

AGENDA
Irving City Council Regular Meeting
Thursday, September 15, 2022 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

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.

Organizational Service Announcements

Invocation

Bishop Kent D. Hayes, Highest Praise 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 67

CITY COUNCIL AGENDA

1 City Operations Update

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 2022-2023 City of Irving Fiscal Year Budget

Administrative Comments

1. This item has been recommended by the Financial Services Department.
2. **Impact:** The FY 2022-23 budget has been prepared pursuant to discussion with Council and submitted for adoption.
3. Public Hearings were held on June 9, 2022, June 30, 2022, September 1, 2022, and September 8, 2022 to allow resident input.

Recommendation

The ordinance be adopted.

3 Ordinance - Ratifying the Fiscal Year 2022-23 Budget Which Increases Property Tax Revenues

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. State law requires this item to be adopted if the proposed budget raises additional revenue from property taxes compared to the prior year.
3. Based on the calculation required by state law, the proposed budget raises additional revenue from property taxes compared to the prior year.
4. The proposed budget is based on a tax rate of \$0.5941, which exceeds the no new revenue tax rate.
5. Because the proposed budget is based on a tax rate in excess of the no new revenue tax rate, staff recommends adoption of this item.

Recommendation

The ordinance be adopted.

4 Ordinance - Setting the 2022 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 2022-23 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:

Maintenance and Operations Tax Rate	\$0.4344
Debt Service Tax Rate	<u>\$0.1597</u>
Total City of Irving Tax Rate	\$0.5941

- 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	\$0.530686
Voter Approval Tax Rate	\$0.737882

- 5. The proposed tax rate reduces the tax rate from the prior year.
- 6. On August 19, 2022 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.

5 Ordinance - Adopting the 2022 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

- 6 **Approving Budget Retreat Minutes for Friday, August 19, 2022**
- 7 **Approving Work Session Minutes for Thursday, September 01, 2022**
- 8 **Approving Regular Meeting Minutes for Thursday, September 01, 2022**
- 9 **Resolution - Approving the City of Irving Investment Policy**

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** The approval of the investment policy will be in accordance with state law and allow staff to continue to safely maximize earnings for the City.
3. State law and the City of Irving Investment Policy require annual review by the City Council.
4. The last Council review was on September 2, 2021.
5. In accordance with state law, a listing of the authorized brokers and investment training providers has been provided to Council.
6. No policy changes are proposed this year.

Recommendation

The resolution be approved.

10 Resolution - Amending Authorized City of Irving Representatives in the Texas Local Government Investment Pool ("TexPool")

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** Approval of this resolution will allow named City staff to conduct transactions in the Texas Local Government Investment Pool (TexPool).
3. The City currently utilizes TexPool as an authorized investment under the Texas Public Funds Investment Act, as amended from time to time.
4. The Authorized Representatives named in the resolution will be able to deposit, withdraw, transfer, and take necessary actions appropriate for the investment of City funds.
5. The resolution names the Chief Financial Officer, Finance Director, and Treasury Administrator as Authorized Representatives from the City. This is consistent with the Approved City Investment Policy.
6. The amendments being made are to name the Treasury Administrator as the Primary and to update the names of the Chief Financial Officer and Finance Director.

Recommendation

The resolution be approved.

11 Resolution - Amending Authorized City of Irving Representatives in the Texas Short Term Asset Reserve Program ("TexSTAR")

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** Approval of this resolution will allow named City staff to conduct transactions in the Texas Short Term Asset Reserve Program (TexSTAR).
3. The City currently utilizes TexSTAR as an authorized investment under the Texas Public Funds Investment Act, as amended from time to time.
4. The Authorized Representatives named in the resolution will be able to deposit, withdraw, transfer, and take necessary actions appropriate for the investment of City funds.
5. The resolution names the Chief Financial Officer, Finance Director, and Treasury Administrator as Authorized Representatives from the City. This is consistent with the Approved City Investment Policy.

6. The amendments being made are to name the Treasury Administrator as the Primary and to update the names of the Chief Financial Officer and Finance Director.

Recommendation

The resolution be approved.

12 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 2022-2023

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, 2022, and terminates on September 30, 2023, unless terminated or otherwise modified.
4. The STEP grant is reimbursable up to \$133,797.08 with the City's match being covered by "in kind" contributions of \$35,942.43.

Recommendation

The resolution be approved.

13 Resolution - Approving and Adopting the Tarrant County 9-1-1 District 2022-23 Annual Budget

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:** The Tarrant County 9-1-1 District is requesting its' members to approve and adopt the district's annual operating budget for 2022-23. District boundaries include all of Tarrant County, all areas outside Tarrant County included in the corporate limits of a member city, plus DFW International Airport and the City of Irving.
3. As a member city, Irving receives logistical services from the Tarrant County 9-1-1 District to interface Irving's Public Safety Answering Point (PSAP) with phone carriers.
4. The Tarrant County 9-1-1 District Board of Managers approved the 2022-23 annual operating budget at their board meeting on August 15, 2022.

Recommendation

The resolution be approved.

14 Resolution - Approving an Interlocal Agreement Pursuant to Chapter 59 of the Texas Code of Criminal Procedure Between the City of Irving and Dallas County Criminal District Attorney's Office, to Effect the Disposition of Forfeited Contraband

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:** The Dallas County District Attorney represents the State of Texas in forfeiture proceedings involving contraband seized pursuant to Chapter 59 of the Texas Code of Criminal Procedure. The Police Department and District Attorney desire to enter into an interlocal agreement regarding the disposition of contraband seized under Chapter 59.
3. The interlocal agreement shall be effective September 15, 2022 through December 31, 2024, unless sooner terminated in accordance with the provisions of the agreement.
4. No funding is required.

Recommendation

The resolution be approved.

15 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 FY22-23 budget.

Recommendation

The resolution be approved.

16 Resolution - Approving Amendment No. 1 Renewing the Management Agreement between the City of Irving and Elite at Irving Golf Club, LLC, in the Total Estimated Amount of \$96,000.00 for Management Fees and in a Total Estimated Amount as Determined by Contract Requirements for Operating Budget for Irving Golf Club Course Management and Operation for a Two-Year Period

Administrative Comments

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** Approval of this item provides for the management and operations of Irving Golf Club to include golf course maintenance, clubhouse and restaurant operations. This service is essential in providing for the professional management of Irving Golf Club that is essential in enhancing the City's recreational facilities.

3. Elite has performed in accordance with all management agreement specifications and Parks staff recommends renewal of this agreement. They are responsible for providing an on-site general manager, employing competent management and operating staff that is trained in the necessary facets of golf course facility management, purchasing supplies and equipment, maintaining inventory, overseeing advertising and marketing, assuring operations are in compliance with applicable laws, coordinating with the City on all aspects of this agreement and overseeing all other matters reasonably necessary for the efficient performance of operations in connection with Irving Golf Club. Elite is paid a monthly management fee of \$4,000.00 per month for these services, for a total of \$96,000.00 for the two-year renewal term.
4. In addition to the management fees, the city is contractually obligated to set aside funds equal to the established operating budget each year. The operating budget for Fiscal Year 2022-23 has been set at \$1,546,893.00.
5. This renewal establishes the continuation of a contract to provide Irving Golf Club course management services and operation. This is the first of two, two-year renewal options. The current contract expires on September 30, 2022.
6. Funding for this two-year term will be available in the Irving Golf Club Fund subject to budget appropriation in Fiscal Years 2022-23 and 2023-24.

Recommendation

The resolution be approved.

17 Resolution - Approving a Framework Agreement Between the City of Irving and OCLC, Inc. and Authorizing Expenditures in the Amount of \$68,303.29 for Subscriptions of OCLC Cataloging and Metadata, ExProxy and WebDewey.

Administrative Comments

1. This item is recommended by the Library Services department.
2. **Impact:** OCLC, a worldwide organization of library and technology professionals, provide shared technology and resources to public libraries as well as academic, law, medical, corporate and government libraries. The Irving Public Library utilizes three of these resources, Cataloging and Metadata, EzProxy and WebDewey. These subscriptions assist the library with maintaining a clean and up-to-date collection along with providing the connection between library patrons and e-resources while maintaining privacy protection.

3. The OCLC Cataloging and Metadata subscription provides the pathway to adding the library's collection into WorldCat, the world's largest database of bibliographic and classification records. The subscription also provides resources such as Record and Collection Manager, Connexion Client and Connexion Browser which are necessary to extract bibliographic and classification records for the library's over 500,000 physical and digital materials as well as its approximately 8000 new items received each month.
4. In the current fiscal year, 21-22, the library obtained WorldCat bibliographic records for 14,559 library items through the OCLC Cataloging and Metadata subscription while adding 137 new records into the database.
5. OCLC EzProxy furnishes an authenticated remote connection to customers, so they may gain access to the library's e-resources (e-Materials and databases) from any location.
6. The electronic version of the Dewey Decimal System, WebDewey, equips the library with the latest mapping and terms which helps in the organizing and classification of library materials.
7. Upkeep of the library collection information is vital to maintaining the ease of how customers locate and obtain information which, in turn, enhances their overall library experience.
8. The amount of \$64,081.67 for OCLC Cataloging and Metadata will be paid through the Interlibrary Loan Project budget located within the Library's department within General Fund FY21/22. Partial reimbursement will be provided through the Texas State Library and Archives Commission Interlibrary Loan reimbursement program.
9. The amounts of \$326.54 for WebDewey and \$3,895.08 for EzProxy are located in the Library department's budget within the General Fund FY22/23.
10. This agreement realigns subscription periods so all product renewals will run concurrent with the City's fiscal year beginning October 1, 2023.

OCLC Product	Subscription Period	Amount
Cataloging & Metadata	7/01/2022 - 9/30/2023	\$64,081.67
EzProxy	10/1/2022 – 9/30/2023	\$3,895.08
WebDewey	5/1/2023 – 9/30/2023	\$326.54
	TOTAL:	\$68,303.29

Recommendation

The resolution be approved.

18 Resolution - Approving Modification Statement of Work Addendum No. 2 with Simpleview, Inc. in an Amount Not to Exceed \$730,000, for Fully-Integrated Micro-Campaigns, and Online Travel Agencies Program for the Irving Convention Center and Hospitality Venues

Administrative Comments

1. This item is recommended by the Irving Convention & Visitors Bureau and supports Strategic Goal No. 3: Vibrant Economy.
2. **Impact:** The Modification Statement of Work Addendum No. 2 (Addendum No. 2) will enable the Irving Convention and Visitors Bureau to promote tourism, conventions and the hotel industry through the industry-specific digital marketing and solutions.
3. Funding in the amount of \$730,000 has been requested from the City's American Rescue Plan Act (ARPA) distribution for the ICVB digital marketing campaigns, content promotions, retargeting campaign and an Online Travel Agency (OTA) Program through Simpleview, Inc. To date, with the utilization of CARES Act and ARPA funds for these recovery initiatives, ICVB has generated \$59 million in Potential Economic Value and \$4.6 million in Direct Hotel Revenue for a return on this investment of \$76.85 for every \$1 spent in combined value.
4. Funding of this item has been requested from the American Rescue Plan Act (ARPA). The state of the hospitality industry in Irving remains below pre-pandemic levels; if ARPA funding is not available, this item will not be funded as the limited hotel occupancy tax revenues projected will not be sufficient to cover this expense and to prioritize the re-establishment of the ICVB's reserve funds.
5. The Irving Convention and Visitor 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 Irving Convention and Visitors Bureau represents a \$3.04 billion-per-year hospitality industry, which welcomes 4.1 million visitors and generates \$64.7 million in taxes annually. The Irving Convention and Visitors Bureau is funded solely through hotel tax collections, and the restrictions on gatherings, and traveler apprehension about safety have had a direct impact on the Irving Convention and Visitors Bureau's ability to attract conferences, conventions and visitors.
7. The fully integrated digital marketing campaigns are a continuation of the Staycations (leisure) and Meetings Campaigns and use search engine marketing and display advertising to increase hotel occupancy in the near term by marketing the city as a destination for staycations to the drive-market and to also raise awareness and consideration of Irving as a meetings destination to book long-term meetings and conventions.
8. The digital content promotion increases the awareness of Irving as a destination by increasing the reach and engagement of content that promotes and highlights Irving's hospitality industry, including Irving hotels, attractions, restaurants, and local businesses.

9. The re-marketing campaign utilizes display advertising to increase hotel occupancy by leveraging visitors to the Irving CVB's website to drive qualified hotel bookings on Irving hotel websites.
10. The Online Travel Agency (OTA) program partners with major OTAs (e.g., Expedia, Priceline) to promote Irving and Irving hotels through their platforms and advertising channels. This program is directly tied to bookings to increase occupancy at Irving hotels.
11. This addendum shall be for the period from October 1, 2022-September 30, 2023.

Recommendation

The resolution be approved.

19 Resolution - Awarding a Contract to Air Conditioning Innovative Solutions, in the Amount of \$957,600.85, for Installation of Chillers at Jack D. Huffman Building

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 replacement of the Chillers at the Jack D. Huffman Building providing for more efficient and more effective cooling of this facility.
3. Approval of this contract will allow for the replacement of 2 chillers that have surpassed their service life and are no longer able to reliably condition the air at the Jack D. Huffman Building, resulting in excessive maintenance resources being expended.
4. Bids were received from five bidders. Air Conditioning Innovative Solutions submitted the lowest responsive responsible bid of \$957,600.85. This is \$128,269.15 (11.8%) below the project estimate.
5. Funding for this project, in the amount of \$957,600.85 available in the City Building Improvement Bond Fund

Recommendation

The resolution be approved.

20 Resolution - Awarding a Contract to A&C Construction, Inc., in the Amount of \$343,450.00, for the Oak Meadows Park Trail Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Strategic Objective 4.5 - Implement enhancements to cultural and recreational facilities.
2. **Impact:** This project will install an 8' wide primary walking trail through Oak Meadows neighborhood park and 6' foot wide secondary trail. It will enhance accessibility to the surrounding neighborhood and provide a trail system that meanders through the park.
3. **This item was presented to the Parks and Recreation Advisory Board on August 9, 2021.**
4. Oak Meadows Park is a 5.57-acre neighborhood park in southwest Irving. The 2019 Parks, Recreation and Open Space Master Plan listed the develop of Oak Meadows Park as a top priority.
5. This contract will provide for approximately 1,456 linear feet of 8' wide continuous concrete, primary trail through the park, and approximately 271 linear feet of 6' wide concrete, secondary trail, four 15'x 15' concrete pads, two 15'x 50' concrete pads, and 77 linear feet of concrete wall complete and in place, together with all associated appurtenances to complete this project.
6. Bids were received from 8 bidders, three were non-responsive. A&C Construction, Inc. submitted the lowest responsive responsible base bid of \$343,450.00. The recommended award amount of \$343,450.00 is (13.5%) below the engineer's estimate.
7. Funding for this project, in the amount of \$343,450.00 available within the Park Improvement Bond Fund

Recommendation

The resolution be approved.

21 Resolution - Approving a Sales Contract with Royal Tech Owner, LLC, in the Amount of \$6,645,000.00, for the Purchase of Property Located at 2975 Regent Blvd., for the Future Mustang Recreation Center Expansion

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and Parks and Recreation Department. It supports Strategic Objective 3.5 - Effectively plan and manage land use and Strategic Objective 4.5 – Implement enhancements to cultural and recreational facilities.

2. **Impact:** This property purchase will provide the opportunity for expansion of the Mustang Recreation Center to accommodate future planning for a parks and recreational facility.
3. This opportunity will continue to advance the cities vision for exceptional recreational, cultural, and educational opportunities and deliver exceptional services, promoting high quality of life for our residents, visitors, and businesses.
4. The property is currently owned by Royal Tech Owner, LLC and located at 2975 Regent Blvd. The property consists of 8.735 acres of land. The vacant land is adjacent to City owned 10 acres of land located at 2223 Kinwest Parkway. The combined acreage (18.375 acres) will allow for the City of Irving to create central parks and recreational facilities and other city services for the residents of Irving.
5. This item will approve purchase of the land in the amount of \$6,600,000.00 plus associated closing costs not to exceed \$45,000.00.
6. Funding in the amount of \$6,645,000.00 is available within the Park Improvement Bond Fund.

Recommendation

The resolution be approved.

22 Resolution - Approving Change Order No. 1 to the Contract with SYB Construction Co., Inc., in the Amount of \$575,298.14, for the Conflans, Huntingdon, Lincolnshire, Little John & Nottingham 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 change order will address the modified scope of work and contract time associated with pavement improvements for the project.
3. To save 108 existing trees from being removed, the sidewalk will be constructed in or similar to the current location. This modification has altered methods of construction relating to full width pavement and sidewalk improvements.
4. The work associated with Change Order #1 includes pavement related items necessary to accommodate the modified pavement and sidewalk replacements. The pavement was originally bid as “machine placed slip form installation” but with the trees in the parkway now to remain, the street will be paved with by “hand pour method” since there is no longer clearance for the paving machine.

5. This change order increases the contract by 10.63% and 180 calendar days.
6. Staff has negotiated a fair and reasonable price for this change order based on existing unit prices in the contract where applicable.
7. Funding in the amount of \$575,298.14 is available within the Street Improvement Bond Fund.

Recommendation

The resolution be approved.

23 Resolution - Approving Change Order No. 1 to the Contract with North Texas Contracting, Inc. in the Amount of \$1,459,285.97 for the Vanco, Cascade & Wildwood and Singleton Blvd. 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 change order will address modified scope of work and contract time associated with the pavement improvements for the project.
3. The work associated with Change Order #1 includes pavement related items necessary to reconstruct the north & west half of Vanco & Cascade Drive. Due to sandy soils and deep cut excavations, the contractor encountered significant trench slough off during the installation of the wastewater main that compromised the existing pavement.
4. This change order increases the contract by 19.71% and 180 calendar days.
5. Staff has negotiated a fair and reasonable price for this change order based on existing unit prices in the contract where applicable.
6. Funding in the amount of \$1,459,285.97 is available within the Street Improvement Bond Fund.

Recommendation

The resolution be approved.

24 Resolution - Approving an Agreement Between the City of Irving and the Greater Irving-Las Colinas Chamber of Commerce to Provide Economic Development Services from October 1, 2022 through September 30, 2027, and Authorizing FY2022-2023 Funding in the Amount of \$2,422,305.00

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** This resolution approves an agreement with the Greater Irving-Las Colinas Chamber of Commerce (GILCCC) for economic development services to support a vibrant economy and business growth in Irving for a period of five years from October 1, 2022 through September 30, 2027 and approves annual funding for FY2022-23.
3. **This item was discussed at the Planning and Development Committee on July 14, 2022.**
4. The City contracts with the GILCCC for services related to business recruitment, business retention and expansion, site selection, marketing and advertising and small business support services. The GILCCC has and continues to demonstrate a proven track record of cultivating economic development growth and vitality in the City of Irving under its current contract for economic development services. The GILCCC has continuously met or exceeded each of its Performance Measure obligations under the current service contract.
5. The GILCCC, as part of its commitment to serving the City of Irving, has committed significant, long-term resources to build and maintain the Chamber's capacity to perform its obligations under this Contract by entering into a new ten (10) year lease at The Towers of Williams Square. The new lease space will provide much needed space for the Irving Economic Development Partnership staff, meetings, and marketing. The lease represents a long-term investment by GILCCC in support of the GILCCC's goals in this contract.
6. The City and the GILCCC wish to continue their relationship by entering into a new service contract for a period of five years from October 1, 2022 through September 30, 2027. The new agreement will provide consideration to the GILCCC of a base fee of \$2,422,305.00 for economic development services and \$5,000.00 annually for print services. An additional \$250,000.00 is being designated "Committed Fund Balance" to fund the termination fee, in the event the City terminates the agreement after March 31 of any given contract year.
7. The Chamber shall be required to report its economic development progress and accomplishments to the Mayor and City Council two times each fiscal year (April – mid-year and October – year end).
8. The Chamber shall be required to submit a Budget Memo by May 15 and an Annual Work Plan by July 31 of each year outlining their specific work plan and fees for services, which are determined annually.

9. Funding in the amount of \$2,422,305.00 for FY2022-23 and \$250,000.00 termination fee shall be made available in the Economic Development budget within the Economic Development Fund.

Recommendation

The resolution be approved.

25 Resolution - Approving an Agreement Between the City of Irving, Texas and the Greater Irving-Las Colinas Chamber of Commerce to Provide International Affairs/Sister Cities Services from October 1, 2022 through September 30, 2027, and Authorizing FY2022-2023 Funding in the Amount of \$380,300.00

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** This resolution approves a contract with the Greater Irving-Las Colinas Chamber of Commerce (GILCCC) for the International Affairs/Sister Cities Services Contract for a period of five years from October 1, 2022 through September 30, 2027, and approves annual funding for FY2022-23.
3. **This item was discussed at the Planning and Development Committee Meeting on July 14, 2022.**
4. The City contracts with the GILCCC for services related to international business recruitment, international business development, promoting foreign direct investment, international protocol, and international education. The GILCCC will carry out a program of exchanges between the City and its participating sister cities, which are focused on business, but may also be cultural, artistic, educational, economic, community, and/or other appropriate forms of exchanges, in keeping with the purpose of the worldwide sister cities program.
5. Funding in the amount of \$380,300.00 for FY2022-23 shall be made available in the Economic Development budget within the Economic Development Fund.

Recommendation

The resolution be approved.

26 Resolution - Approving an Agreement Between the City of Irving and the Irving Hispanic Chamber of Commerce to Provide Economic Development Services from October 1, 2022 through September 30, 2027, and Authorizing FY2022-2023 Funding in the Amount of \$289,980.00

Administrative Comments

1. This item is recommended by the Office of Economic Development.
2. **Impact:** This resolution approves a contract with the Irving Hispanic Chamber of Commerce (IHCC) for economic development services and Hispanic and Minority-owned business development for a period of five years from October 1, 2022 through September 30, 2027 and approves annual funding for FY2022-23.
3. **This item was discussed at the Planning and Development Committee on July 14, 2022.**
4. The City contracts with the IHCC for services related to Hispanic and Minority-owned Business Development, Business Retention, Marketing and Communication, Entrepreneur and Small Business Services, and the Grow South Irving and Heritage District Initiative.
5. The City and the IHCC wish to continue their relationship by entering into a new service contract for a period of five years from October 1, 2022 through September 30, 2027. The agreement provides a base fee in the annual amount of \$289,980.00 for economic development services and \$2,500.00 annually for print services.
6. The IHCC shall be required to report its economic development progress and accomplishments to the Mayor and City Council two times each fiscal year (April – mid-year and October – year end).
7. The IHCC shall be required submit a Budget Memo by May 15 and an Annual Work Plan by July 31 of each year outlining their specific work plan and fees for services, which are determined annually.
8. Funding in the amount of \$289,980.00 for FY2022-23 shall be made available in the Economic Development budget within the Economic Development Fund.

Recommendation

The resolution be approved.

27 Resolution - Approving an Amended Lease Agreement Between the City of Irving and the Irving Hispanic Chamber of Commerce for the Use of Office Space and Business Information Center at the Jack D. Huffman Community Building

Administrative Comments

1. This item is recommended by the Office of Economic Development and Capital Improvement Project Department.
2. **Impact:** This Agreement for Services and Lease will provide for the Irving Hispanic Chamber of Commerce to lease space for their offices and business information center inside the Jack D. Huffman Community Building located at 801 W. Irving Blvd.
3. On January 27, 2022, the Irving City Council approved RES 2022-32, approving a lease of approximately 3,200 square feet of office space inside the Jack D. Huffman D. Community Building to the Irving Hispanic Chamber of Commerce (“IHCC”)
4. On September 15, 2022, the Council will consider approval of a five (5) year Economic Development Service Contract (“Service Contract”) with the IHCC to provide Small Business-Hispanic and Minority Outreach and Economic Development Services from October 1, 2022 through September 20, 3027. As part of the consideration for the services performed by the IHCC in the Services Contract, the City will provide the IHCC with the use of a city facility for its business information center.
5. This proposed lease provides the IHCC with the use of 3,813 square feet of Office Space (“Office Space”) on the 2nd floor of the Jack D. Huffman Community Building at 801 W. Irving Blvd.(“Premises”), for their offices and business information center. However, the City reserves the right at any time during the term of the lease to relocate IHCC Office Space to another location of comparable functionality within the Premises.
6. Under the proposed lease, IHCC shall maintain the office space in good repair and condition at its expense and risk and shall be responsible for any damages caused by IHCC use. IHCC shall provide janitorial maintenance of the Office Space including timely removal of refuse. IHCC shall provide and maintain their own furnishings and equipment.
7. IHCC shall not create any openings in the roof or interior or exterior walls, or make any alterations, additions, or improvements to the Premises without the City’s prior written consent. IHCC shall pay for all costs incurred or arising out of alterations, additions, or improvements in or to the Premises and shall not permit a mechanic’s or materialman’s lien to be asserted against the Premises. Upon request by the City, IHCC shall deliver to City proof of payment reasonably satisfactory to City of all costs incurred or arising out of any such alterations, additions, or improvements.
8. City shall pay the cost of all charges for gas, water, and electricity used on the Premises, and for all electric lights, lamps, and tubes. IHCC shall pay the cost of all other utility services required for their use of the Office Space including telephone, internet, cable tv, and any other telecommunication service.
9. The amended lease term runs concurrent with the new service contract.

Recommendation

The resolution be approved.

28 Resolution - Approving the FY 2022-23 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 Maintenance and Operations Work Plan and Budget submitted by Music Factory Portfolio, L.P. (The Company). In connection with the City's FY 2022-23 budget, this item authorizes the City's Designee to reimburse The Company for expenditures identified in the work plan and budget as revenues become available based on the flow of funds identified in the Entertainment Center Lease.
3. The Second Amended and Restated Entertainment Center Lease Agreement requires The Company 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 The Company for eligible expenditures. Eligible reimbursement is based on actual revenues received. The Company must provide invoices and proof of payment for all reimbursements.
6. Funding is provided by available FY 2022-23 Excess Brimer HOT and Admission Tax revenues totaling \$5,876,617.
7. Budgeted expenditures include advertising, cleaning/maintenance and repairs, insurance, landscaping, parking, and security. The work plan and budget also include maintenance and repair items in the amount of \$182,210 that were identified by ASM Global, LLC during the annual physical inspection.
8. This item does not amend any provisions in the Entertainment Center Lease.

Recommendation

The resolution be approved.

29 Resolution - Approving the Letter Agreement Between Systems and Software, Inc., in the Amount of \$108,753.13 for Maintenance, Support, and Hosting Services for the EnQuesta Utility Billing System

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic objective 4.2 – Leverage information technology to drive efficient and responsive service delivery.
2. **Impact:** The renewal to the annual support and maintenance agreement allows System & Software (S&S) to continue to provide the support and maintenance services related to the enQuesta utility billing system.
3. The initial contract approved by resolution no. RES-2018-167 included five (5) one-year renewal options at fixed rate of \$124,038.50 for annual support and maintenance.
4. Additional support and fees are needed for managed services and off-line backup storage, Oracle maintenance of the database, and vendor hosting services at a total of \$108,753.13.
5. The annual support and maintenance for fiscal year 2022-23 consists of:

Product Name	From Date	To Date	Total
enQuestaLink other Device Validation	10/01/22	9/30/23	\$ 5,105.13
Oracle Maintenance for the database license fees	12/01/22	9/30/23	\$ 10,280.00
Managed Services & offline backup storage fees	12/01/22	9/30/23	\$ 49,840.00
Mailing Address Verification	10/01/22	9/30/23	\$ 3,528.00
Hosting Fees	12/01/22	9/30/23	\$ 40,000.00
TOTAL			\$108,753.13

6. Funding in the amount of \$108,753.13 is available in the Water Utilities budget within the Water and Sewer System Fund, subject to funding being appropriated in fiscal year 2022-23.

Recommendation

The resolution be approved.

30 Resolution - Supporting an Application for Municipal Setting Designation and the Filing of a Restrictive Covenant by 2121 Grauwlyer Owner LLC, for the Property at 2121 East Grauwlyer Road in Irving, Texas

Administrative Comments

1. This item is recommended by the Water Utilities Department. This item supports Strategic Goal No. 2.4: Maintain and extend water, wastewater and storm water systems.
2. **Impact:** Support of this MSD application and the filing of a restrictive covenant will allow the applicant to address an environmental condition and will promote the redevelopment of this property.
3. **This item was presented to the Transportation and Natural Resources Committee meeting on September 1, 2022.**
4. 2121 Grauwlyer Owner LLC, is seeking a Municipal Setting Designation (MSD) for 2121 East Grauwlyer Road in Irving, Texas, that would eliminate the need for additional groundwater mitigation associated with groundwater contamination on this site. To obtain this designation, a resolution in support of this application for an MSD is required from the City of Irving as well as a restrictive covenant that would be enforceable by the City to prohibit the use of groundwater for potable purposes, as well as prohibit other inappropriate uses of and contact with the groundwater at this location.
5. Staff recommends approval of a resolution supporting this MSD application and its filing of a restrictive covenant for the following reasons:
 - Approval of the MSD will serve to protect public health by ensuring that the affected groundwater is not used for potable purposes.
 - Approval of the MSD will promote economic development in a manner that is protective of human health and the environment.
 - No existing wells are recommended for closure.

Recommendation

The resolution be approved.

31 Resolution - Supporting an Application for Municipal Setting Designation and the Filing of a Restrictive Covenant by Grand Braniff LLC for the Properties Known as the Grand Braniff Park at 3100 Tom Braniff Drive in Irving, Texas

Administrative Comments

1. This item is recommended by the Water Utilities Department. This item supports Strategic Goal No. 2.4: Maintain and extend water, wastewater and storm water systems.
2. **Impact:** Support of this MSD application and the filing of a restrictive covenant will allow the applicant to address an environmental condition and will promote the redevelopment of this property.
3. **This item was presented to the Transportation and Natural Resources Committee meeting on September 1, 2022.**
4. Grand Braniff LLC., is seeking a Municipal Setting Designation (MSD) for the Grand Braniff Park located at 3100 Tom Braniff Drive in Irving, Texas, that would eliminate the need for additional groundwater mitigation associated with groundwater contamination on this site. To obtain this designation, a resolution in support of this application for an MSD is required from the City of Irving as well as a restrictive covenant that would be enforceable by the City to prohibit the drilling of water wells and use of groundwater for potable purposes, as well as prohibit other inappropriate uses of and contact with the groundwater at this location.
5. Staff recommends approval of a resolution supporting this MSD application and its filing of a restrictive covenant for the following reasons:
 - Approval of the MSD will serve to protect public health by ensuring that the affected groundwater is not used for potable purposes.
 - Approval of the MSD will promote economic development in a manner that is protective of human health and the environment.
 - No existing wells are recommended for closure.

Recommendation

The resolution be approved.

32 Resolution - Approving a Household Hazardous Waste Interlocal Agreement Between Dallas County and City of Irving to Provide a Program in Which Residents Can Properly Dispose of Household Chemicals, in the Amount Not to Exceed \$133,425.00

Administrative Comments

1. This item is recommended by Solid Waste Services.
2. **Impact:** This contract provides an environmentally sound method to dispose of the household hazardous waste such as pesticides, fertilizers, etc., thus ensuring the proper disposition of these materials.
3. This agreement will provide service from October 1, 2022, through September 30, 2023, with options to renew for four additional one-year terms. Dates of the events are as follows: 11/08/22, and 2/25/23.
4. Funding in the amount of \$133,425.00 is in FY 2022-2023 Solid Waste Budget and is available in the Solid Waste Services Enterprise Fund.

Recommendation

The resolution be approved.

33 Resolution - Renewing a Hosting Services Agreement with NewEdge Services LLC in the Total Amount of \$112,500.00 for CityWorks and GIS System Cloud Hosting

Administrative Comments

1. This item is recommended by the Water Utilities Department and Information Technology (IT) Department.
2. **Impact:** Cloud hosting of the CityWorks work order system and ArcGIS results in significantly improved system responsiveness for city staff. In addition, it reduces IT and GIS in-house resources needed for the CityWorks system and server maintenance.
3. This contract continues to provide satisfactory external hosting of the CityWorks and GIS systems in the cloud. This contract renewal provides services for an additional three year period. No additional renewals are available.
4. Funding for Fiscal Year 2021-22 is available in the Information Technology Department budget within the Technology Fund and in the Water Department Budget within the Water and Sewer System Fund, while funding for Fiscal Years 2022-2023 and 2023-24 is subject to budget appropriation.

Vendor	Contract Term	Total Expenditure	Fiscal Year(s)
NewEdge Services	9/6/22-9/5/23	\$37,500.00	2021-22
	9/6/23-9/5/24	\$37,500.00	2022-23
	9/6/24-9/5/25	\$37,500.00	2023-24
TOTAL NOT TO EXCEED AMOUNT		\$112,500.00	

Recommendation

The resolution be approved.

Bids & Purchasing Items

Items 34 – 45

34 Resolution - Approving a Professional Services Consulting Agreement with Sedgwick Claims Management Services, Inc., in the Total Estimated Amount of \$124,594.00 for Third Party Administration Services for FMLA Claims for a Three-Year Period

Administrative Comments

1. This item is recommended by the Human Resources Department.
2. **Impact:** Third party administration services include administration and tracking of the City's Family Medical Leave (FML) claims. This offers a smooth process for application and approval of claims.
3. A Request for Proposals (RFP) was issued on April 11, 2022 for Third Party Administration (TPA) Services for Workers' Compensation, Liability, Subrogation, & FMLA Claims. Four responses were received and evaluated by a stakeholder group comprised of representatives from the Police, Fire, Human Resources, and Solid Waste Services departments. Human Resources recommends awarding services as outlined below to the noted proposer with regard to TPA Services for FMLA claims as the respondent scoring the highest points based on evaluation criteria established in the RFP.
4. Sedgwick currently provides our FML claims administration and continuing to work with them will maintain smooth operations. The City of Irving currently sees approximately 225 new FML claims and averages 50 open claims, which are tracked by Sedgwick.
5. Fees for years two and three of this agreement will increase by the greater of 3% or the percentage increase of the Consumer Price Index for all urban consumers as reported by the U.S. Department of Labor Bureau Statistics, whichever is greater. The estimated amounts shown in the table below reflect a 3% increase.

6. This award established a three-year contract for the continuation of providing TPA services for FMLA claims. It includes one two-year renewal option. The current contract expires on September 30, 2022.
7. Minority- and/or Women-Owned Business Enterprise participation in this award is anticipated to be ___%.
8. Funding for Fiscal Years 2022-23 through 2024-25 is subject to budget appropriation in the Property & Casualty Insurance Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Sedgwick Claims Management Services, Inc.	10/1/22 – 9/30/25	\$ 40,309.00	2022-23
		\$ 41,520.00	2023-24
		\$ 42,765.00	2024-25
TOTAL		\$124,594.00	

Recommendation

The resolution be approved.

35 Resolution - Renewing the Annual Contract with Big City Crushed Concrete in the Total Estimated Amount of \$200,000.00 for Flex Base for City of Irving

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department.
2. **Impact: This contract supports the Road to the Future Program.** Flex base is utilized by Street Operations underneath concrete during street repairs, in alley ways to improve the riding surfaces, and to aid in the drainage of water to maintain and enhance the city’s transportation network for the safe and effective transit of motorists.
3. This renewal establishes the continuation of an annual contract to provide flex base. This is the second and final one-year renewal option. The current contract expires September 30, 2022.
4. Funding for Fiscal Year 2022-23 is subject to budget appropriation in the Traffic & Transportation Department budget within the General Fund.

Vendor	Contract Term	Total Estimated Expenditure
Big City Crushed Concrete	10/1/22– 9/30/23	\$200,000.00

Recommendation

The resolution be approved.

36 Resolution - Approving a Professional Services Consulting Agreement between the City of Irving and National Council for Community Development Inc. dba National Development Council (NDC), in the Total Estimated Amount of \$92,500.00 for Home-American Rescue Plan (ARP) Allocation Plan Preparation

Administrative Comments

1. This item is recommended by the Housing & Redevelopment Division.
2. **Impact:** Development of a HOME-ARP allocation plan will provide the City with a comprehensive document that describes how the City intends to distribute HOME-ARP funds, including how it will use these funds to address the needs of HOME-ARP qualifying populations. The plan will also identify any preferences being established for eligible activities or projects.
3. The American Rescue Plan Act (ARPA) was signed into law on March 11, 2021. ARPA was created to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals, and businesses. \$5 billion was appropriated to the HOME Investment Partnership Program-American Rescue Plan (HOME-ARP) to help communities provide housing, shelter, and other services. The City of Irving was allocated \$2,931,949 in HOME-ARP funds through the HOME formula as a qualified participating jurisdiction. Use of these funds requires the development of an Allocation Plan. The City may use up to five percent (5%) of HOME-ARP allocation on eligible administrative and planning cost to assist in the development of the Allocation Plan (\$146,597.45).
4. According to the HUD CPD-21-10 Notice, funds are to be used to primarily benefit individuals and families within the specified “qualifying populations” of (1) homeless, (2) at risk of homelessness, (3) fleeing or attempting flee domestic violence, dating violence, sexual assist, stalking or human trafficking, and (4) other populations defined in the notice. Eligible activities include rental housing (acquisition, rehabilitation, or construction of affordable rental housing), Tenant-based rental assistance, supportive services (childcare, job training, legal services, etc.), non-profit operation and capacity building assistance, and acquisition and development of non-congregate shelter.

5. A Request for Proposals (RFP) was advertised soliciting consulting and writing services for the development of a HOME-ARP Allocation Plan. A total of four (4) proposals were received and reviewed. Housing and Redevelopment staff recommends that NDC be awarded the HOME-ARP Consulting Services Professional Agreement as the respondent scoring the highest points based on the evaluation criteria established in the RFP.
6. This item was presented to the Housing and Human Services Board at its August 17, 2022 meeting.
7. Funding in the total estimated amount of \$92,500.00 is available in the Home-CV Fund.

Recommendation

The resolution be approved.

37 Resolution - Approving a Professional Services Agreement between the City of Irving and Pedal Valves, Inc., in an Amount Not to Exceed \$1,219,800.00 for Water Meter Replacement and Advanced Metering Infrastructure (AMI) Endpoint Remediation Services

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Approval of this contract provides for replacement of water meters older than 12 years to maintain the accuracy of water usage measurement.
3. Life-cycle replacement of water meters will improve meter efficiency and reduce unnecessary trips to the field. The City of Irving is also required to develop a service line inventory in accordance with the EPA's Lead and Copper Rule Revision, which can be efficiently accomplished as part of the water meter replacement function.
4. The City of Irving currently has a significant investment in its residential and commercial water meters. To maintain the accuracy of measurement, water meters must be replaced when they stop working properly or when the meters have reached an age of 12 years or more. Once replaced, the encoder receiver transmitters (ERTs) must be reinstalled on the meter and configured to provide optimal communication from radio-based endpoints to meter readers using radio signals to transmit recorded data.
5. A Request for Proposals (RFP) was issued on July 21, 2022 for Water Meter Replacement & AMI Remediation services. Two responses were received and evaluated by a stakeholder group comprised of representatives from the Water Utilities Department. Water Utilities recommends awarding services to the noted proposer with regard to Water Meter Replacement & AMI Remediation services as

the respondent scoring the highest points based on evaluation criteria established in the RFP.

6. This award establishes a one-year contract for the purpose of water meter replacement and connectivity mitigation with the Advanced Metering Infrastructure network for residential and commercial meters. It includes two one-year renewal options. The current contract expires on September 30, 2022.
7. Funding for Fiscal Year 2022-23 is subject to budget appropriation in the Water and Sewer System Non-Bond CIP Fund.

Vendor	Contract Term	Total Amount Not to Exceed	Fiscal Year(s)
Pedal Valves, Inc.	10/1/22 - 9/30/23	\$1,219,800.00	2022-23

Recommendation

The resolution be approved.

38 Resolution - Approving a Professional Services Agreement Between the City of Irving and Team One Integration, LLC., in the Total Amount of \$136,950.00 for Radio & PLC Firmware Update Services

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** This contract will provide regulatory updates to the SCADA system to improve cybersecurity.
3. A cybersecurity review was performed, as part of the emergency response plan derived from the risk and resiliency study conducted in accordance with America’s Water Infrastructure Act of 2018. The result of this study produced recommendations to update software, firmware, and hardware of the SCADA system.
4. A Request for Proposals (RFP) was issued on August 4, 2022 for Radio & PLC Firmware Update services. One response was received and evaluated by a stakeholder group comprised of representatives from the Water Utilities Department. Water Utilities recommends awarding services as outlined below to the noted proposer with regard to Radio & PLC Firmware Update services.

5. Team One Integration will be updating several components including programmable logic controllers (PLCs), switches, and communication equipment for the SCADA system, most of which exist on the Lake Chapman pipeline.
6. Funding in the amount not to exceed \$136,950.00 is subject to budget appropriation in the Water and Sewer System Non-Bond CIP Fund.

Recommendation

The resolution be approved.

39 Resolution - Rejecting Any and All Submissions Relative to RFP No. 144L-22F for a Department of Arts and Culture Strategic Plan

Administrative Comments

1. This item is recommended by the Irving Arts Center.
2. **Impact:** Development of a three-year Strategic Plan will guide the future development and growth of the Department of Arts and Culture.
3. Four submissions were received in response to a Request for Proposals which closed on July 29, 2022 for these services. Staff determined that the specifications required additional clarification to ensure that all required services were clearly defined and therefore recommends rejection of all submissions so that the specifications can be revised and re-issued through a new solicitation.

Recommendation

The resolution be approved.

40 Resolution - Approving a Consulting Agreement between the City of Irving and Burns & McDonnell Engineering Company, Inc., in the Total Estimated Amount of \$99,700.00 for a Solid Waste Services Collection Study

Administrative Comments

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** Engaging Burns & McDonnell Engineering Company, Inc. to perform an operational assessment of current collection methods and alternative collection methods will assist in determining resource requirements and costs for a five-year forecast.

3. The scope of work includes the following: performing an operational assessment of current collection methods for trash, recycling, brush, bulky items, and special waste, to include associated rate analysis; performing an operational assessment of alternative collection methods for trash, recycling, brush, bulky, and special waste, to include associated rate analysis; a transition plan for alternative collection methods; the impact of various collection methods on landfill life; and the impact of collection methods on recycling participation.
4. A Request for Proposals (RFP) was issued for these services; proposals were received from two firms. Staff recommends awarding this contract to Burns & McDonnell Engineering Company, Inc. as the firm scoring the highest points based on the evaluation criteria established in the RFP.
5. Funding in the total estimated amount of \$99,700.00 is available in the Solid Waste Services Operating Fund.

Recommendation

The resolution be approved.

41 Resolution - Approving the Purchase from Sam Pack's Five Star Ford of Various Vehicles in the Total Estimated Amount of \$485,100.78 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Police, Traffic & Transportation, Water Utilities, and Parks & Recreation departments and Fleet Services Division and approved by the Fleet Services Division.
2. **Impact:** The vehicles shown below from Sam Pack's Five Star Ford will increase effectiveness and better support the needs of the departments and residents of Irving. This purchase will also allow for replacement of older vehicles 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 Sam Pack's Five Star Ford was approved on July 8, 2021, by Administrative Award No. 7274. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which has been renewed through November 30, 2022.
4. The budgeted replacements shown below are in accordance with City's Vehicle & Equipment Replacement policy for Tag Nos. 40114 and 70008, both 2009 Chevrolet Malibu hybrids, Tag No. 70003 and 70004, both 2009 Chevrolet Tahoes, and Tag No. 70016, a 2007 Ford F750 dump truck.

5. Funding is available in the Vehicle & Equipment Replacement Fund, the Traffic & Transportation Department budget within the General Fund, the Water-Sewer Operating Fund, and the Parks & Recreation Department budget within the General Fund.
6. Budgeted replacements are as follows:

Division	Item Description (Quantity)	Replacing City Tag#	Total Est. Expenditure	Fund(s)
Fleet Services	2022 or Newer Ford Escape hybrid (2)	40114 70003	\$67,941.10	Vehicle & Equipment Replacement
	2022 or Newer Ford Escape S (3)	70004 70008 70016	\$76,889.41	
TOTAL			\$144,830.51	

7. Supplemental vehicle purchases are as follows:

Department	Item Description (Quantity)	Total Est. Expenditure	Fund(s)
Police	2022 or Newer Ford Explorer (8)	\$244,159.76	Vehicle & Equipment Replacement
Traffic & Transportation	2022 or Newer Ford Escape hybrid (1)	\$ 34,370.55	General
Water Utilities	2022 or Newer Ford Explorer (1)	\$ 30,869.98	Water-Sewer Operating
Parks & Recreation	2022 or Newer Ford Explorer (1)	\$ 30,869.98	General
TOTAL		\$340,270.27	

Recommendation

The resolution be approved.

42 Resolution - Approving and Accepting the Bid of Guillermo Luevano dba Memos Auto Body & Fiberglass Repair, LLC, in the Total Estimated Amount of \$500,000.00 for Auto Body Repair of Vehicles

Administrative Comments

1. This item is recommended by the Fleet Services Division.
2. **Impact:** The city's fleet will continue to be repaired and maintained with minimum downtime to keep service levels high.
3. This award establishes a two-year contract for the continuation of providing auto body repair of vehicles on an as-needed basis. The contract is eligible for two, two-year renewal options.

4. Funding for Fiscal Year 2021-22 is available in the Garage Fund, while funding for Fiscal Years 2022-23 and 2023-24 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Guillermo Luevano dba Memos Auto Body Repair & Fiberglass, LLC	9/16/22 – 8/31/24	\$ 5,000.00	2021-22
		\$250,000.00	2022-23
		\$245,000.00	2023-24
TOTAL		\$500,000.00	

Recommendation

The resolution be approved.

43 Resolution - Approving and Accepting the Bid of Nunnelee Trans Inc., dba Eagle Transmissions in the Total Estimated Amount of \$220,000.00 for Automotive Transmission Repair, Rebuild and Exchange Services

Administrative Comments

1. This item is recommended by the Fleet Services Division.
2. **Impact:** The city’s vehicles will continue to be repaired and maintained with minimum downtime to keep service levels high.
3. This award establishes a two-year contract for the continuation of providing automotive transmission repair, rebuild and exchange services on an as-needed basis. The contract is eligible for two, two-year renewal options.
4. Funding for Fiscal Year 2021-22 is available in the Garage Fund, while funding for Fiscal Years 2022-23 and 2023-24 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Nunnelee Trans Inc., dba Eagle Transmissions	9/16/22 – 8/31/24	\$ 10,000.00	2021-22
		\$110,000.00	2022-23
		\$100,000.00	2023-24
TOTAL		\$220,000.00	

Recommendation

The resolution be approved.

44 Resolution - Approving the Purchase from Vermeer Equipment of Texas, LLC, dba Vermeer Texas-Louisiana for Two 2022 or Newer Vermeer LP373 GT Vacuum Excavator Trailers in the Total Estimated Amount of \$106,223.66 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Water Utilities Department and approved by the Fleet Services Division.
2. **Impact:** The supplemental purchase shown below from Vermeer Equipment of Texas, LLC, dba Vermeer Texas-Louisiana will increase effectiveness, and better support the needs of the department and residents of Irving by providing & maintaining a reliable potable water system.
3. A Vendor/Member contract between the City of Irving and Vermeer Equipment of Texas, LLC, dba Vermeer Texas-Louisiana was approved on December 10, 2020, by Resolution No. 2020-481. The contract supports utilization of BuyBoard Contract No. 597-19 for Construction, Road and Bridge, Ditching, Trenching, and other Equipment, which has been renewed through November 30, 2022.
4. Funding is available in the Water-Sewer Operating Fund.

Department	Description (Quantity)	Total Estimated Amount
Water Utilities	2022 or newer Vermeer LP373 GT Vacuum Excavator Trailers (2)	\$106,223.66

Recommendation

The resolution be approved.

45 Resolution - Approving the Purchase from Caldwell Country Chevrolet, LLC, for Various Vehicles in the Total Estimated Amount of \$530,813.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Police, Traffic & Transportation, and Water Utilities departments and approved by the Fleet Services Division.

2. **Impact:** The purchases shown below from Caldwell Country Chevrolet will allow for the replacement of aging police vehicles to reduce downtime and provide the department with critical resources to maintain optimal services for the Irving community. The supplemental vehicle purchases will increase effectiveness, and better support the needs of the department and residents 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 has been renewed through November 30, 2022.
4. Advance funding for various police vehicles, which are planned replacements for Fiscal Year 2022-23, was approved by Council on April 21, 2022, as part of Budget Adjustment No. 5 to lock in current pricing and a fulfillment date as early as possible in response to current supply chain and inflation issues.
5. Funding is available in the Vehicle & Equipment Replacement Fund, the Traffic & Transportation budget within the General Fund, and the Water-Sewer Operating Fund.
6. Budgeted replacements are as follows:

Department	Item Description (Quantity)	Replacing City Tag#	Total Est. Expenditure	Fund(s)
Police	2022 or Newer Chevrolet 1500 Silverado CC 10903 crew cab trucks (2)	Various	\$ 92,670.00	Vehicle & Equipment Replacement
	2023 Chevrolet Tahoe PPV CC10706 sport utility vehicle (4)	Various	\$287,948.00	
TOTAL			\$380,618.00	

7. Supplemental purchases are as follows:

Department	Item Description (Quantity)	Total Est. Expenditure	Fund(s)
Traffic & Transportation	2023 or Newer Chevrolet LCF4500 Truck (1)	\$ 95,985.00	General
Water Utilities	2022 or Newer Chevrolet 1500 Silverado CC10903 Truck (1)	\$ 54,210.00	Water & Sewer Operating
TOTAL		\$150,195.00	

Recommendation:

The resolution be approved.

End of Bids

46 Ordinance - Amending Ordinance No. 2021-10494 by Approving a Schedule of Classified Personnel for the Fire Department

Administrative Comments

1. This item has been recommended by the Financial Services Department and the Fire Department.
2. **Impact:** The schedule of classified personnel for the Fire Department is being updated to increase the number of Civil Service Personnel (+10).
3. Civil Service law requires the city to adopt a schedule of classified personnel for the Fire Department by ordinance.
4. The FY 2022-23 Proposed Budget includes funding and authorization for one additional Lieutenant, nine additional Firefighters, for a total of 10 additional positions. If City Council adopts the FY 2022-23 Annual Budget as proposed, it is necessary to update the schedule of classified personnel for the Fire Department, as well.

Recommendation

The ordinance be adopted.

47 Ordinance - Appointing Judges to the Irving Municipal Court

Administrative Comments

1. This item is recommended by Municipal Court Services.
2. **Impact:** This ordinance appoints experienced and qualified attorneys who are City residents to preside over the Irving Municipal Court.
3. In accordance with Chapters 29 and 30 of the Texas Government Code, this ordinance updates the terms of all current judges including the alternates.
4. As a member of the Texas State judiciary, the judge will administer justice in accordance with constitutional, statutory, and City Charter authority.
5. This item supports Strategic Goal No. 4: Service Excellence.

Recommendation

The ordinance be adopted.

48 Ordinance - Amending Chapter 8B “Building Codes” of the City of Irving Land Development Code by Amending Section 8B-3 Entitled “Permit Fees” to Remove the Fee Schedule for Inclusion in the City’s Consolidated Fee Schedule; Providing for Severability, Savings, and an Effective Date

Administrative Comments

1. This item has been recommended by the Inspections Department and City Manager’s Office Strategic Services. It supports Strategic Goals No. 1: Financial Sustainability, No. 4: Service Excellence, No. 5: Inclusive and Collaborative Governance, and No. 6: Talented and Energized Workforce.
2. **Impact:** The proposed ordinance change is to combine Fees and relocate them into a consolidated fee schedule.
3. A hearing was held before Irving’s Construction Board of Appeals on August 25, 2022, to receive public input. No input was offered from the public, and the Construction Board of Appeals recommends the adoption.
4. The effective date for this ordinance is October 15, 2022.

Recommendation

The ordinance be adopted.

49 Ordinance - Amending the City of Irving Code of Civil and Criminal Ordinances by Repealing Chapter 25 "Parks and Recreation" and Adopting a New Chapter 25 "Parks and Recreation" to Provide Regulations for Park Facility Use and Facility Rentals and to Create a Tree Board

Administrative Comments

1. This item has been recommended by the Parks and Recreation Department.
2. **Impact:** Amending the Code of Civil and Criminal Ordinances by adopting an revised version of Chapter 25-Parks and Recreation Ordinance, which will update and clarify definitions and park facility use restrictions and will remove the fees from the ordinance, thereby allowing for pricing changes as needed without having to update and re-adopt Chapter 25 of the ordinances.
3. The draft ordinance was reviewed and discussed at the Council Work Session on September 1, 2022.
4. This ordinance shall take effect October 1, 2022.

Recommendation

The ordinance be adopted.

50 Resolution - Adopting a Consolidated Schedule of Fees for Animal Services, Inspections, Parks and Recreation, and Planning

Administrative Comments

1. This item has been recommended by the City Manager's Office.
2. **Impact:** This resolution provides a schedule of fees for Animal Services, Inspections, Parks and Recreation, and Planning.
3. Several city departments publish fee schedules for services such as development reviews, building and inspections, permits, use of parks and facilities, and more. However, there is not a central location that houses these fees.
4. By developing a consolidated fee schedule, it provides a detailed schedule of services and its associated costs. Additionally, it gives departments the opportunity to streamline various fee schedules; eliminate outdated fees and inaccuracies; and incorporate updated fees.
5. A consolidated fee schedule will be convenient for residents, developers, contractors, and businesses by providing a "one-stop shop" for fees.
6. Animal Services fees have not changed since its adoption in 2021 (Res-2021-376).

Recommendation

The resolution be adopted.

51 Ordinance - Second and Final -- Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2022 Rate Review Mechanism Filing

Administrative Comments

1. This item has been recommended by the City Manager's Office and the City Attorney's Office.
2. **Impact:** The purpose of this ordinance is to approve the Settlement Agreement and the resulting rate change under the Rate Review Mechanism ("RRM") tariff.
3. The City of Irving, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That

settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), for future filings under the GRIP statute.

4. Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in the test year ending December 31, 2021, entitled it to additional system-wide revenues of \$141.3 million.
5. Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$115 million, \$83.26 million of which would be applicable to ACSC members. After the Company reviewed ACSC’s consultants’ report, ACSC’s Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$115 million from ACSC Cities, with an Effective Date of October 1, 2022.
6. The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 on a monthly basis, or 4.3 percent.
7. The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the proposed Ordinance with its attachments approving the negotiated rate settlement resolving the 2022 RRM filing and implementing the rate change.

Recommendation

The ordinance be adopted.

52 Ordinance - Second Reading -- Granting a Franchise to Bubba Tugs Corporation, for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Bubba Tugs Corporation to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.

4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

53 Ordinance - Second Reading -- Granting a Franchise to Champion Waste & Recycling Services, LLC for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Champion Waste & Recycling Services, LLC to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

54 Ordinance - Second Reading -- Granting a Franchise to Waste Connections Lone Star, Inc. for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Waste Connections Lone Star, Inc. to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

INDIVIDUAL CONSIDERATION

55 Ordinance - Public Hearing and Second and Final 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 provide a funding source for growing regulatory requirements and the demand for continued improvements to the drainage system within Irving.

3. The 5-year Municipal Drainage Utility (MDU) Rate Plan was approved by City Council RES-2019-457 on December 12, 2019.
4. On January 16, 2020, the first increase was approved by City Council ORD-2019-10293 with an effective date of on February 1, 2020. On July 16, 2020, approval was obtained from City Council, by RES-2020-224, to amend the effective date of the rate plan to October 1 of each year for Fiscal Years 2020-2021 through 2023-2024.
5. On October 8, 2020, City Council ORD-2020-10376 approved the second incremental rate increase as outlined by the Rate Plan.
6. On September 16, 2021, City Council ORD-2021-10487 approved the third incremental rate increase as outlined by the Rate Plan.
7. The proposed schedule of storm water drainage fees is the fourth incremental increase to be effective October 1, 2022, and will be reflected on statements after November 1, 2022, which include October service dates. Updated rates to reflect this increase are as follows:

Residential

houses under 5,000 SF lot	\$7.88
houses equal to or over 5,000 SF lot	\$10.50
townhouses/duplexes	\$7.88
mobile homes	\$10.50

Multi-Family

triplex / fourplex (per plex per month)	\$27.51
condominiums (impermeable land per SF per mo)	\$0.002625
apartments (impermeable land per SF per mo)	\$0.002625

Commercial

under 10,000 SF parcel	\$23.63
10,001 - 20,000 SF parcel	\$47.25
20,001 - 45,000 SF parcel	\$94.50
over 45,000 SF parcel (impermeable land per SF per mo)	\$0.002625

8. This is the second and final reading of two readings of this ordinance.

Recommendation

The ordinance be adopted.

56 Ordinance - Public Hearing and 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 5% combined water and sewer rate increase will help provide funding to cover increases to pass-through costs for wastewater and water treatment 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 Irving City Council Budget Retreat on August 19, 2022.**
4. The need for the proposed rate increase is primarily driven by increasing pass-through costs for contracted services from the City of Dallas and the Trinity River Authority and increases in the price of commodities. Other increased expenses include additional vehicle purchases and costs, unfunded federal mandates and labor costs.
5. The rate adjustment is projected to increase revenues to approximately \$123.4 million. The proposed budget is also \$123.4 million, and it includes a Capital Improvement Program (CIP) of \$41,935,000.00. The CIP is projected to be funded with \$17,285,000.00 in cash and \$24,650,000.00 in bonds.
6. The monthly bill for a residential customer with 3,000 gallons of water usage and 2,000 gallons of wastewater would increase \$0.60 under the proposed rates.
7. The monthly bill for a residential customer with 10,000 gallons of water usage and 8,000 gallons of wastewater would increase \$3.96 under the proposed rates.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

- 57 Ordinance - SFP22-0003 - Considering Special Fence Project Plan to Allow a Variance to Chapter 15 of the City of Irving Land Development Code to Construct a Six-Foot Tall Wood Fence Within the Side Yard Setback on a Corner Reverse Frontage Lot - Property Located at 1805 Piedmont Street - Jose R. Urquilla, Applicant/Owner**

Administrative Comments

1. The Planning and Zoning Commission recommended **Approval with the 5 ft. corner clip** on September 6, 2022 by a **vote of 7-0**.

Commissioners in support: Cronenwett, Burns, McPhail, Spurlock, Haacke, Prichard, Patel

Commissioners in opposition: None

Commissioners absent: Joy, Collins

2. The subject property is a 0.30-acre single-family lot. **The applicant is requesting a special fence project plan to construct a 6-foot-tall wood fence within the side setback for a fence on a reverse frontage corner lot.** The applicant is seeking approval to place the fence along the eastern property line along Dyer Street.
3. The site is currently developed with a single-family home and has a 4-foot-tall chain link fence around the property.
4. Per Chapter 15-1 (Definitions) of the Land Development Code, a reverse frontage lot is defined as “a corner lot where the side lot line is adjacent to a front lot line of an adjoining lot or across an alley from such front lot line.”
5. Per Chapter 15-12 (Fence height – Rear and side yards) of the Land Development Code, a property owner may have a 4-foot-tall fence with 50% visibility directly along the side property line. If the property owner wishes to have a taller fence or a solid fence, it must be 15 feet from the side property line.
6. The following variance is being requested:

	Required	Proposed
Side Yard Setback of a Solid Fence on a Corner Lot (Sec. 15-12 of the LDC)	15 Feet	0 Feet (15-Foot Variance)

7. The applicant maintains that the reason for the request is for increased privacy and better screening of their rear yard.
8. No other properties in the area appear to have a similar, legal fence **on a reverse frontage lot**. The property directly to the east across Dyer St. has a 4 ft. chain link fence on the property line, similar to the existing fence on the subject property.
9. The existing alley is not paved and is not used by any homes for primary vehicular

access to the adjacent lots.

10. The Traffic Department has determined the fence will not cause any traffic visibility issues provided the applicant maintains a 5-foot by 5-foot visibility clip at the rear portion of the lot adjacent to the alley.
11. Per Chapter 15-17 (Variance Procedures), in order to grant a variance to the Fence Ordinance, all of the following must be determined:
 - a. The requested variance does not violate the intent of this chapter;
 - b. The requested variance will not adversely affect surrounding properties;
 - c. The requested variance will not adversely affect public safety; and
 - d. Special conditions exist which are unique to this applicant or property.
12. While there are no traffic visibility issues if the applicant builds the fence with the “corner clip” and this is an unpaved alley, staff cannot find any special conditions unique to this applicant or property. Accordingly, staff cannot support this request.
13. A total of thirty-three (33) public notices were mailed. Staff has received one (1) response in support and no responses in opposition to this request.

Staff Recommendation

The ordinance be **denied**

58 Ordinance - ZC22-0044 - Considering a Zoning Change from C-O “Commercial Office” to S-P-1 (C-O) “Detailed Site Plan - Commercial Office” and Hotel and Related Uses - Approximately 1.226 Acres Located at 460 East John West Carpenter Freeway – Las Colinas Hospitality LP, Applicant; 460 E. John Carpenter Fwy., LLC, Owner

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 6, 2022 by a **vote of 6-1**.

Commissioners in support: Cronenwett, Burns, Spurlock, Haacke, Prichard, Patel

Commissioners in opposition: McPhail

Commissioners absent: Joy, Collins

2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Business District** uses for the subject property. This land use category is described as a flexible use district for retail, office and commercial uses. It consists predominantly of mid-rise with a mix of surface and structured parking. **The requested zoning is in conformance with the Comprehensive Plan.**

3. The subject property is an approximately 1.226-acre site that has an existing building. The applicant is requesting a zoning change to **allow hotel uses with variances to the meeting room and minimum room count requirements.**
4. The applicant is proposing to demolish the existing motor bank building and replace it with a **6-story, 140-room hotel with a lobby, lounge, fitness center, and a pool.**
5. The property meets the requirements of Section 2.5.5 “Commercial Office (C-O)” in the Unified Development Code (UDC).
6. On April 21, 2022, revisions to Section 3.10 “Hotel Development Standards” of the UDC were adopted by the City Council. The applicant is requesting the following variances to Section 3.10 as noted in the following table:

	Required	Proposed
Meeting Space (Sec. 3.10.2 (d)(5))	Combined min. of 5,000 sq. ft.	934 sq. ft. Variance of 4,066 sq. ft. (81%)
Room Count (Sec. 3.10.2 (d)(7))	200 rooms	140 rooms Variance of 60 rooms (30%)

7. The applicant’s justification letter states that “they will receive peak performance with a lower room count”.
8. The proposed development will not include a restaurant or have alcoholic beverage sales. The hotel will be required to provide a continental breakfast and a convenience retail market or pantry including refrigerated and frozen food options as required per Section 3.10.2 (d)(8).
9. All landscaping and parking requirements, along with all the other Hotel Development Standards will be met.
10. **An update to the Hotel Development Standards, approved earlier this year, was made in an effort to correspond to current market trends and eliminate a need for variances from new hotel developments. Consequently, because the two variances being requested derive from the newly adopted standards, staff cannot support this request.**
11. A total of 12 public notices were mailed. Staff has received one (1) letter in support and no responses in opposition to this request.

Recommendation

The ordinance be **denied** in conformance with the recommendation of the Planning and Zoning Commission

59 Ordinance - ZC22-0048 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to R-3.5 "Two-Family Residential 3.5" - Approximately 0.24 Acres Located at 1210 Katy Drive - Edwin Blanco, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 6, 2022 by a **vote of 7-0**.

Commissioners in support: Cronenwett, Burns, Spurlock, McPhail, Haacke, Prichard, Patel

Commissioners in opposition: None

Commissioners absent: Joy, Collins

2. 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.**
3. The subject property is an approximately 0.24-acre vacant tract. The applicant is requesting a zoning change to allow duplex uses.
4. In 2009, a single-family structure was demolished, and the property has remained vacant.
5. The subject property is currently zoned R-6 "Single-family Residential 6" which only allows single family detached dwellings.
6. The applicant is requesting to rezone the property to R-3.5 "Two-family Residential 3.5", a residential zoning district that includes duplexes under its allowed uses.
7. The applicant intends to build one (1) new duplex for a total of two (2) units on the property. Based on the preliminary concept plan provided by the applicant, each unit of the proposed duplex will be approximately 1,150 square feet and have a 20' by 20' garage. However, since this is not a site plan zoning case, the city cannot enforce any specific building design or layout shown on the preliminary concept plan beyond what is required by ordinance. A two-car garage is not required for duplexes.
8. **No variances are being requested from the R-3.5 district requirements.**
9. The proposed zoning district is compatible with the Comprehensive Plan Residential Neighborhood category which allows duplexes.
 - Two (2) separate duplex and multifamily developments are located directly west and facing the front of the subject property.
 - Additionally, the four (4) townhomes directly south of the subject property were built as two separate buildings, each with two (2) attached units that

resemble and function as duplexes.

- Finally, the proposed duplex would be the last house facing the east side of Katy Dr. before it intersects W. Cason St. as the single-family house north of the property is on a corner lot and faces the other direction.

10. Staff believes the proposed duplex would blend well with the existing street layout and existing land uses. Since the applicant is not requesting any variances and will comply with all the R-3.5 zoning district standards, and since the proposed zoning change would provide additional housing needed in the City, as identified in the 2021 Housing Study, staff can support this request.

11. A total of 30 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 5.12% of the land area within 200 feet of the subject property. Since this is less than 20%, **per state law a ¾-vote is not required for approval.**

Recommendation

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

60 Ordinance - ZC22-0049 - Considering a Zoning Change from HCD-CMU “Heritage Crossing District – Corridor Mixed Use” to S-P-2 (HCD-CMU) “Generalized Site Plan - Heritage Crossing District – Corridor Mixed Use” to Allow a Duplex at the Rear of the Lot While Retaining the Current House for a Total of Three (3) Units on One Lot - Approximately 0.34 Acres Located at 521 S. Jefferson Street - Lee Lowrie, Owner/Applicant

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 6, 2022 by **a vote of 7-0.**

Commissioners in support: Cronenwett, Burns, Spurlock, McPhail, Haacke, Prichard, Patel

Commissioners in opposition: None

Commissioners absent: Joy, Collins

2. The subject property is a part of a larger tract of land in Irving’s original downtown that was rezoned in 2016 as part of the creation of the Heritage Crossing District (HCD). The District created a form-based code to facilitate pedestrian oriented, mixed-use, urban infill redevelopment, while also providing shopping, employment,

housing, and business and personal services. Specifically, the HCD has two stated goals in section 2.6.6 (a)(2):

- A. Promote a more functional and attractive community through the use of recognized urban design principles; and
 - B. Allow property owners flexibility in land use while prescribing a higher level of detail in building design and form.
3. The subject site is in the southern portion of the HCD and was designated as Corridor Mixed-Use (CMU), one of the three “character zones” that were established. The goal of the CMU character zone was to create a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as “context sensitive streets” supporting multimodal traffic, linking other regional destinations, and promoting economic development. The Corridor Mixed-Use zone is meant to serve as the primary neighborhood for commercial activity in the local community.
 4. The form-based code focuses more on a building’s relation to the public realm by allowing them to locate closer to sidewalks and streets, requiring parking to be located behind buildings rather than in front of them, and permitting a mix of land uses near one another.
 5. 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, townhomes, rowhouses, and small-scale apartment buildings. Some mix of non-residential uses is appropriate, especially at intersections and commercial corners. **The requested zoning is in conformance with the Comprehensive Plan.**
 6. The subject property is a 0.34-acre corner lot that is currently developed with a single-family home and a detached accessory building. **The applicant is proposing to rezone to construct a duplex at the rear of the lot while retaining the current house.**
 7. The existing home faces South Jefferson St. and has a side yard adjacent to East Sixth St. The owner would like to add a duplex unit to their lot without demolishing the existing home. While the HCD-CMU regulations allow single family homes as well as multi-unit homes with 2-4 units, it has a requirement that multi-unit homes “be designed to appear as one home with one front door.” In this case, there would be a single-family home in the front that is separate from the duplex proposed for the rear of the site, essentially a “detached triplex,” thereby requiring a variance.
 8. The requested variance is summarized below:

Category	Required	Proposed	Variance
2.6.6(e)(1) – Table 2(a)(3) - Multi-unit home (2 to 4 units)	Building shall be designed to appear as one home with one front door.	1 single family structure + 1 duplex structure	2 structures/ detached triplex

9. The HCD requires two (2) parking spaces per unit. Since the property will have three units, six (6) total parking spaces are required. The new building will have two (2) garage spaces, and at least four additional off-street spaces are available on the existing driveway.

The HCD-CMU regulations also require that a multi-unit home with 2-4 units must provide parking in the rear of the lot which shall be accessed from an alley or by a driveway leading to the rear of the lot. Since there is no paved alley adjacent to the rear of the property, access can only be provided from the front of the property. All the parking for both the existing front house and duplex will be provided behind the front house.

10. While the proposed duplex does not meet the requirements of all 3 residential units being in one structure, staff does believe that the proposed addition meets the intent of HCD-CMU goals.

The existing front house will remain, and the new two-story structure will be located 98 feet from the street and roughly behind the existing home. The proposal provides a unique opportunity for infill housing that is compatible with the Comprehensive Plan. While staff generally is not in support of granting variances within the form-based zoning code of the Heritage Crossing District, staff believes it is appropriate in this specific situation. Accordingly, staff can support the request.

11. A total of twenty-six (26) 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 3.12% of the land area within 200 feet of the subject property. Since this is less than 20%, **per state law a ¾-vote is not required for approval.**

Staff Recommendation

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

61 **Ordinance - ZC22-0051 - Considering a Zoning Change from C-O "Commercial Office" and State Highway 161 Overlay District to S-P-2 (ML-20A) "Generalized Site Plan - Light Industrial 20A" and State Highway 161 Overlay District to Allow Warehouse Uses - Approximately 5.187 Acres Located at 2101 Gateway Drive - GTW, LLC, Applicant/Owner**

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 6, 2022 by a **vote of 7-0**.

Commissioners in support: Cronenwett, Burns, Spurlock, McPhail, Haacke, Prichard, Patel

Commissioners in opposition: None

Commissioners absent: Joy, Collins

2. The subject property is a 7.64-acre lot with an existing office formerly used as a bank. **The applicant is requesting rezoning to allow warehouse 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 has predominantly mid-rise with a mix of surface and structured parking. The requested zoning is in conformance with the Comprehensive Plan.
4. The subject property is a 5.187-acre lot that is occupied with an office building. The applicant is requesting to rezone the property to **S-P-2 (ML-20a) "Generalized Site Plan – Light Industrial 20a" and State Highway 161 Overlay District** to allow warehouse uses on the property. The State Highway 161 Overlay District specifically prohibits warehouse uses in Segment 3A, where the property is located.
5. The property is a former bank that fronts Gateway Drive and Corporate Court with drive-through lanes accessed from Corporate Court. The property is separated from State Highway 161 by two DCURD (Dallas County Urban Reclamation District) properties that combined are approximately 225 feet wide. The DCURD parcel adjacent to the subject property includes a canal and heavy vegetation on the west side of the channel, adjacent to the rear of the subject property.
6. The applicant currently occupies the existing 7,840 sq. ft. office building and is seeking to build a 15,315 sq. ft. warehouse building to store inventory. The former bank drive-through structure will be demolished. The applicant intends to build the warehouse on the west (rear) side of the property, adjacent to the office building.
7. The applicant's letter states that the warehouse would support existing auto leasing operations but may include possible expansion into other leasing products, such as durable medical equipment, golf carts, and other products. All storage of property will occur inside of a building. No outside yard storage is proposed.
8. Gateway Drive has a mix of office, warehouse, and flex office-warehouse uses. Corporate Court is occupied with office buildings. New warehouse distribution

buildings are being constructed to the southwest on DFW Airport property.

9. While the proposed base district is ML-20a (Light Industrial 20a), the State Highway 161 Overlay District, Segment 3A specifically prohibits industrial/manufacturing, research laboratories, wholesale distribution and mini-warehouses. These uses would continue to be prohibited, since there is no variance being requested to specifically allow these items.
10. The development will comply with all other requirements of the ML-20a district, the State Highway 161 Overlay District, and all other zoning requirements.
11. The proposed zoning and proposed development is compatible with other development in the surrounding area, including other office/warehouse flex space buildings. Additionally, the proposed development complies with the Comprehensive Plan, is not near residential uses, and will have minimal visibility from State Highway 161. Accordingly, staff can support this request
12. A total of 15 public notices were mailed. Staff has received no responses in support of or in opposition to this request.

Staff Recommendation

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

62 Ordinance - CP22-0009 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Open Space" to "Residential Neighborhood" - Approximately 0.90 Acres Located at 443 East Arawe Circle - Texterra Surveying, Applicant; Tabitha Urrutia, Owner

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 6, 2022 by a **vote of 7-0**.

Commissioners in support: Cronenwett, Burns, Spurlock, McPhail, Haacke, Prichard, Patel

Commissioners in opposition: None

Commissioners absent: Joy, Collins

2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Open Space** uses for the subject property. This land use category is described as "Public and semi-public parks, open spaces, recreation centers and golf courses." This is likely due to its location next to Luzon City Park; however, the City does not own this residential lot.

3. In conjunction with the companion zoning amendment case ZC22-0053, the applicant seeks to change the future land use to **Residential Neighborhood**, being described as “Predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses.”
4. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 2017 Imagine Irving Comprehensive Plan requires that, **if an area that is designated and/or developed as non-residential desires to transition to a residential use, the City of Irving should require the following:**
 - a. The area is **physically appropriate** (i.e., size, shape, etc.) **for residential use**.
 - b. The area is **adjacent to a residential neighborhood** shown on the generalized Future Land Use Map **and is not separated from the neighborhood by a major thoroughfare (or larger)**, or the residential use is part of a mixed-use development.
 - c. The rezoning **will not result in a shortage of land designated for non-residential development**.
 - d. The rezoning **does not leave a residual tract of non-residentially zoned property** that does not conform to the generalized Future Land Use Map, or that negatively affects the proposed residential use.
 - e. The rezoning **provides for an appropriate transition between residential and non-residential uses** through separation by distance, screening or land use (i.e., creek, four-lane roadway, etc.), if integration of residential and non-residential land uses into a mixed-use environment is not achievable.
5. The proposed change **meets the policies listed above:**
6. All the surrounding property with the exception of Luzon Park is shown as “Residential Neighborhood” on the Comprehensive Plan Future Land Use Map.
7. Given the factors listed above, staff cannot support this Comprehensive Plan amendment.
8. A total of 23 public notices were mailed. Staff has not received any responses in support and has received 13 responses plus one email in opposition to this request, including four (4) responses within 200 feet of the subject property.

Recommendation

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

63 Ordinance - ZC22-0053 - Considering a Zoning Change from R-10 "Single-Family Residential 10" to S-P-2 (R-10) "Generalized Site Plan - Single-Family Residential 10" with a Variance to the Minimum Lot Size - Approximately 0.90 Acres Located at 443 E. Arawe Circle - Texterra Surveying, Applicant; Tabitha Urrutia, Owner

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 6, 2022 by a **vote of 4-3**.

Commissioners in support: McPhail, Haacke, Prichard, Patel

Commissioners in opposition: Cronenwett, Burns, Spurlock

Commissioners absent: Joy, Collins

2. The subject property is a 0.9-acre lot that is currently vacant. **The applicant is proposing to rezone the property to allow a lot area of less than 80% of surrounding lots.** The applicant wants to subdivide the property into two lots and construct two single family homes.

3. Section 5.3.5 (Single Family Residential Lot Size Compatibility) of the City of Irving Unified Development Code requires that, whenever a tract of land or lot zoned for any type of single-family use is proposed to be subdivided, the lot cannot be less than 80 percent of the area or width of adjacent developed tracts or lots.

4. **The proposed lots will be 19,641 and 19,648 square feet in area.** To meet the 80 percent area of the lots around it, each lot must be 29,236 square feet. **The proposed lots are 9,595 (33%) and 9,588 (33%) square feet short of the 80 percent transitional lot requirement. However, both lots exceed the R-10 lot area requirements by over 9,640 square feet.**

5. Even though the lots are smaller than the 80 percent average surrounding lot size, they comply with or exceed 80% of the surrounding lot width. The subject property is pie-shaped and has a large street frontage, once divided, the new lots will still exceed the minimum lot width at the building line. One lot will be approximately 135 feet in width and the other will be approximately 90 feet in width, which is also significantly larger than the minimum 75-foot lot width requirement of the R-10 district.

6. The requested variances are summarized below:

Category	Required	Proposed	Variance
Lot Area (Section 5.3.5 of UDC)	80% of surrounding lots (29,236 sq. ft)	19,641 sf and 19,648 sf	9,595 sf (33%) and 9,588 sf (33%)

7. If the lot was rectangular, it would likely be able to be subdivided without a variance request. While the pie-shaped nature of the lot (both the existing lot and the two

proposed lots) is unique to this area, it could be developed with a single-family home in its current configuration. No evidence of a “hardship” exists that would prohibit the development of a single-family home on the site.

8. A total of 23 public notices were mailed. Staff has not received any responses in support and has received 13 responses plus one email in opposition to this request, including four (4) responses within 200 feet of the subject property. The opposition represents 17.33% of the land area within 200 feet of the subject property. Since this is less than 20%, **per state law a ¾-vote is not required for approval.**

Staff Finding

No hardship is evident, and the site plan does not comply with the development standards outlined in Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code

- 64 **Ordinance - ZC22-0056 - Considering a Zoning Change from C-N “Neighborhood Commercial” and State Highway 183 Overlay District to S-P-2 (C-N) “Generalized Site Plan - Neighborhood Commercial” and State Highway 183 Overlay District Including Hotel Uses – Approximately 2.972 Acres Located at 3900 West Airport Freeway – Icon Lodging, Applicant; C3R Irving One, LLC, Owner**

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 6, 2022 by a **vote of 5-2**.

Commissioners in support: Cronenwett, Burns, Spurlock, Prichard, Patel

Commissioners in opposition: Haacke, McPhail

Commissioners absent: Joy, Collins

2. 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 with buildings set back from the street and low to midrise buildings. The requested zoning is in conformance with the Comprehensive Plan.
3. The subject property is an approximately 2.972-acre vacant site that has never been developed. **The applicant is requesting a zoning change to allow retail and hotel uses with variances to the hotel development and zoning district standards in order to develop an extended stay hotel.**

4. The applicant intends to have retail uses on the easternmost section of the lot and develop a 4-story, 123-room hotel with a lobby, breakfast area, fitness center, and a meeting room on the western section of the lot.
5. The subject property is currently zoned C-N “Neighborhood Commercial” which allows general retail uses by right.
6. The property meets all the requirements of Section 2.5.6 “Neighborhood Commercial (C-N)” in the Unified Development Code (UDC) except as noted in the following table:

	Required	Proposed
Maximum Height (Sec. 2.5.6)	2½ stories or 30 feet	48 feet, 11 ¾ inches (4 stories) Variance of 18 feet, 11 ¾ inches (63.3%)

7. The applicant’s letter of justification for the height variance states, “the height is increase to maximize the number of rooms in a compact space, in an optimum placement of the product, and efficient access”.
8. On April 21, 2022, revisions to Section 3.10 “Hotel Development Standards” of the UDC were adopted by the City Council. The applicant requests variances to Section 3.10 as noted in the following table:

	Required	Proposed
Room Count Sec. 3.10.2 (d)(7)	Min. 200 rooms	123 rooms Variance of 77 rooms (-38.5%)
Meeting Space Sec 3.10.2 (d)(5)	Combined min. of 5,000 sq. ft.	361 sq. ft. Variance of 4,639 sq. ft. (-92.8%)
Recreational Facilities Sec 3.10.2 (d)(6)	Combined min. of 1,000 sq. ft.	359 sq. ft. Variance of 641 sq. ft. (-64.1%)

9. The applicant’s letter of justification states that they believe a lower room count will “increase the inventory of rooms available in [their] customer categories” and that it would “keep the project financially viable”. Regarding the variance to recreational facilities, they noted “[their] customary traveler is not interested in full workouts and swimming pool vacations”. Regarding the meeting space variance, they state that their client base “are not here for in-hotel meetings or conferences” and their smaller meeting space provided would be “perfect for sit-down get togethers or boards, committees, or other such groups”.

10. The proposed hotel will not include a restaurant or have alcoholic beverage sales. The hotel will be required to provide a continental breakfast and a convenience retail market or pantry section including refrigerated and frozen food options as required per Section 3.10.2 (d)(8).
11. All landscaping and parking requirements along with all the other Hotel Development Standards, the C-N “Neighborhood Commercial” standards, and the State Highway 183 Overlay District will be met.
12. **An update to the Hotel Development Standards, approved earlier this year, was made in an effort to correspond to current market trends and eliminate a need for variances from new hotel developments. Consequently, because the variances being requested are compared to the newly adopted standards, staff cannot support this request.**
13. A total of 12 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 9.25% of the land area within 200 feet of the subject property. Since this is less than 20%, **per state law a ¾-vote is not required for approval.**

Staff Recommendation

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

- 65 Ordinance - UDC22-0002 - Consideration of Amendments to the Unified Development Code Amending Section 3.2 “Auto Service and Repair” to Create Provisions for the Operation of Auto Service and Repair Facilities Including the Storage of Vehicles Held for Repair; Amending Section 9.3 “Definitions” to Delete and Add Definitions Related to Auto Repair; and Amending Section 2.5.2 “Non-Residential Land Use Table” to Identify Appropriate Districts for Auto Repair**

Administrative Comments

1. This item has been recommended by the Planning Department.
2. Updates are being proposed to the Auto Repair standards to allow auto repair businesses to **legally store vehicles held for repair outside** and behind a screening fence and clarifications on what may be stored as part of an auto repair businesses.
3. Outside storage of vehicles is not allowed today in commercial districts through the

current Outside Storage regulations (Section 3.18). The current ordinance requires all vehicles are brought inside the business (overnight), and therefore all businesses with outside storage are not legally operating, unless allowed in a S-P district. However, it is understood that most auto repair businesses need to keep vehicles outside.

4. Recent enforcement activity created concerns about the current standards and that amendments were necessary to allow outside storage for this use.
5. The proposed amendments include expanding the Supplemental Use Standards for Section 3.2 Auto Service and Repair to:
 - 1) **Allow accessory outside storage** of vehicles held for repair:
 - a. Require a 7 ft. screening fence around all storage areas, on a paved surface, behind the front wall of the business when visible from a public street or one or two family district. Existing businesses storing outside will have 6 months to install the fence and pave if necessary.
 - b. Dismantled and disabled vehicles being held for repair with a work order may be stored on site (such as wrecked vehicles held for body work)
 - c. No storage shall be permitted within 60 feet of a developed lot in a “R” district
 - 2) Allow (Code) staff to **request documentation** upon request verifying status of vehicles kept on site
 - a. Auto repair businesses often need to keep a vehicle pending parts or insurance findings, especially body shops
 - b. Reviewing documentation such as work orders will allow staff to differentiate vehicles held for repair work and those that may be stored or junked
 - 3) Clarify that required, striped **parking spaces** are for customers and employees and shall not be used for storage of vehicles including those held for repair or “make-ready”. Cars purchased from auction for resale are considered stored, which is an industrial use, and should be kept in an appropriate area.
 - 4) Add **minimum parking standards** for auto repair use to require one space per bay for employees plus standard ratio for office (1:300)
 - 5) Amend/add **definitions**
 - a. Delete “automotive repair garage” and “gasoline service station” which are obsolete terms
 - b. Add for differentiation:
 - Minor auto service (basic, regular maintenance where autos are not stored overnight), and
 - Major auto repair (engine and body repair that may require longer term holding of vehicles, noise, storage)
 - 6) Amend **land use chart** to define in which districts minor and major auto repair may occur
 - a. Minor repair such as oil changes and tires done in a single day and no

overnight storage may be acceptable nearer residential areas.

- b. Major repair may include noise and storage that is appropriate further from residential areas.

6. On August 18, Staff mailed **letters to 419 auto repair businesses** as listed on Code Enforcement's inspection list. A copy of the letter was included in the City Council's August 19 Read File. One email and one phone call were received by staff. These businesses expressed concerns about the ability to fence of their storage areas based on the configuration of their properties and buildings and concerns about how customers can drop off their cars.

As the outside storage is not an allowed use today, the current variance process will be available for businesses who wish to store outside, or continue to store outside but legally, but not install a screening fence and determine these allowances on a case by case basis.

7. The **Planning and Zoning Commission recommended Approval on September 6, 2022 by a vote of 6-1, to include a 90 day limitation to vehicles held for repair.** Staff did not include a time limit in the ordinance to provide flexibility in enforcement in the case of extenuating circumstances.

Recommendation

The ordinance be adopted as proposed.

APPOINTMENTS AND REPORTS

66 Resolution - Appointments to the Construction Board of Appeals to Fill Unexpired Terms

Administrative Comments

1. This item is recommended by the City Secretary's Office.
2. **Impact:** Appointment of Irving residents or qualified members to boards and commissions assures that our residents have a voice in city government.
3. The positions under consideration are required for the Construction Board of Appeals, include a licensed engineer and a representative in the fire protection industry.

Recommendation

The resolution be approved.

67 Mayor's Report

Adjournment