Steer Attachment 6.3 cu ft drum, Earth Auger 19PD w/hex connection (1)	\$ 5,550.00
	2021 or newer Case HP24 24" Cold Planer with hydraulic controls (31-35 GPM)HF (1)	\$ 22,500.00
<b>TOTAL</b>		<b>\$267,047.72</b>

**Recommendation**

The resolution be approved.

**28 Resolution - Approving the Purchase of Various Vehicles from Caldwell Country Chevrolet in the Total Estimated Amount of \$356,240.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program, Police and Water Utilities departments and approved by the Fleet Services Division.
2. **Impact:** Supplemental purchases of the vehicles shown below will allow the departments to maintain an adequate and reliable fleet for staff to provide exceptional services to city facilities. Purchase of the replacement vehicle below will

allow for replacement of older vehicle 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. A Vendor/Member contract between the City of Irving and Caldwell Country Chevrolet was approved on October 21, 2020 by Administrative Award No. 7005. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which expires on November 30, 2021.
4. Funding is available in the Vehicle & Equipment Replacement, Municipal Drainage Utility Operating, General, and Water & Sewer System funds.
5. Budgeted supplements are as follows:

Department	Item Description (Quantity)	Total Est. Expenditure	Fund
Capital Improvement Program	2022 Chevrolet 6500 Silverado CC56403, 4X4 Crew Cab Truck (1)	\$107,875.00	Municipal Drainage Utility Operating
	2021 or newer Chevrolet 1500 Silverado ½ ton Trucks 4X2 Double Cab CC10903 (2)	\$ 65,440.00	General, Municipal Drainage Utility Operating
Police	2022 Chevrolet Traverse LS 1NB56, 3.6L V6, 4-door with liftgate (3)	\$ 90,835.00	Vehicle & Equipment Replacement
Water Utilities	2022 or newer Chevrolet 4X2 1500 Silverado Truck	\$ 35,775.00	Water & Sewer System
<b>TOTAL</b>		<b>\$299,925.00</b>	

6. Budgeted replacement is as follows:

Department	Item Description (Quantity)	Replaces City Tag No.	Total Est. Expenditure	Fund
Water Utilities	2022 Chevrolet Tahoe 4X4 LS, 5.3L V8 Ecotec3 engine; CC15706	32191	\$56,715.00	Municipal Drainage Utility Operating

**Recommendation**

The resolution be approved.

**End of Bids**

## INDIVIDUAL CONSIDERATION

- 29 Resolution - Approving the First Amendment to Home Investment Partnerships Grant Agreement Between the City of Irving and Housing Channel, Inc., to Acquire Land and Construct a Minimum of Eighteen (18) Single Family Homes Located in Irving, Texas in the Total Amount of \$624,624.00 (Postponed from October 28, 2021)**

### Administrative Comments

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This project will promote the creation of affordable housing opportunities in Irving.
3. The City of Irving has previously entered into two HOME agreements with Housing Channel to construct new townhomes at two locations along E. Second Street. The first is located in the 300 block of E. Second (303 E. Second) on land previously owned by the City. The City and Housing Channel closed on the sale of the property on September 30, 2021. That development will include twelve (12) new townhomes, 5 of which will be affordable for first-time homebuyers. The second location is in the 500 block of E. Second (522 E. Second) on land purchased from a private landowner. The chronology of these agreements and the associated funding are as follows.

#### 522 E. Second

- a. August 2, 2018 – City Council approved a HOME allocation of \$124,624 to a different non-profit housing corporation during the annual grant funding process.
- b. February/March 2019 – the non-profit housing corporation formally declined the allocation due to being unable to locate a suitable project.
- c. March 20, 2019 – The Housing and Human Services Board authorized staff to enter discussions with Housing Channel regarding reallocation of the \$124,624.
- d. September 5, 2019 – City Council approved an agreement to allocate the \$124,624 to Housing Channel to acquire one single family home.
- e. Spring 2020 – Housing Channel identified the property at 522 E. Second Street for purchase, and requested that the City amend the agreement to change the scope of the project
- f. July 30, 2020 – City Council terminated the September 5, 2019 agreement with Housing Channel, and approved a new agreement with Housing Channel allocating the \$124,624 to be used toward the acquisition of the property at 522 E. Second. At the time, the preliminary plan was to build 12 townhomes, of which 5 would be affordable for first-time homebuyers.



- g. December 10, 2020 – City Council approved a HOME allocation of \$250,000 to Housing Channel during the annual allocation process. Housing Channel requested that the funds be used toward the construction of the townhomes at 522 E. Second. The total allocation approved for the 522 E. Second development increased to \$374,624.

#### 303 E. Second

- a. August 1, 2019 – City Council approved a HOME allocation of \$1,000,000 to Housing Channel for affordable housing. At the time, the City was negotiating with Housing Channel to acquire and develop the property at 303 E. Second. Source of funding was the annual allocation of HOME funds for that year plus a recapture of older, unallocated and unspent funds.
- b. September 30, 2021, the City and Housing Channel closed on the sale of the property at 303 E. Second Street.
- c. Through the Spring and Summer of 2021 Housing Channel worked with City departments on engineering and construction plans for both projects. Community Development staff worked with Housing Channel on HOME project.
- d. While reviewing underwriting for both developments, Housing Channel requested that \$250,000 of the \$1,000,000 allocated in August 2019 be reallocated from the 303 E. Second project to the 522 E. Second project due to HOME subsidy limits that prevent using the full amount for the homes at 303 E. Second.
- e. On April 21, 2021 the Housing and Human Services Board was briefed on the request to reallocate \$250,000 from 303 E. Second to 522 E. Second as part of a discussion on Subsidy Layering, and had no objection. The total allocations to Housing Channel for both projects would remain unchanged at \$1,374,624.

#### 4. This amendment will include the following changes to the current agreement:

- a. The total units proposed for 522 E. Second has increased to eighteen (18) units; thirteen (13) market rate and five (5) affordable units. This change creates six (6) additional market rate homes for the Heritage Crossing area.
- b. Agreement Term will be extended to April 30, 2024.
- c. Total funding for the 522 E. Second project would be increased by \$500,000. This includes the designation of the \$250,000 previously approved by the City Council in December 2020 specifically for the 522 E. Second project, and the reallocation of \$250,000 from 303 E. Second. Originally, Housing Channel planned to use New Market Tax credits to assist with funding their developments, but a portion of their award was returned due to the delays in

this project. The funds identified in this amendment have been previously allocated to Housing Channel but have not yet been executed by an agreement. Housing Channel will use the additional funds to assist in subsidizing the affordable units.

5. The total HOME funds for the 522 E. Second project are \$624,624.00, which is approximately 13% of the total project cost. The total project cost is estimated to be \$4,761,695.00
6. This property is zoned Heritage Crossing District/Corridor Mixed Use, which allows townhomes. The proposed development complies with all current zoning regulations; no variances or exceptions are being requested.
7. Housing Channel, Inc., is an organization with over 25 years of experience in the development of affordable housing. Within the last year and a half, Housing Channel has constructed three homes in the Irving Heritage Crossing District and has rehabilitated four additional homes for affordable housing.
8. Funding in the amount of \$624,624.00 is available in the CHDO Reserve budget within the Home Investment Partnerships Grant Fund.

### **Recommendation**

The resolution be approved.

## **30 Ordinance - First Reading and Public Hearing - Amending Chapter 33 Entitled "Refuse, Garbage and Weeds", Sections 33-1, 33-14, 33-15, 33-16, 33-30, and 33-31, of the Code of Civil and Criminal Ordinances of the City of Irving, Texas., Providing for New Opt-In Solid Waste Service Rates and Fees**

### **Administrative Comments**

1. This item is recommended by Solid Waste Services.
2. **Impact:** An increase to the solid waste sanitation commercial and place of worship fees will help provide for the operational needs of the Solid Waste Enterprise Fund.
3. This is the first of two readings.
4. This item was presented to the City Council at the Budget Retreat meeting on August 18, 2021.
5. The need for the proposed rate increases is driven by Landfill Capital Improvement Needs, addition collection routes to service current and future infrastructure, and closure and post closure cost associated with the Landfill.

6. The proposed schedule of solid waste fees includes an increase for the commercial fee of \$23.20 and place of worship fee of \$5.08. Staff brought forward the five-year plan resolution for residential service rates at the September 16<sup>th</sup> Council meeting.
7. Smaller commercial businesses and places of worship desiring to continue city solid waste services must request (“opt-in”) trash collection service.
8. Solid Waste Services is seeking to provide opt-in manual twice per week bag collection trash service for small commercial businesses and places of worship.

**Recommendation**

The ordinance be adopted.

**31 Ordinance - Public Hearing and Ordinance Rearranging (Redistricting) the City Council Single-Member Districts; and Establishing New Single-Member District Boundaries for Irving City Council Elections**

**Administrative Comments**

1. This item has been recommended by the City Attorney’s Office and City Secretary’s Office.
2. **Impact:** In accordance with Section 3(d) of Article IV of the Irving City Charter, the proposed ordinance rearranges (redistricts) the city council single-member districts to make them nearly equal in population as possible and establishes new single-member district boundary lines for Irving City Council Elections based on 2020 Census data.

**Recommendation**

The ordinance be adopted.

## ZONING CASES AND COMPANION ITEMS

### 32 Resolution - Temporary Use Permit G2108-0003 - Considering a Request for a Temporary Use Permit to Allow a COVID-19 Testing Site at Property Located at 3143 W. Airport Fwy. from November 12, 2021 through May 11, 2022 - HippoMed Wellness Clinics, Applicant (Postponed from October 28, 2021)

#### Administrative Comments

1. The applicant is requesting approval of a Temporary Use Permit to allow a COVID-19 Testing Site on the property from November 12, 2021 through May 11, 2022, from 7:00 am to 7:00 pm daily.
2. The property was previously used as parking for a former toy store to the north. The toy store was redeveloped into a self-storage facility, and the parking lot was divided into pad sites for future development. The pad site to the east has been developed with a Panda Express restaurant. This remaining pad site has yet to be redeveloped.
3. The applicant has been operating a COVID-19 testing facility without a permit for several months. Code Enforcement issued a Notice of Violation on June 7. An application for a Temporary Use Permit was submitted on August 6. Staff requested several revisions, which delayed the case but with which the applicant ultimately complied.
4. The Unified Development Code limits **the maximum length of a Temporary Use Permit to six (6) months**. This has been explained to the applicant, and he understands the time limit.
5. The property is zoned S-P-2 (C-C) "Generalized Site Plan – Community Commercial" district, which does not allow outdoor activities. However, this zoning does allow for medical clinics.
6. The applicant is operating a drive-up testing site. Cars enter the site from Imperial Drive onto a mutual access easement with the adjacent property to the north. Cars then queue onto the property. The queue is not located in a fire lane. The cars go to a check-in station, where the Patient Intake Coordinator assigns a parking space for the patients. **All patients must be pre-registered**. Once the testing site is ready, they are notified by their mobile device that they may enter the queue for the testing bays. Once the patient has been tested, they exit the site via a mutual access easement with Panda Express to the State Highway 183 service road.
7. The applicant's operations plan indicates that by pre-registering, they are never more than 70% capacity at any given time.
8. No temporary signage can be approved via this Temporary Use Permit.
9. Only testing is allowed by this permit. **Vaccinations are not permitted**.
10. The Police, Traffic and Transportation, and Fire Departments can support the

proposed layout. No issues have been reported by Police or the Traffic Department regarding the testing operations on this site.

### **Recommendation**

The resolution be approved.

- 33 Ordinance - Zoning Case ZC21-0025 - Considering a Zoning Change from PUD for S-P-1 (R-AB) "Planned Unit Development for Detailed Site Plan for a Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption" to PUD for S-P-1 (R-AB) "Planned Unit Development for Detailed Site Plan for a Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption" - Approximately 0.70 Acres Located at 7170 State Highway 161 - Development Engineering Consultants LLC, Applicant; 6671 6675 North MacArthur Boulevard LLC, Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – Approval 7-0 (Commissioners Burns and McPhail, absent).
2. The subject property is a 0.70-acre lot with an existing *Shake Shack* restaurant that has been operating since 2018. In 2019, the subject property was rezoned to PUD for S-P-1 (R-AB) "Planned Unit Development for Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption". **The applicant is requesting to rezone the property to add a new drive through feature** for picking up food and beverages that have been pre-ordered so that customers do not have to park or get out of their vehicles.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends ***Neighborhood Commercial*** for this property. This is described as a mixed-use commercial district along major corridors. The requested zoning is in conformance with the Comprehensive Plan.
4. The new drive through lane design will result in the elimination of 12 parking spaces. The variance is needed for the reduction in required spaces within the legal lot. Based on the 92 seats in the restaurant, 37 parking spaces are required, and 38 spaces were provided. The applicant is requesting to reduce the required parking to 25 spaces.

	Required	Proposed
Parking spaces	37 spaces	25 spaces

5. The applicant has provided a cross-parking agreement that will be filed prior to permits being issued, stating that the deficit in parking can be provided on the adjacent Lot 1 in the shopping center, which has a surplus of 67 spaces.
6. A landscape plan was approved with the original S-P-1 for R-AB. The redesign of the parking lot will likely require some minor revisions with the addition of the new drive through lane and the relocation of the trash enclosure. A note is on the site plan that all landscaping will need to be provided in accordance with requirements in the Unified Development Code.
7. The applicant also maintains that the new drive through lane and window encourage more drive through business and will lessen the need for parking. Given the ability of the adjacent lot to accommodate additional parking from the Shake Shack, the fact that the adjacent lot has a surplus of 67 spaces, and the fact that the new drive through lane will encourage drive through as opposed to dine-in traffic, staff believes the proposed parking will be adequate for this facility and staff can support this request.
8. A total of 5 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

**Recommendation**

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

- 34 Ordinance - Zoning Case ZC21-0041 - Considering a Zoning Change from S-P-1 (P-O) “Detailed Site Plan - Professional Office and State Highway 183 Overlay District Including Auto Rental and Used Auto Sales” to S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2” to Allow Used Auto Sales as a Primary Use in the State Highway 183 Overlay District - Approximately 1.34 Acres Located at 1700 E. Airport Freeway - Triston Ida, Applicant; Christ Church Irving, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation:

November 1, 2021 – Approval 6-1 (Commissioner Prichard, nay; Commissioners Burns and McPhail, absent), subject to stipulating the trees in the front setback and that no on-site service or repair is permitted. The stipulations of the Planning and Zoning Commission have been met.

2. The subject property is a 1.34-acre tract developed with an existing single-story structure that was used for a previous automobile rental facility which includes used automobile and light truck sales. **The applicant is requesting a zoning change to allow used automobile sales as a primary use, without car rental or new car sales.**
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 with opportunities for residential and commercial infill and reinvestment. The requested zoning does not increase the nonconformance with the Comprehensive Plan.
4. History:
  - a. On February 3, 2011, the City Council passed Ordinance No. 2011-9244 approving the State Highway 183 Overlay District. The reconstruction and expansion of State Highway 183 was seen by the City as an opportunity to **create a transportation corridor that is not only a pleasant environment for travelers but also serves as a diverse source of retail, entertainment and employment opportunities** for residents and visitors. Given the City’s investment in the reconstruction project, the City sought to help achieve this vision through the creation of the overlay district.
  - b. The **overlay district includes limitations on used car dealerships that are not associated with franchised new car dealerships**, in an attempt to limit the number of additional used auto sales locations along the corridor.
  - c. The overlay district restricts “used car only” dealerships in an effort to ensure higher quality, large dealerships occupy the corridor. In establishing the Overlay, the City supported the continuous use of larger used car dealerships associated with a “national” brand in the corridor. Examples include the Carmax site, this site which was the former Hertz Auto Rental and Auto Sales site, and the Carlotz site approved on July 22, 2021.
  - d. On December 13, 2012, the City Council passed Ordinance No. 2012-9398 rezoning this property to an S-P-1 for Automobile & Light Truck Rental including accessory sales of automobiles and light trucks. The site plan specifically notes that used automobile and light truck sales is allowed, **but only as an accessory use to automobile rental as the principal use and not as an independent use.** The rental car business has since moved from this location and the owner would like to lease the property exclusively for used auto sales as an independent use.
5. The property is owned by Christ Church Irving. However, this portion of the property

is not used for religious purposes and is an investment property for the church. The church is proposing to lease the site to the applicant for used car sales. The applicant is an independent operator. All the notes from the 2012 site plan for setbacks, landscaping, and screening have been shown on the proposed site plan except the notes pertaining to car rental use.

6. The following uses and variances are proposed:

	Per State Highway 183 Overlay	Approved Site Plan in 2012	Proposed Site Plan
Use Allowed	Used auto sales in conjunction with new auto sales franchise Auto rental	Automobile rental uses - with secondary used automobile & light truck sales	Used automobile and light truck sales as primary use
Variance: Rear Setback	25 feet	17 feet	17 feet

7. The property is twice as wide as it is deep, being approximately 373 feet wide on the 183 frontage and between 163 and 180 feet deep. The property has a 980 square foot building at the southeast corner of the property. A six-foot tall wood fence separates the property from Cooper Drive and the residential properties to the south. Parking spaces for storage of cars for sales are located directly against this side of the property.
8. The landscaping shown on the 2012 site plan met the requirements and was installed, but has since died and has not been replaced. At a minimum, the landscaping should include 10 trees in the front landscape buffer and four trees on the interior of the lot. While the owner is proposing to **replace the minimum required landscaping** as previously approved, **no new landscaping is proposed in the interior of the lot**, and **no significant enhancements or upgrades to the site** are being proposed as part of the request for the addition of the used car sales.
9. Due to a 20-ft. wide water easement along the front of the property, and through discussions with the city arborist, staff requested certain smaller trees be planted within this easement, and that the site plan notes specifically limit trees to Redbud, Rusty Blackhaw, Purple Smoke Trees, and Wax Myrtles in this area.
10. A total of 8 parking spaces is required and will be provided for customers and employee parking. The remaining 122 spaces will be used for auto display and inventory.
11. The existing site plan allows used auto sales as an accessory use to auto rental uses. The proposed site plan makes used auto sales the principal use on the property. Unlike other lots approved for used car sales in the area, this is a small lot



(under 2 acres) with a wide frontage and residential adjacency. Though an unpermitted use is being requested through this case, the site plan does not offer any additional landscaping above which is the minimum required. Additionally, **the proposed use is directly in conflict with the intent and purpose of the State Highway 183 Overlay District.** Approval of small used car dealerships in the corridor contrasts with the intent of the overlay district to limit such uses. For these reasons, staff cannot support this request.

12. A total of 14 public notices were mailed. Staff has not received any responses in support and has received one (1) response in opposition to this case. The opposition represents 4.99% of the land area 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.

### **Recommendation**

The ordinance be **denied**.

## **35 Ordinance - Zoning Case ZC21-0052 - Considering a Zoning Change from R-10 "Single Family Residential" to S-P-2 (R-10) "Generalized Site Plan – Single Family Residential" - Approximately 0.75 Acres Located at 3025 Luzon Road - Joann Goin, Applicant/Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – Approval 6-1 (Commissioner Cronenwett, nay; Commissioners Burns and McPhail, absent), subject to stipulating that the carport will drain towards the street. The stipulation of the Planning and Zoning Commission has been met.
2. The subject property is a 0.75-acre lot that is currently developed with an existing single family home. The applicant is requesting a zoning change **to allow a carport that exceeds the maximum allowed height.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The requested zoning is in conformance with the Comprehensive Plan.
4. The proposed carport structure would meet the front yard setback requirements and be attached directly on the east side of the house. The proposed dimensions are 12 feet in width, 30 feet in length, and a varying height of 13 to 14 feet with a side setback of 16 ft. The carport would be a metal structure.

5. The following variance is being requested:

	Required	Requested
<b>Height (Sec. 3.1.12 (a)(8))</b>	The height of the carport shall not exceed 10 feet or be higher than the lowest eave of the residence, whichever is lower, provided that the carport shall not be lower than 7 feet	14 feet

6. The applicant noted the proposed carport is intended to fit their RV. They have also commented there should be no drainage issues for the neighbor’s property as drainage will from front to back. **However, city regulations require the drainage to be toward the street.** Compliance will be required at the time of building permit.
7. The carport is not within the front setback, is behind a fence and gate, and is not adjacent to the side property line. However, the height of the carport is not proportional to the height of the house and would be significantly higher than the top plate line of the house. Therefore, staff cannot support this variance.
8. A total of 17 public notices were mailed. Staff has received one response in support and none in opposition to this request.

**Recommendation**

The ordinance be **denied**.

**36 Ordinance - Zoning Case ZC21-0053 - Considering a Zoning Change from S-P-1 (FWY) "Detailed Site Plan - Freeway" and Cellular Telephone Antenna and Equipment Building" to S-P-1 (FWY) "Detailed Site Plan – Freeway" and Wireless Telecommunications Facility - Approximately 0.034 Acres Located at 7631 North Belt Line Road - Crown Castle on Behalf of DISH Wireless LLC, Applicant; Regent Partners Ltd, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – Approval 7-0 (Commissioners Burns and McPhail, absent).
2. The subject property is a 0.518-acre tract developed with an existing wireless telecommunications facility. **The applicant is requesting a zoning change to increase the height of the existing tower with upgrades to the facilities.**
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. It is also predominantly mid-rise with a mix of surface and structured parking. The requested zoning is in conformance with the Comprehensive Plan.

4. The applicant is proposing to extend the height of the tower from 105 feet to 122 feet tall. The City of Irving’s ordinance for wireless telecommunications towers will only allow the height of an existing tower to be increased by 10 feet. The applicant is proposing to increase the tower by an additional 17 feet.
5. The applicant is proposing the following variances to the Wireless Telecommunications Facility requirements:

Wireless Telecommunications Facilities	Required	Proposed
Tower height, including antenna array, may not exceed one hundred twenty (120) feet.	120 feet	122 feet
Telecommunications antennas are allowed without further zoning on existing Telecommunications towers and sign structures exceeding fifty (50) feet in height, including those located S-P-1, or S-P-2 site plan district, provided that <b>the antenna does not exceed the height of the structure by more than ten (10) feet</b> if a non-whip type or fifteen (15) feet if a whip type.	10 feet	17 feet

6. Since this is an existing tower with just a 17-foot increase in total height which will have no or negligible impact on adjacent properties, staff can support this request.
7. A total of 13 public notices were mailed. Staff has not received any responses in support and has received one (1) response in opposition to this request. The opposition represents 3.46% of the land area within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Recommendation**

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

**37 Ordinance - Zoning Case ZC21-0055 - Considering a Zoning Change from R-7.5 "Single Family Residential" to S-P-2 (R-7.5) "Generalized Site Plan – Single Family Residential" - Approximately 0.20 Acres Located at 2622 Roger Williams Drive - Alfredo Martinez Lazo, Applicant/Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – **Denial** 6-1 (Commissioner Patel, nay; Commissioners Burns and McPhail, absent).
2. The subject property is a residential lot that is currently developed with an existing single family home. **The applicant is requesting a variance to allow for a covered patio encroachment into the front setback.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The requested zoning is in conformance with the Comprehensive Plan.
4. Section 8.4.5 (a) of the Unified Development Code limits the encroachment of cornices, eaves and sills to not more than two (2) feet into any required yard.
5. In July 2021, the construction of the now finished covered patio structure began. **The structure encroaches into the established front yard setback by 12 feet** and is approximately 14 feet 10 inches wide and 12 feet deep. Code Compliance informed the property owner that building permits were required for the construction. When they came to apply for the building permit, they were instructed that a variance would be necessary through the zoning process due to the location in the front yard. The applicant has noted they allegedly were not familiar with the permitting process and thus did not apply for any permits.
6. The applicant noted the new structure was made to protect the inside of the home from influxes of heavy rain and wind and that, in the past, rain has seeped in from the front door.
7. A review of the 2600 block of Roger Williams Drive that includes the subject property does not show any existing encroachments into the front yard. The 2500 block of Henry Dr. includes multiple front yard carports. However, no properties on Roger Williams Dr. are zoned S-P-2 and the area does not appear to have been designated as a carport block in the 1990's.
8. Since the patio cover encroaches into the front setback and is not consistent with the neighborhood, and since the applicant did not go through the permitting and inspection process for the structure, staff does not support this request.
9. A total of 25 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

## Recommendation

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

- 38 Ordinance - Zoning Case ZC21-0056 - Considering a Zoning Change from FWY "Freeway" and State Highway 161 Overlay District to S-P-2 (FWY) "Generalized Site Plan - Freeway" and State Highway 161 Overlay District - Approximately 11.10 Acres Located at 3705 State Highway 161 - Intrepid Equity Investments LLC, Applicant; Northgrate Development Partners LP, Owner**

### Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – Approval 7-0 (Commissioners Burns and McPhail, absent).
2. The subject property is a 11.10-acre undeveloped tract. **The applicant is requesting a zoning change to develop the property with warehouse and light manufacturing uses.**
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. It is also predominantly mid-rise with a mix of surface and structured parking. The requested zoning is in conformance with the Comprehensive Plan.
4. The applicant is proposing to construct one building on the site within 300 feet of the S.H. 161 frontage road and to have more than 25% of the parking located between the building façade and frontage road.
5. The proposed building would be for warehouse and light manufacturing uses, which are permitted in the FWY "Freeway" district. **The State Highway 161 Overlay District, however, prohibits these uses on property less than 300 feet from S.H. 161 right-of-way. It also only allows up to 25% of the parking to be between the building façade and the S.H. 161 right-of-way.**
6. The applicant is proposing the following variances to the State Highway 161 Overlay District (Subdistrict 2A):

State Highway 161 Overlay Subdistrict 2A	Required	Proposed
Warehouse/general industrial/manufacturing	Permitted if lot is 300 feet or more from State Highway 161 right-of-way	Allow within 300 feet of State Highway 161 right-of-way
Location of Parking Spaces	No more than twenty-five (25) percent of the required parking for a use may be located between the façade of a building and the State Highway 161/PGBT, the additional seventy-five (75) percent may be located beside or behind the façade facing the State Highway 161/PGBT	Allow 45% of the required parking between the façade of the building and the State Highway 161 right-of-way

7. Distribution warehouses have become a prominent use between State Highway 161 and DFW Airport and have been approved in other areas of the State Highway Overlay District. Additionally, by allowing more of the parking to be in front of the building, this allows the truck parking to be behind the building and not as visible to traffic along State Highway 161.
8. The property would be able to be developed with these uses under the existing Freeway zoning if it did not also lie within the State Highway 161 Overlay District. Since no variances are being requested to the base Freeway District and the only ones being requested are for the proposed uses and parking locations, staff can support this request.
9. A total of 5 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

**Recommendation**

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

- 39 **Ordinance - Zoning Case ZC21-0059 - Considering a Zoning Change Repealing Ordinance No. 2018-10074 (Which Granted S-P-1 (R-AB) "Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption"), Thereby Reverting to C-C "Community Commercial" - Approximately 0.09 Acres Located at 7300 North MacArthur Boulevard, Suite 120 - Medical Management International, Inc. DbA Banfield Pet Hospital, Applicant/; 7300 N. MacArthur LP, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: November 1, 2021 – Approval 7-0 (Commissioners Burns and McPhail, absent).
2. The subject property is a 0.09-acre suite located within an existing, approximately 2.52-acre, multi-tenant retail shopping center. **The applicant is requesting to rezone the property to allow for veterinary clinic uses permitted in the C-C district.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Commercial Corridor** uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses with parking in front, buildings set back from the street, and low to midrise buildings. The requested zoning is in conformance with the Comprehensive Plan.
4. The property was originally zoned C-C "Community Commercial" District uses in 1989. In 2018 it was rezoned to S-P-1 (R-AB) "Detailed Site Plan - Restaurant with the Attendant Accessory use of the Sale of Alcoholic Beverages for On-Premises Consumption" uses to allow for the operation of a restaurant selling alcohol.
5. The applicant is proposing to return the property from the S-P-1 (R-AB) zoning back to the site's previous C-C "Community Commercial" zoning.
6. Since the proposed zoning category is compatible with the surrounding uses and the Comprehensive Plan Future Land Use Map, and the development will comply with the standards of the C-C "Community Commercial" District, staff can support this request.
7. A total of 11 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

**Recommendation**

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

## APPOINTMENTS AND REPORTS

### 40 Resolution - Annual Appointments to Boards, Commissions, and Committees, to Fill Two-Year Terms and Various 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 for various vacancies on October 18, 23 and 25.
4. The terms for most of these appointments expire in November 2023.

#### Recommendation

The resolution be approved.

## EXECUTIVE SESSION

### 41 Legal Advice -In Re: Texas Opioid Litigation Open Meetings Act § 551.071

### 42 Mayor's Report

#### **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.

#### **Adjournment**