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
 Reverend Shane Webb, Woodhaven Presbyterian 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 59

 **CITY COUNCIL AGENDA**

 1  City Operations Update

 2  Public Hearing - Input from Residents Regarding Amendments to the City Charter
**Administrative Comments**

1. This item is recommended by the City Secretary’s Office and City Attorney’s Office.

2. **Impact:** The Mayor and City Council appointed nine residents to the Charter Review Committee with the task to review the charter and discuss possible amendments to the Irving City Charter.

3. The Charter Review Committee held meetings during September 2022 through December 2022.

4. The Committee also received input from the public through online submission forms.

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**CONSENT AGENDA**

3. Approving Work Session Minutes for Thursday, November 10, 2022

4. Approving Regular Meeting Minutes for Thursday, November 10, 2022

5. Ordinance - Amending Ordinance No. 2022-10634 Providing Budget Adjustment #2 to the 2022-23 Fiscal Year Budget

**Administrative Comments:**

1. This item has been recommended by the Financial Services Department.

2. Budget Adjustments are needed in the following funds: General Fund, Economic Development Fund, Economic Development Incentive Fund, TIF #1 Fund, General Non-Bond CIP Fund, MDU Non-Bond CIP Fund, Irving Convention and Visitors Bureau General Fund, Irving Convention and Visitors Bureau Convention Center Reserve/CIP Fund and Miscellaneous Special Revenue Fund.

3. The adjustments have been proposed by city staff and have been reviewed and recommended by Budget staff and Financial Services.


**Recommendation:**

The ordinance be adopted.
6 Resolution - Repealing Council Resolutions Nos. 2022-269, 2022-270, and 2022-271 to Identify the Correct Funding for Contracts Issued Under Those Resolutions

Administrative Comments
1. This item has been recommended by the City Manager’s Office and Capital Improvement Program.
2. Impact: This resolution repeals three previously approved resolutions.
3. Three resolutions were approved by City Council earlier this year authorizing the use of ARPA funds to complete several building maintenance projects.
4. Upon further review, the City already has contracts with spending capacity in place for those projects.
5. Approval of this resolution frees up ARPA funding for other building maintenance projects.

Recommendation
The resolution be adopted.

7 Resolution - Approving the Fourth Amendment to the Amended and Restated Interlocal Agreement Between the City of Irving Tax Increment Reinvestment Zone Number One (TIF #1), City of Irving, and the Dallas County Utility Reclamation District (DCURD) Concerning Accelerated Waterway Maintenance Projects

Administrative Comments
1. This item is recommended by the Financial Services Department.
2. Impact: The Interlocal Agreement (ILA) among the City, TIF 1 and the Dallas County Utility and Reclamation District (DCURD) will provide funding for essential accelerated waterway maintenance projects.
3. A budget adjustment of $117,598 from TIF 1 fund balance was requested on this agenda to fund this ILA.
4. Upon approval, the amended DCURD ILA will total $1,961,481 for Accelerated Waterway Maintenance projects.
5. The budget adjustment and amended ILA will be considered by the TIF Board at their December 6, 2022 Board Meeting.
6. Funding in the amount of $1,961,481 is available in the TIF 1 Operating Fund.

Recommendation
The resolution be approved.
Resolution - Amending the Plan Document of the City of Irving Supplemental Benefit Plan Relating to Non-Elected Voting Board Appointees Attendance and Allowing the Appointment of a Voting Designee at Their Discretion

Administrative Comments

1. This item is recommended by the Supplemental Benefit Plan Administrative Board.

2. **Impact:** The amendment will allow the Chief Financial Officer and Human Resources Director to assign voting designees to attend the monthly meetings of the Supplemental Benefit Plan (SBP).

3. The SBP Board consists of nine voting members. Five members are active City employees who contribute to the plan and are elected at-large from among City employees. The other four members are designated in the SBP Plan Document.

4. The Chair of the Audit and Finance Committee, Chief Financial Officer, Human Resources Director, and City Attorney or designee are required to attend at least 75% of all SBP Board meetings.

5. Only the City Attorney is permitted to assign a voting designee to attend SBP Board meetings.

6. The amendment to Section 13.01 of the SBP Plan allows the Chief Financial Officer and Human Resources Director to appoint a voting designee at their discretion.

7. The amendment to Section 13.02 of the SBP Plan allows permanent members of the SBP Board to meet attendance requirements through their respective designees.

8. These amendments were approved by the Supplemental Benefit Plan Administrative Board at their November 24, 2022 meeting. The amendment was presented to the Audit and Finance Committee on November 27, 2022.

**Recommendation**

The resolution be approved.

Resolution - Approving an Agreement with Advanced Security Technologies for the Purchase of Two Modular Vehicle Barrier 3X Systems in the Total Amount of $354,634.00

Administrative Comments

1. This item is recommended by the Police Department and the Parks and Recreation Department. It supports Strategic Goal No. 4.1: Safeguard public safety, security and health.
2. **Impact**: This purchase from Advanced Security Technologies provides for two 72-unit trailer modular vehicle barrier systems for the Irving Police Department and the Parks and Recreation Department to use during special events in the City of Irving, to increase security and safety for residents and attendees.

3. The cost of this barrier system is $177,317.00 each, for a total cost of $354,634.00.

4. Funding for one unit in the amount of $177,317.00 is available in the police department seized fund, and funding for the remainder of $177,317.00 is available in ___.

**Recommendation**

The resolution be approved.

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10 Resolution - Approving a Memorandum of Understanding Between the Cities of Irving, Fort Worth, Frisco, Grand Prairie, Haltom City and Hurst, for Participation in the DFW First Responders Critical Incident Stress Management Network

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.

2. **Impact**: This Memorandum of Understanding among participating local government jurisdictions including the City of Irving, the City of Frisco, the City of Grand Prairie, the City of Haltom City, and the City of Hurst, establishes permissions and guidelines for use of peer support services during times of crisis.

3. No funding is required.

**Recommendation**

The resolution be approved.
Resolution - Authorizing the City Attorney's Office to File a Lawsuit Seeking Clarification Regarding the Use of the Property Maintenance Fund in the Clay W. Gilbert Estate

Administrative Comments

1. This item is recommended by the Irving Department of Arts and Culture and the City Attorney’s Office.

2. **Impact:** This Petition in Intervention will seek to obtain access to a maintenance fund for the upkeep of real property being donated by the Clay W. Gilbert Estate, which are located at 309 and 313 S. O’Connor Blvd, Irving, Texas.

3. The resolution authorizes the City Attorney’s Office to file a Petition to Intervene and take all necessary legal action in the probate matter of *In Re: Estate of Clay W. Gilbert, Deceased*, pending in Probate Court Number 1 under Cause No. PR-21-01311-1, Dallas County Texas; to seek conveyance of the real property located at 309 and 313 S. O’Connor Blvd, Irving, Texas and delivery of the related Clay W Gilbert Property Maintenance Fund to the City; to move to request the Court to determine any questions of construction of the Last Will and Testament; to recover any fees and court costs; and to seek other relief as may become necessary through pendency of the lawsuit.

4. The Executor, Frost Bank, has interpreted the applicable Last Will and Testament to require the acceptance of the personal property by the Heritage Society as a condition of receiving the $150,000 maintenance fund set for the upkeep of the house. The lawsuit would ask the Court to clarify whether the condition was met prior to the Heritage Society revoking its acceptance of the personal property.

5. The Council may choose to 1) file suit to obtain access to the maintenance fund prior to conveyance of the real property; 2) accept conveyance of the real property without the maintenance fund; 3) file suit to obtain access to the maintenance fund and also accept conveyance of the real property independently of the outcome of the lawsuit.

**Recommendation**

The resolution be approved.
12 Resolution - Approving a Settlement Agreement Between the City of Irving and Komatsu Architecture for the Resolution of Potential Claims for the Fire Apparatus Storage Building at the Public Safety Complex on Belt Line Road

Administrative Comments

1. This item is recommended by the City Attorney’s Office, the Capital Improvement Program and the Fire Department. This item supports Strategic Objective 2.5 – Support strategic investments in city facilities.

2. Impact: This settlement is the result of a mediation between the City of Irving and Komatsu Architecture for the resolution of the City’s claims for omissions in design.

3. On October 18, 2018, City Council approved RES-2018-393 for Addendum No. 1 to the Agreement for architectural services for the design of Fire Station #4 with Komatsu Architecture. The Addendum added design services for the Fire Apparatus Storage Building at the Fire Training Center in the amount of $95,938.00.

4. The exterior pavement installed at the Fire Apparatus Storage Building has extensively cracked due to heaving soils, significantly limiting the use of the building for its intended purpose of housing second line firefighting equipment. The City’s claims concern the design of the subgrade for moisture control and the design of the pavement and associated fixtures which were completed by civil engineering firm Pacheco Koch, Komatsu’s subcontractor. Pacheco Koch was also represented at the mediation.

5. The Parties have reached a proposed settlement in the amount of $300,000.00 to be paid to the City of Irving to satisfy the cost of repairing the subgrade and pavement issues. The city will be responsible for treatment of soil to minimize soil movement.

Recommendation

The resolution be approved.

13 Resolution - Approving Addendum No. 1 to the Professional Services Agreement Between the City of Irving and Pacheco Koch Consulting Engineers, LLC, in the Amount of $1,233,247.00 for Additional Services for the Brockbank Channel 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 contract supports the Drainage Solutions for a Better Tomorrow. This addendum provides funding for the design, bidding, and construction phase services to improve Brockbank Channel from SH-183 to W Rochelle Road to provide flood mitigation to the area.

3. The scope of work includes drainage improvements consisting of 2,000 linear feet of cast-in-place rectangular channel, 2,000 linear feet of closed storm drain system improvements, and roadway improvements at 2 channel crossings.

4. Minority/Women Business Enterprise (M/WBE) Program participation in this award is anticipated at 19%.

5. Funding in the amount of $1,233,247.00 is available in the Municipal Drainage Utility C.O. Fund.

**Recommendation**

The resolution be approved.

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14 **Resolution - Approving Addendum No. 2 to the Professional Services Agreement Between the City of Irving and Pape Dawson Engineers, Inc., in the Amount of $1,255,785.00 for Additional Services for the North Delaware Creek Phase 1 Channel 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 contract supports the Drainage Solutions for a Better Tomorrow. This addendum provides funding for the design, bidding, and construction phase services to improve North Delaware Creek from SH-183 to Henry Drive to provide flood mitigation to the area.

3. The scope of work includes drainage improvements consisting of replacing 3,300 linear feet of the existing trapezoidal concrete-lined channel with a rectangular modular block wall channel, and roadway improvements at 2 channel crossings at Story Road and Henry Drive. The design will coordinate with the active wastewater design being performed by separate contract.

4. Funding in the amount of $1,255,785.00 is available in the Municipal Drainage Utility C.O. Fund.

**Recommendation**

The resolution be approved.
Resolution - Approving Change Order No. 4 to the Contract with Flow-Line Construction, Inc. in the Amount of $16,000.00 for the State Highway 161 Water 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: Change order No. 4 will provide funding to cover an additional 24-inch gate valve needed during construction. This change order increases the contract by 1.8%.

3. Staff has negotiated a fair and reasonable price for this change order based on existing unit prices in the original 2021 contract.

4. Funding in the amount of $16,000.00 is available within the Water and Sewer System Non-Bond Fund.

Recommendation

The resolution be approved.

Resolution - Approving a Third Amended and Restated Economic Development Incentive Agreement Between the City of Irving and Allstate Insurance Company in an Amount Not to Exceed $337,500, Dependent Upon Annual Qualifications

Administrative Comments

1. This item is recommended by the Office of Economic Development.

2. Impact: Approval of this amended and restated economic development incentive agreement will provide for more economic diversification of the City’s economy.

3. This amended and restated economic development incentive agreement was discussed at the May 2, 2022 and October 27, 2022 Executive Session of the Irving City Council Work Session meetings.

4. On April 20, 2017, City Council approved RES-2017-145 approving an economic development incentive agreement with Allstate Insurance Company in an amount not to exceed $550,000. Minimum qualifications require that Allstate maintain operations at their current Irving facility; maintain real property taxable value of the site at $33,000,000; maintain current employment of 1,400 and hire at least 150 new employees with an average annual salary of $63,000. The agreement authorized a job grant incentive of $500 per each new job hire (up to 550 new jobs) and an additional $500 for each of those new job hires if retained for at least three years.
5. On December 13, 2018, City Council approved RES-2018-464 approving a Amended and Restated economic development incentive agreement (EDIA) with Allstate Insurance Company in an amount no to exceed $2,800,000. The Amended and Restated EDIA, supported Allstate Insurance Company plans to further expand their business operations at their current Irving facility located at 8701 Freeport Parkway and invest an additional $5,000,000 in furniture, fixtures, equipment at or improvements to the property; retain 1,950 employees (1,400 original Irving employees plus 550 jobs created under existing agreement) and hire up to 1,000 new employees with an average annual salary of at least $60,000.

6. Under the original agreements, the Company Minimum Qualifications included: maintain current operations at the Premises, retain 1400 current employees at the Premises, and place all new employees at the Premises.

7. In response to a changing and competitive labor market, the Allstate Insurance Company implemented a new work location policy in order to attract and retain talent. With the new policy, employees in the Irving market are no longer required to report to the Irving campus. Employees are no longer assigned to a designated campus. This worldwide policy allows employees to work anywhere from home or other place (Irving, DFW metroplex, Texas, inside/ outside of the US.)

8. This Third Amended and Restated agreement removes all job the requirements beyond Calendar Year 2021; increases the Company’s requirement to maintain the real property taxable value of the site from $33,000,000 to $35,000,000 through June 30, 2025; requires the Company to make a payment of $84,375 to the City (or 25% of the $337,500 in incentive payments previously paid to the Company) by December 31, 2023; and removes all other Company Obligations related to job creation and retention at the Premises.

9. Should the Company fail to make the required $84,375 payment to the City by December 31, 2023 or maintain the real property taxable value of the site of at least $35,000,000 through June 30, 2025, the Company shall be required to repay all grants payments previous received from the City.

10. The original economic development incentive agreements committed a total of $2,800,000 in grant funding. The Company has received $337,500. The remaining $2,462,000 will moved from the Committed Funds to the Uncommitted Incentive Fund Balance within the Economic Development Incentive Fund. Upon receipt, the $84,375 payment from the Company will also be placed in the Economic Development Fund for future economic development activities.

**Recommendation**

The resolution be approved.
Resolution - Adopting a Policy Affecting Compliance Requirements for Existing Economic Development Incentive Agreements for Calendar Year 2022

Administrative Comments

1. This item is presented by the Office of Economic Development.

2. **Impact:** This proposed policy would provide guidance to City Staff for evaluating compliance requirement of existing economic development incentive agreements (EDIAs).

3. **This item was discussed at the Irving City Council Work Sessions on October 27, 2022, and November 10, 2022.**

4. On December 17, 2020, the Irving City Council approved RES-2020-494, adopting a policy related to the review and administration of compliance certificates submitted for existing EDIAs for Calendar Year 2020 to address the impacts of the COVID-19 health crisis.

5. On December 9, 2021, the Irving City Council approved RES-2021-474, adopting an extension of the policy related to the review and administration of compliance certificates submitted for existing EDIAs for Calendar Year 2021 to address the continuing impacts of the COVID-19 health crisis.

6. As Irving companies emerge from the extended COVID-19 health crisis, many enacted hybrid return-to-work policies in order to maintain and attract talent. This new workplace reality could affect the ability of companies with active EDIAs with the City of Irving to meet certain obligations under their EDIAs for Calendar Year 2022. This updated policy would permit staff to allow the “at the Premises” job requirement in existing economic development incentive agreements to include remote work locations (including employees' homes.) This allowance would apply only to employees who would otherwise have been working at the assigned location in Irving in 2022 and whose job the Company certifies will continue to be based in Irving.

7. This policy would only affect compliance requirements for those existing economic development incentive agreements in which the companies have met all other obligations under their respective EDIAs, including the submittal of a Compliance Certificate before the required deadline.

8. The policy would only effect compliance requirements for Calendar Year 2022.

**Recommendation**

The resolution be approved.
18 Resolution - Approving the Sole Source Renewal from Tritech Software Systems a CentralSquare Technologies Company, in the Total Amount of $152,251.88 for the Annual Renewal of Tiburon Public Safety System Software Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department and the Police Department.

2. Impact: This support renewal keeps the Police Department’s Tiburon records management system (RMS) and jail management software operating efficiently and legally licensed.

3. This software facilitates rapid, accurate communication from the field and promotes safety of personnel, as well as, enabling communication with other agencies in a crisis situation. Tiburon RMS and Jail are designed as an integrated, modular solution, providing the foundation to fully automate law enforcement operations from incident tracking to crime analysis and case management to state reporting. The system supports record processing from the entry of an event from dispatch through closing and assignment of a final disposition.

4. Funding in the amount of $152,251.88 is available in the Technology Fund.

Recommendation

The resolution be approved.

19 Resolution - Approving the Single Source Renewal from Infor Public Sector, Inc., in the Total Amount of $63,853.30 for Enroute Computer Aided Dispatching (CAD) Software Maintenance and Support

Administrative Comments

1. This item is recommended by the Information Technology Department and Fire Department.

2. Impact: Renewal of this support agreement is imperative to the daily operations of the city’s Fire Department. First responders rely on this software to provide accurate information from Dispatch to arrive fully equipped to assist all residents and businesses in the City of Irving.

3. This maintenance provides support to the Information Technology Department in order to keep all software updated, and fully functional for the Fire Department’s use.
4. Funding in the amount of $67,853.30 is available in the technology fund.

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items**

**Items 20 - 45**

20 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Lone Star Auctioneers, Inc., for Online Auto Pound, Surplus City Vehicle & Equipment, and Police Property Room Auctions through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center

**Administrative Comments**

1. This item is recommended by the Financial Services Department – Purchasing Division, the Fleet Services Division, and the Police and Parks & Recreation departments.

2. **Impact**: Establishment of a Vendor/Member Contract between the City of Irving and Lone Star Auctioneers, Inc., for utilization of TIPS Contract No. 220801 for auctioneer services which will expire on October 31, 2025, allows the city to procure online auctioneer services.

3. The city currently secures revenue through monthly online auctions of unclaimed, impounded vehicles as well as through periodic online auctions of various surplus city vehicles and equipment, with no commission fees withheld. A buyer’s premium of 12% of their bid is charged to buyers, added to invoices and retained by the auctioneer to offset selling costs.

4. Abandoned/seized Police Property Room items will also be auctioned utilizing services provided by this contract. Due to the additional services required for these auctions, a commission fee of 12.5% of auction proceeds will be charged to the city. The buyer’s premium of 12% as noted above will also apply.

5. Minority- and/or Woman-Owned Business Enterprise participation in this contract is 100%.

6. Revenue received as a result of this contract for auctioneer services will be deposited in the General, Vehicle & Equipment Replacement, Water & Sanitary Sewer, Solid Waste Operating, or Police Narcotics funds as may be appropriate. Net revenue from auction sales for Fiscal Year 2021-22 is shown below.
<table>
<thead>
<tr>
<th>AUCTION TYPE</th>
<th>NET REVENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Pound</td>
<td>$ 943,735.00</td>
</tr>
<tr>
<td>Surplus</td>
<td>$ 54,840.00</td>
</tr>
<tr>
<td>Property Room</td>
<td>$ 24,524.82</td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

---

21 **Resolution - Approving Renewal No. 5 to the Consulting Agreement with Holmes, Murphy & Associates, LLC, in the Total Estimated Amount of $96,000.00 for Employee Healthcare and Benefits Consulting Services**

**Administrative Comments**

1. This item is recommended by the Human Resources Department.

2. **Impact:** Employee healthcare consulting services assist the city in identifying creative long-term strategies and short-term tactics that will improve plan performance and maintain a sustainable health and wellness program. Additionally, the consultant develops innovative, integrated solutions for city consideration that may influence or impact projected healthcare costs and trends in areas such as wellness, disease management, and overall health plan management.

3. Services provided under this contract include, but are not limited to, actuarial analysis, drafting of Request for Proposal (RFP) specifications, negotiation of contract terms, and monitoring benefit and wellness programs for effectiveness and cost efficiency.

4. This renewal establishes the continuation of an annual contract for providing employee healthcare consultant services. The original contract was awarded to the firm scoring the highest points based on evaluation criteria established through a Request for Proposals process. This is the fifth and final one-year renewal option. The current contract expires December 31, 2022.

5. Funding for Fiscal Year 2022-23 is available in the Health Self-Insurance Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holmes, Murphy &amp; Associates, LLC</td>
<td>1/1/23 – 12/31/23</td>
<td>$72,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$24,000.00</td>
<td>2023-24</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$96,000.00</strong></td>
<td></td>
</tr>
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</table>

**Recommendation**

The resolution be approved.

**Resolution - Approving As-Needed Expenditures with Galls, LLC, in the Total Estimated Amount of $255,900.00 for First Responder Uniforms, Accessories, and Services through the North Texas SHARE Cooperative Purchasing Program**

**Administrative Comments**

1. This item is recommended by the Police, Code Enforcement, Inspections, Capital Improvement Program, and Information Technology departments and the Irving Arts Center.

2. **Impact:** Use of this contract will allow the Police Department to continue purchasing law enforcement uniforms and other related duty gear. In addition, this contract will support the needs of the other departments listed above who wear tactical uniforms in performance of their duties.

3. These purchases are supported by a Vendor/Member contract between the City of Irving and Galls, LLC, which was approved on January 24, 2022, through Administrative Award No. 7628 for utilization of North Texas SHARE Contract No. 2021-073 for first responder uniforms, accessories, and services, which has been renewed through November 1, 2023.

4. Funding for Fiscal Year 2022-23 is available in Police, Code Enforcement, and Inspections department budgets within the General Fund, and in the Municipal Drainage Utility Operating, Technology, and the Irving Arts Center General funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Spending Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Galls, LLC</td>
<td>12/9/22 – 11/1/23</td>
<td>$180,780.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 75,120.00</td>
<td>2023-24</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$255,900.00</strong></td>
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</table>
Resolution - Approving As-Needed Expenditures with Bound Tree Medical, LLC, and Life-Assist, Inc., in an Amount Not to Exceed $272,000.00 for EMS Fire Dept. Medical Supplies through an Interlocal Cooperation Agreement for Cooperative Purchasing with the City of Midlothian

Administrative Comments

1. This item is recommended by the Fire Department.

2. Impact: Firefighters and paramedics are able to provide the highest quality of treatment for residents by having these approved supplies and medications available for use in emergency response vehicles.

3. These purchases are supported by Vendor/Member contracts between the City of Irving and Bound Tree Medical, LLC, and Life-Assist, Inc., which were approved by Administrative Award 8167 and 8190 respectively on November 18, 2022. These contracts utilize City of Midlothian Contract No. 2020-28 for EMS Fire Dept. Medical Supplies which has been renewed through December 31, 2023.

4. Funding for Fiscal Year 2022-23 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

5. Because this contract runs from December 2022 through December 2023, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year’s additional purchases and the total contract award amount is not exceeded.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Bound Tree Medical, LLC</td>
<td>12/9/22 – 12/31/23</td>
<td>$209,000.00</td>
<td>$ 63,000.00</td>
<td>$272,000.00</td>
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<tr>
<td>Life-Assist, Inc.</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.
Resolution - Approving and Accepting the Bids of North America Fire Equipment Co, Inc. (NAFECO), Relitorin International, Inc., Delta Fire & Safety Inc. dba Delta Industrial Service & Supply, Con10gency Consulting, LLC, and Metro Fire Apparatus Specialists, Inc., and in an Amount Not to Exceed $350,000.00 for an Annual Contract to Provide Bunker Clothing

Administrative Comments

1. This item is recommended by the Fire Department.

2. Impact: Firefighters are able to provide the highest quality emergency response in environments that are otherwise dangerous to their health and safety due to the protection factor provided by the bunker clothing items purchased through this contract. In addition, the specified bunker clothing will ensure the Fire Department’s continued compliance with National Fire Protection Standard 1971.

3. This award establishes an annual contract for the continuation of supplying bunker clothing. This contract is for one year with two, one-year renewal options.

4. Funding for Fiscal Year 2022-23 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

5. Minority- and/or Woman-Owned Business Enterprise participation in this contract is 11%.

6. Because this annual contract runs from January 2023 through December 2023, it is possible that more than the estimated amounts shown in the chart below may be expended in one operating year or the other as long as there are budget funds available to accommodate that year’s additional purchases and the total contract award amount is not exceeded.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Items(s)</th>
<th>Contract Term</th>
<th>2022-23 Estimated Expenditure</th>
<th>2023-24 Estimated Expenditure</th>
<th>Total Amt. Not to Exceed</th>
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</thead>
<tbody>
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<td>North America Fire Equipment Co, Inc. (NAFECO)</td>
<td>1, 3 &amp; 4</td>
<td>1/1/23 - 12/31/23</td>
<td>$300,000.00</td>
<td>$50,000.00</td>
<td>$350,000.00</td>
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<td>Relitorin International, Inc.</td>
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<tr>
<td>Delta Industrial Service &amp; Supply</td>
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<td>Con10gency Consulting, LLC</td>
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<tr>
<td>Metro Fire Apparatus Specialists, Inc.</td>
<td>7</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.
Resolution - Authorizing Additional Expenditures with Nema 3 Electrical Contractors, Inc., dba Nema 3 Electric, Inc., in the Total Estimated Amount of $352,139.00 for the Purchase of Electrical Parts and Repair Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation and Capital Improvement Program (CIP) departments.

2. Impact: Approval of this item will allow the city to procure labor and materials for repair of electrical infrastructure in city facilities. The service provided by this vendor is essential in increasing the operational efficiency of city personnel responsible for maintaining these facilities for each respective department.


4. This contract will allow CIP to install new light poles and fixtures with Musco Central Link Controller in the total estimated amount of $156,450.00 for the new Oak Meadows Park project as included in the Parks Master Plan. The Parks & Recreation Department will use this contract to repair leaning light poles and upgrade the light fixtures with new LED units at Victoria Park at an estimated cost of $120,689.00. The remaining available amount requested will be utilized for any as-needed expenditures that may arise before the end of the contract term.

5. Funding for Fiscal Year 2022-23 is available in the Park Improvement Bond Fund and in various departmental budgets within various funds.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nema 3 Electrical Contractors, Inc.</td>
<td>12/9/22 - 2/28/23</td>
<td>$156,450.00</td>
<td>Park Improvement Bond</td>
</tr>
<tr>
<td>dba Nema 3 Electric, Inc.</td>
<td></td>
<td>$120,689.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 75,000.00</td>
<td>Various</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$352,139.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.
Resolution - Approving and Accepting the Bid of Viking Fence Co., Ltd, in the Total Estimated Amount of $72,300.00 for Portable Restroom Rental and Cleaning Services

Administrative Comments

1. This item has been recommended by the Parks & Recreation, Solid Waste Services and Water Utilities departments.

2. **Impact**: Approval of this contract will provide for rental of portable restrooms for park users at various parks throughout the year as well as portable restroom and hand sanitizer stations for use during City special events. This contract also provides restroom facilities for city staff at the Hunter Ferrell Landfill and at a materials storage site for Water Utilities.

3. This award establishes an annual contract for the continuation of providing portable restroom rental and cleaning services. The contract is subject to two, two-year renewal options.

4. Funding for Fiscal Year 2022-23 is available in the Parks & Recreation Department budget within the General Fund, and in the Solid Waste Operating and Water-Sewer Operating funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Expenditure</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viking Fence Co., Ltd</td>
<td>1/1/23 - 12/31/23</td>
<td>$49,625.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$22,675.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$72,300.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.

Resolution - Approving Additional Expenditures with Complete Supply, Inc., in the Total Estimated Amount of $50,000.00 for As-Needed Purchases of Janitorial Supplies through the Choice Partners Purchasing Cooperative, a Division of Harris County Department of Education

Administrative Comments

1. This item is recommended by the Parks & Recreation Department.
2. **Impact:** Approval of this item will allow the Parks & Recreation Department to purchase janitorial supplies including paper products to maintain a safe and healthy environment for employees and the public visiting the city facilities.

3. A Vendor/Member contract between the City of Irving and Complete Supply, Inc. was approved on November 22, 2021 by Administrative Award No. 7546, in an estimated amount of $49,999.99 which supports utilization of Choice Partners Contract No. 21/019SG-03 for Safety Supplies and Equipment, which has been renewed through January 19, 2023.

4. The city’s current janitorial supplies vendor is unable to honor their submitted bid pricing due to highly volatile market conditions. In order to continue servicing city facilities without interruption, staff recommends purchasing essential janitorial products through this cooperative contract.

5. Funding for Fiscal Year 2022-23 is available in various departmental budgets within various funds.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Spending Term</th>
<th>Total Estimated Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete Supply, Inc.</td>
<td>12/9/22 – 1/19/23</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

---

28 Resolution - Renewing the Annual Contracts with Leslie's Poolmart, Inc., dba Leslie's Swimming Pool Supplies and DPC Industries, Inc., dba Petra Chemical Acquisition Company, LLC, in the Total Estimated Amount of $126,000.00 for Swimming Pool Chemicals

**Administrative Comments**

1. This item is recommended by the Parks & Recreation Department.

2. **Impact:** Renewal of this contract will allow the department to sanitize and maintain the safety standards of water in the city’s swimming pools, aquatic centers, water parks, spray parks, and fountains for our customers.

3. DPC Industries has requested an increase to $2.42 per gallon from $1.92 per gallon for Item 3 due to an increase in the cost of Sodium hypochlorite. Staff has accepted this increase, which results in an increase of 5.4% in the overall contract value.

4. This renewal establishes the continuation of an annual contract to provide swimming pool chemicals. This is the first of three, one-year renewal options. The current contract expires on December 31, 2022.
5. Funding for Fiscal Year 2022-23 is available in the Parks & Recreation Department budget within the General Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Item(s)</th>
<th>Contract Term</th>
<th>Est. Exp. FY 2022-23</th>
<th>Est. Exp. FY 2023-24</th>
<th>Total Est. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leslie’s Poolmart, Inc.</td>
<td>1</td>
<td>1/1/23 – 12/31/23</td>
<td>$20,000.00</td>
<td>$ 6,000.00</td>
<td>$ 26,000.00</td>
</tr>
<tr>
<td>DPC Industries, Inc. dba Petra Chemical Acquisition Company, LLC</td>
<td>2 &amp; 3</td>
<td></td>
<td>$80,000.00</td>
<td>$20,000.00</td>
<td>$100,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$100,000.00</strong></td>
<td><strong>$26,000.00</strong></td>
<td><strong>$126,000.00</strong></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

29 Resolution - Approving As-Needed Expenditures with Peruna Glass, Inc., dba Glass Doctor of North Texas in the Total Estimated Amount of $175,000.00 for Glass Repair and Replacement Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) and Parks & Recreation departments.

2. **Impact:** Approval of this item will allow the city to procure as-needed glass and storefront repair services quickly and efficiently in order to maintain the security and safety of city facilities.

3. A Vendor/Member contract between the City of Irving and Peruna Glass, Inc., dba Glass Doctor of North Texas was approved on January 13, 2022, by RES-2022-8. The contract supports utilization of BuyBoard Contract No. 657-21 for Building Maintenance, Repair, & Operations (MRO) Supplies & Equipment, which has been renewed by BuyBoard through November 30, 2023.

4. Funding is available in various departmental budgets within various funds.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Amount</th>
<th>Fiscal Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peruna Glass, Inc., dba Glass Doctor of North Texas</td>
<td>12/1/22-11/30/23</td>
<td>$145,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$30,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$175,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

30  **Resolution - Approving an Engineering Services Agreement Between the City of Irving and Teague Nall and Perkins, Inc., in an Amount Not to Exceed $300,000.00 for Annual Surveying and Platting Services**

**Administrative Comments**

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

2. **Impact:** This contract supports the Road to the Future, Drainage Solutions for a Better Tomorrow and Delivering Clean, Safe Water programs and various other CIP projects. Surveying and platting services provide topographic surveying for projects, platting of city owned property, preparing survey metes and bounds, exhibits for right-of-way and easement acquisitions, and determination of city limit boundaries. This contract will be utilized when in-house survey staff does not have the resources or expertise to perform the necessary survey work.

3. Requests for qualifications were solicited for this contract; qualification submittals were received from twelve firms. Of the three firms that were selected to be interviewed, Teague Nall & Perkins, Inc., was determined to be the most highly qualified provider for the services solicited.

4. Staff has negotiated a fair and reasonable agreement with Teague Nall & Perkins, Inc. for these services and recommends award.

5. Minority-and/or Women-owned Business Enterprise (MWBE) participation in this award is 33%.

6. Professional services contracts are re-solicited every three to five years to ensure the best value for the required services is obtained. This is a one-year contract with two, two-year renewal options.

7. Funding for Fiscal Year 2022-23 is available within various project funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teague Nall &amp; Perkins, Inc.</td>
<td>12/8/22 – 12/7/23</td>
<td>$250,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$50,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL NOT TO EXCEED AMOUNT</strong></td>
<td></td>
<td><strong>$300,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

31 Resolution - Approving an Engineering Services Agreement Between the City of Irving and Criado & Associates, Inc., in an Amount Not to Exceed $500,000.00 for Annual Sub-Surface Utility Exploration (Potholing)

**Administrative Comments**

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

2. **Impact:** This contract supports the Road to the Future, Drainage Solutions for a Better Tomorrow and Delivering Clean, Safe Water programs and various other CIP projects. Sub-surface utility exploration (potholing) is used to locate existing underground dry utilities and City of Irving wet utilities. Potholing provides the precise location horizontally and vertically to determine if there is an underground conflict with proposed water, wastewater, storm drainage pipes, or franchise utilities within City of Irving right-of-way for CIP projects.

3. Requests for qualifications were solicited for these services; qualification submittals were received from eight firms. Of the three firms that were selected to be interviewed, Criado & Associates, Inc. was determined to be the most highly qualified provider for the services solicited.

4. Staff has negotiated a fair and reasonable agreement with Criado & Associates, Inc. for these services and recommends award.

5. Minority and/or Women-owned Business Enterprise (MWBE) participation in this award is 100%.

6. Professional services contracts are re-solicited every three to five years to ensure the best value for the required services is obtained.

7. This award establishes an annual contract for the continuation of sub-surface utility exploration (potholing) services. The contract may be renewed by mutual agreement of the parties for two additional one-year terms.

8. Funding for Fiscal Year 2022-23 is available within various project budgets, while
funding for Fiscal Year 2023-24 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criado &amp; Associates, Inc.</td>
<td>12/8/2022 – 12/7/2023</td>
<td>$400,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL NOT TO EXCEED AMOUNT</strong></td>
<td></td>
<td><strong>$500,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

---

32 Resolution - Approving and Accepting the Bid from Fireside Holdings, Inc., dba American Refrigerants in the Total Estimated Amount of $57,000.00 for the Purchase of Refrigerants for City of Irving's HVAC Systems

**Administrative Comments**

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

2. **Impact**: Approval of this contract will allow the city to complete service calls requiring a quick supply of refrigerants for effective cooling of city facilities.

3. Staff recommends awarding this contract for purchase of refrigerants to Fireside Holdings, Inc., dba American Refrigerants, as the lowest responsive, responsible bidder.

4. Funding in the total estimated amount of $57,000.00 is available in the Capital Improvement Program Department budget within the General Fund.

**Recommendation**

The resolution be approved.
Resolution - Approving and Accepting the Bid of Earth Haulers, Inc., in the Total Estimated Amount of $485,000.00 for Road Maintenance Materials

Administrative Comments

1. This item is recommended by the Traffic & Transportation and the Water Utilities departments.

2. Impact: This contract supports the Road to the Future Program. Road maintenance materials are necessary to provide the Streets Division with cushion sand, topsoil and crushed concrete aggregate necessary to road repairs in order to maintain the safety of the transportation network within the City of Irving. Water Utilities uses road maintenance materials for backfill and embedment on water and sewer main repairs.

3. This award establishes an annual contract for the continuation of providing road maintenance materials. The contract includes two, one-year renewal options.

4. Minority and/or Women-Owned Business Enterprise participation in this award is 100%.

5. Funding is available in the Traffic & Transportation Department budget within the General Fund and Water-Sewer Operating Fund.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earth Haulers, Inc.</td>
<td>12/9/22 – 11/30/23</td>
<td>$405,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$80,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$485,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.

Resolution - Approving Amendment No. 2 to the Professional Services Agreement between the City of Irving and Walter P. Moore & Associates, Inc., in the Total Estimated Amount of $600,000.00 for Structural Engineering Services

Administrative Comments

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

2. Impact: This annual contract supports Road to the Future, Drainage Solutions for a Better Tomorrow programs, and various CIP projects. This annual contract will allow for the analysis of structural integrity, design of structural engineered members and/or components for bridges, retaining walls, parking garages, large
custom storm water junction boxes, etc. These individual services may be requested for CIP projects, City facilities, Parks projects, etc.

3. This renewal establishes the continuation of a contract to provide structural engineering services. The original contract was awarded to the respondent receiving the highest evaluation criteria score through a Request for Qualifications process. This is the second and final two-year renewal option. The current contract expires December 25, 2022.

4. Funding for Fiscal Year 2022-23 is available in various project funds, while funding for Fiscal Years 2023-24 and 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$300,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 75,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$600,000.00</strong></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

35 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 $80,000.00 for a Five Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and FY 23-24 First Year Action Plan

**Administrative Comments**

1. This item is recommended by the Housing & Redevelopment Division.

2. **Impact:** Award of this agreement for the development of a Five Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and First Year 2023-2024 Action Plan allows the City to establish long-term goals and priorities to address community development needs with Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnership Grant (HOME), and other federal program funds.

3. As a recipient of federal funds from the U.S. Department of Housing and Urban Development (HUD), the City of Irving is required to develop a Five Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and a First
Year Action Plan. Each plan involves identifying needs in the Irving community through gathering and analyzing housing data, market conditions, gaps in services, and establishing goals that reflect strategic and data driven decision-making.

4. The Consolidated Plan is a comprehensive plan that describes how the City intends to distribute federal funds, including how it will use these funds to address the needs of qualifying populations. It will also identify any preferences being established for eligible activities and projects. The Analysis of Impediments to Fair Housing Choice is a report developed to evaluate and identify impediments to housing accessibility for members of protected classes and to establish a strategic plan to promote fair housing choice. The Consolidated Plan is carried out through annual actions plans. The First Year Action Plan outlines actions and activities for the first program year to address goals specified in the Consolidated Plan.

5. A Request for Proposals (RFP) was advertised soliciting these services. One (1) proposal was received and reviewed. The proposal submitted by NDC has been determined to meet all requirements as set forth in the RFP and is therefore recommended for award.

6. Funding in the total estimated amount of $80,000.00 is available in the CDBG Grants Fund.

**Recommendation**

The resolution be approved.

---

36 **Resolution - Renewing the Annual Contracts with Core & Main LP and Ferguson Waterworks in the Total Estimated Amount of $420,000.00 for Iron Fittings**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department.

2. **Impact:** Iron fittings are used for repairs in the city’s water distribution and wastewater collection systems.

3. Despite rising prices due to materials and shipping, Core & Main and Ferguson Waterworks continue to provide excellent service while still maintaining competitive pricing.

4. This is the first of two, one-year renewals. The current contract expires on December 31, 2022.

5. Funding for Fiscal Year 2022-23 is available in the Water-Sewer Operating and Water-Sewer Non-Bond CIP funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.
**Vendor** | **Groups** | **Contract Term** | **Total Est. Amount**
--- | --- | --- | ---
Core & Main LP | I-II, IV-VIII | 1/1/23-12/31/23 | $420,000.00
Ferguson Waterworks | III, IX-XIII | | 

**Recommendation**
The resolution be approved.

---

**Resolution - Approving and Accepting the Bid from Carbon Silica Services, LLC, DBA Diamond Services, in the Amount of $163,000.00 for the Removal and Replacement of the MacArthur Pump Station Sodium Hypochlorite Tank**

**Administrative Comments**
1. This item is recommended by the Water Utilities Department.

2. **Impact:** Replacement of the sodium hypochlorite storage tank reduces the risk of a chemical leak from the tank and ensures proper disinfection of water in the City’s distribution system.

3. Award of this contract will provide all labor, equipment, materials, and incidentals necessary to remove the current sodium hypochlorite storage tank and install a new sodium hypochlorite storage tank at the MacArthur Pump Station.

4. A Best Value solicitation was issued on July 11, 2022 seeking responses from qualified vendors, and one submission was received. The bid submitted by Carbon Silica Services, LLC, DBA Diamond Services, has been determined to be fair and reasonable based on staff’s evaluation of the Best Value criteria established in the specifications and is recommended for award.

5. Funding in the amount of $163,000.00 is available in the Water-Sewer Non-Bond CIP Fund.

**Recommendation**
The resolution be approved.
38 Resolution - Terminating the Contract with Battery Systems, Inc., for Batteries for Vehicles and Equipment

**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. Due to issues with contract fulfillment, it is the Fleet Services Division’s recommendation that this contract be terminated. The awarded vendor has been unable to deliver the ordered items as given in their bid response, which caused delay in repairs of public safety vehicles.

4. Battery purchases will be made under a cooperative contract with NAPA Auto Parts, who has the capacity to fulfill orders in a timely manner.

**Recommendation**

The resolution be approved.

39 Resolution - Awarding a Contract to Advanced Containment Systems, Inc., in the Total Estimated Amount of $119,730.00 for the Purchase of a Shower-Restroom Combination Trailer

**Administrative Comments**

1. This item is recommended by Parks & Recreation Department and approved by the Fleet Services Division.

2. **Impact:** This purchase will allow for replacement of an older trailer to reduce the downtime and provide the department with critical resources to maintain optimal services for the Irving community.

3. Requests for Proposals (RFP) were solicited on September 19, 2022; one proposal was received. The proposal submitted by Advanced Containment Systems, Inc. has been determined by staff to be reasonable and acceptable based upon the evaluation criteria established in the RFP.

4. The new trailer will replace City Tag No. 07767, a 2007 ACSI Shower Trailer, which has reached the end of its useful life. The trailer will be used largely for big outdoor events, where portable potties are not regularly available.

5. Funding in the amount of $119,730.00 is available in the Vehicle & Equipment Replacement Fund.

**Recommendation**

The resolution be approved.
Resolution - Approving the Purchases from Caldwell Country Chevrolet, LLC, for Various Vehicles in the Total Estimated Amount of $313,094.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation, Traffic & Transportation, and Solid Waste Services 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 vehicles to reduce downtime.

3. A Vendor/Member contract between the City of Irving and Caldwell Country Chevrolet, LLC 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 extended through December 31, 2022.

4. The noted budgeted replacements are in accordance with City’s Vehicle & Equipment Replacement Policy for City Tag No. 30025, a 2008 Chevrolet Tahoe, Tag No. 07115, a 2001 Ford 350 truck, Tag Nos. 21077 and 21078, both 2014 Ford F450 trucks, and Tag No. 06217, a 2010 Chevrolet Tahoe.

5. Funding is available in the Vehicle & Equipment Replacement Fund, in the Traffic & Transportation Department budget within the General Fund, and in the Solid Waste Service Vehicle & Equipment Replacement Fund.

6. Budgeted replacements are as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Item Description (Quantity)</th>
<th>Replacing City Tag#</th>
<th>Total Est. Expenditure</th>
<th>Fund(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks &amp; Recreation</td>
<td>2023 Chevrolet 1500 Suburban 4X2 CC10906 (1)</td>
<td>30025</td>
<td>$55,515.00</td>
<td>Vehicle &amp; Equipment Replacement</td>
</tr>
<tr>
<td>Traffic &amp; Transportation</td>
<td>2022 Chevrolet 3500HD Chassis Truck (1)</td>
<td>07115</td>
<td>$51,119.00</td>
<td>General</td>
</tr>
<tr>
<td>Solid Waste Services</td>
<td>2023 Chevrolet Tahoe</td>
<td>06217</td>
<td>$68,610.00</td>
<td>Solid Waste Services Vehicle &amp; Equipment Replacement</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$313,094.00</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation:**
The resolution be approved.
Resolution - Approving the Purchase from MHC Kenworth of Three 2023 or Newer Kenworth T480 Cab and Chassis with Warren 10-12 Yard Dump Bodies in the Total Estimated Amount of $559,012.80 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) and Water Utilities departments and approved by the Fleet Services Division.

2. **Impact**: The supplemental purchases shown below from MHC Kenworth will provide additional vehicles to ensure that the CIP Municipal Drainage Utility division maintains an adequate and reliable fleet for staff to provide exceptional services to drainage, construction, and private development projects, and that Water Utilities Operations is able to provide and maintain a reliable potable water system.

3. These purchases are supported by a Vendor/Member contract between the City of Irving and MHC Kenworth utilizing BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which has been extended through December 31, 2022.

4. Funding is available in the Municipal Drainage Utility Operating and Water-Sewer Operating funds.

5. Supplemental purchases are as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Item Description (Qty)</th>
<th>Total Est. Expenditure</th>
<th>Fund(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIP</td>
<td>2023 or Newer T480 Cab and Chassis with 10-12 yd Warren Dump Body (2)</td>
<td>$375,044.80</td>
<td>Municipal Drainage Utility Operating</td>
</tr>
<tr>
<td>Water Utilities</td>
<td>2023 or Newer T480 Cab and Chassis with 10-12 yd Warren Dump Body (1)</td>
<td>$183,968.00</td>
<td>Water-Sewer Operating</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$559,012.80</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved
Resolution - Approving the Purchase of a 2023 Peterbilt 548 Cab and Chassis with Ledwell RTC-0008 Dump Body from Rush Truck Centers of Texas, LP, in the Total Estimated Amount of $171,567.83 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) Department and approved by the Fleet Services Division.

2. **Impact:** Purchase of the equipment shown below will ensure that the CIP Municipal Drainage Utility (MDU) Division maintains adequate and reliable equipment for staff to provide exceptional services to drainage, construction, and private development projects.

3. A Vendor/Member contract between the City of Irving and Rush Truck Centers of Texas, LP., was approved on February 26, 2020 by RES-2020-84. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which has been extended through December 31, 2022.

4. Funding is available in the Municipal Drainage Utility Operating Fund.

5. New equipment purchase is as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Item Description (Qty)</th>
<th>Total Est. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIP MDU</td>
<td>2023 Peterbilt 548 Cab and Chassis with Ledwell RTC-0008 Dump Body (1)</td>
<td>$171,567.83</td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

Resolution - Renewing the Annual Contract with U.S. Oil, a Division of U.S Venture, Inc., in an Amount Not to Exceed $3,625,000.00 for Unleaded Gasoline, Diesel and Biodiesel Fuels

Administrative Comments

1. This item is recommended by the Fleet Services Division.

2. **Impact:** Renewal of this contract will ensure a continuous fuel supply for city fleet vehicles and equipment in order to serve citizens, businesses, and visitors throughout the City of Irving.
3. This renewal establishes the continuation of an annual contract to provide unleaded, diesel, and biodiesel fuels on an as-needed basis. This is the second and final, one-year renewal option. The current contract expires on January 31, 2023.

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

5. Because this contract runs from February 2023 through January 2024, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other if there are budget funds available to accommodate that year’s additional purchases and the total contract award amount is not exceeded.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Oil, a division of U.S. Venture, Inc.</td>
<td>2/1/23– 1/31/24</td>
<td>$2,420,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,205,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td><strong>TOTAL AMOUNT NOT TO EXCEED</strong></td>
<td></td>
<td><strong>$3,625,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

---

44 **Resolution - Approving Expenditures with GTS Technology Solutions, Inc., in the Total Estimated Amount of $50,000.00 for As-Needed Purchases of Panasonic Branded Products and Related Services through the State of Texas Department of Information Resources (DIR)**

**Administrative Comments**

1. This item is recommended by the Information Technology Department.

2. **Impact:** Approval of this item will allow for as-needed purchases and installation of Panasonic CF-33 Toughbooks and related accessories for use by all city departments as individual purchases or though the city’s replacement program.

3. A Vendor/Member contract between City of Irving and GTS Technology Solutions, Inc. was approved on December 13, 2018 by RES-2018-483. The contract supports utilization of Contract No. DIR-TSO-4025, for Panasonic branded products and related services, which has been extended by DIR through June 30, 2023.

4. Funding is available in various departmental budgets within various funds.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Spending Term</th>
<th>Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GTS Technology Solutions, Inc.</td>
<td>12/09/22 – 06/30/23</td>
<td>$50,000.00</td>
<td>2022-23</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$50,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

45 Resolution - Approving the Expenditure with CDW Government, LLC, for Veeam Software Annual Subscription Renewal in the Total Amount of $67,751.10 through a Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with the National Intergovernmental Purchasing Alliance Company dba Omnia Partners, Public Sector (Omnia Partners)

**Administrative Comments**

1. This item is recommended by the Information Technology Department.

2. **Impact:** The Veeam backup and recovery software suite provides complete protection for our entire Information Technology infrastructure including all physical and virtual server environments, file storage, e-mail and enterprise applications. Furthermore, utilizing new features such as immutable backups, Veeam provides enhanced protection against ransomware and other emerging cybersecurity threats.

3. This purchase is supported by a Vendor/Member contract between the City of Irving and CDW Government, LLC, which was approved by Administrative Award No. 6825 on July 15, 2020 for utilization of Omnia Partners Contract No. 2018011-01 for Information Technology Solutions & Services which expires on February 28, 2025.

4. Funding in the amount of $67,751.10 is available in the Technology Fund.

**Recommendation**

The resolution be approved.
Ordinance - Amending Ordinance No. 2022-10638 by Approving a Schedule of Classified Personnel for the Fire Department

Administrative Comments

1. This item is recommended by the Financial Services and Fire Departments.

2. Civil Service law requires the city to adopt and modify a schedule of classified personnel for the Fire Department by ordinance.

3. Impact: This amended ordinance authorizes the Fire Department to adjust the number of its classified personnel to assure proper staffing and to meet the requirements of a federal SAFER Grant, which funds the salary and benefits of twelve new firefighters for three years. It also administratively changes the title of a fire department position classification.

4. This amendment increases the number of personnel in the rank of firefighter from 159 to 171.

5. This amendment changes the title of the “Assistant Fire Marshal” classification in the Fire Prevention Class to a “Fire Prevention Captain” classification. This is purely an administrative title change and does not result in any substantive changes to the position. Specifically, there are no changes to the salary and benefits of the position, no change to the reporting structure associated with the position, no changes to the placement of the position in the department rank hierarchy, and no changes to the position’s job description.

6. This amendment moves an open Fire Lieutenant position in the Emergency Activities Class to the Fire Prevention Class and reclassifies the position to a Fire Prevention Captain position. The FY 2022-20 Approved Budget included funding and authorization of the Lieutenant position. The City Manager has approved the reclassification to a Fire Prevention Captain, and there is funding available within the department budget for the reclassification.

Recommendation

The ordinance be adopted.
47 Ordinance - ZC21-0067 - Considering a Zoning Change from C-W "Commercial Warehouse" to S-P-1 (C-OU-2) "Detailed Site Plan - Commercial Outdoor 2" to Allow Auto Sales, Auto Repair, and Unscreened Outside Storage, Display and Parking in the Front Setback - Approximately 0.402 Acres Located at 3411 Conflans Road - DeVoe Land Consultants, Applicant; Bayshore Group, Inc. (D.B.A. Autoplaza), Owner (Postponed from October 27, 2022)

Administrative Comments

1. The Planning and Zoning Commission recommended denial on October 3, 2022 by a vote of 7-0.

   Commissioners in support of the motion to deny: Cronenwett, Burns, Joy, Spurlock, Haacke, Collins, Prichard

   Commissioners in opposition to the motion to deny: None

   Commissioners absent: McPhail, Patel

2. This case was postponed from the October 27, 2022, City Council hearing at the applicant’s request.

3. The subject property is a 0.40-acre lot with existing structures. The applicant is requesting rezoning to continue to use the site for unscreened outside storage.

4. 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 which typically provides parking in front with buildings set back from the street and low to mid-rise buildings. The requested zoning is in conformance with the Comprehensive Plan.

History

5. The existing C-W district does not permit auto repair or outside storage as a primary use. A similar request, case ZC20-0042, was heard and denied by the City Council zoning case on September 17, 2020. The same applicant/owner requested auto repair, auto storage behind the fence and auto sales uses, and a variance to the required landscaping. The applicant has continued operations in violation of zoning regulations since the last zoning case was denied and has been an active Code Enforcement case.

6. A review of past aerial images show that the property was used for outside storage of trailers and campers behind a chain link fence, until 2019 when autos began to be stored on the property. A 2022 image shows the parking of cars three-deep on the east side and two-deep on the recently paved west side, in front of a newly constructed fence in front of the chain link fence. The business is for the repair, make-ready and storage of used cars for sale at another location under the same
ownership. The auto repair service is not open to the public.

7. The owner recently installed a solid 6-ft. tall wood screening fence 36 feet from the front property line to screen automobiles being repaired or stored on the site. **However, cars are being stored and parked in front of this screening fence.** City Code Enforcement staff has issued citations for storing automobiles and employee parking in front of the solid screening fence along Conflans Road.

**Zoning Analysis**

8. The applicant is currently operating a repair and make-ready for sale business in conjunction with the *Auto Plaza* used car sales business located at 1660 N. Belt Line Road. The applicant is using the subject property for repair and make-ready of cars purchased at auction and other locations and auto storage; auto repair services are not available to the general public. Therefore, outside storage is the requested primary use.

9. The area in the front yard in front of the solid screening fence is currently illegally used for outside storage and employee parking. **Through the site plan, the applicant is requesting to allow unscreened outside storage of automobiles, including within the front yard setback area, and to maintain a minimum 1.8-foot side yard setback for an existing building.**

10. The existing building is 3,935 square feet. A minimum of ten (10) parking spaces are required for the structure for the accessory auto repair use, based on the “auto service garage” parking requirement of 1 space per bay plus 1 space per 300 sq. ft. of office uses. The applicant is proposing 11 parking spaces for guest and employees behind the solid screening fence, along with 12 tandem spaces for automobile storage.

11. The current C-W zoning allows outside storage that is not located in the front setback and is behind a solid fence but does not allow auto repair or auto sales. **The proposed zoning change would allow auto sales and auto repair on this lot in addition to the outside storage and display.** Auto repair would only be allowed inside an enclosed building.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Last Certificate of Occupancy for</td>
<td>Auto repair and sales as allowed in the zoning</td>
</tr>
<tr>
<td></td>
<td>“Storage/Car Rental” (Permit #H2003-0009)</td>
<td>district</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Add unscreened</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outside Storage of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>automobiles for sales</td>
</tr>
<tr>
<td></td>
<td></td>
<td>off-site, including in front setback</td>
</tr>
</tbody>
</table>

City Council Agenda   12/08/2022
Outside storage or display is prohibited in the required front setback area. The current C-W zoning has a 20-foot front setback, and the proposed C-OU-2 base zoning has a 25-foot front setback. The applicant is requesting, in front of the solid screening fence within the 25-foot front yard setback, three (3) single parking spaces and six (6) tandem spaces for employee parking and additional automobile storage.

Section 2.5.9 (d)(3) of the UDC requires a 6-foot side yard setback. The existing office building is located 1.8 feet from the west side property line. While this is currently a legal nonconforming building, the proposed site plan with a variance would make the existing building a legal conforming building.

Since there is no expansion of the building footprint, not more than 40% increase to the parking area, and not more than 51% increase to the appraised value as a result of this case, no additional landscaping variance is required, even with the change of use. However, it appears that some existing landscaping to the west of the driveway was paved over without a permit. The applicant has paved the entire front setback and intends to use this area for outside display, storage and parking.

The requested variances are summarized below:

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback (Sec. 2.5.9)</td>
<td>No outside storage or display within the required 25-ft front setback</td>
<td>Unscreened storage of up to nine (9) autos within the front yard setback</td>
</tr>
<tr>
<td>Side Yard Setback (Sec. 2.5.9)</td>
<td>6 feet</td>
<td>1.8 feet</td>
</tr>
</tbody>
</table>

The site plan indicates nine (9) autos would be stored in front of the fence; however, cars are currently regularly parked or stored three (3) cars deep on the east side of the driveway and at least two (2) cars deep on the west side of the driveway for a minimum total of 13 vehicles. Therefore, current activity does not reflect what is proposed on their site plan.

While this is a commercial area, no zoning districts along Conflans Road currently allow auto sales nor is unscreened outside storage allowed in any district. Additionally, the applicant recently paved over the grassy landscape area on the west side of the driveway. Finally, the City Council denied a similar request from the same applicant in September 2020. The applicant has continued to operate in violation of the approved zoning since that time. For these reasons, staff cannot support this request.

A total of 17 public notices were mailed. Staff has received no responses in support and one (1) response in opposition to this request. The opposition represents
22.38% of the land within 200 feet of the subject property. Since this is greater than 20%, per state law a ¾-vote is required for approval.

Staff Recommendation

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

Ordinance - ZC22-0055 - Considering a Zoning Change from ML-20 "Light Industrial 20" to S-P-2 (ML-20) "Generalized Site Plan - Light Industrial 20" to Allow a Guard Shack and Fence Turnstile in the Required Front Setback - Approximately 4.85 Acres Located at 2230 East Union Bower Road - Brakebush Irving, Inc., Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is currently developed with an existing industrial company on an approximately 4.85-acre site. The applicant is requesting a zoning change to allow a new turnstile to the employee entrance gate and install a larger guard shack within the required 30-foot front yard setback.

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Industrial uses for this property. This land use category is described as light to heavy industrial and manufacturing uses. The use is in conformance with the Comprehensive Plan.

4. The subject property is currently zoned ML-20 "Light Industrial 20" which requires a 30-foot front yard setback. The existing guard shack currently encroaches 5.7-feet into the required 30-foot front setback. With the proposed expansion, the guard shack would encroach 7 feet and be located 23 feet from the front property line.

5. The new employee turnstile entry would encroach 17 feet 5 inches (17’5”) into the required setback and be located 12 feet 7 inches (12’7”) from the front property line. The renovated fence would remain in the same location. The turnstile would provide a secure employee access point for employees parking on the north side of East Union Bower Road.

6. The property meets all the requirements of Section 2.5.13 “Light Industrial 20 (ML-20)” in the Unified Development Code (UDC) except as noted in the following table:
7. The applicant’s narrative letter of justification states that the reason for the request is to be able to limit the access to the property for the safety of their team members and for food safety for the products made on-site.

8. While staff does not find evidence of a “hardship”, staff also recognizes that this is an older property with an existing guard shack and, if the applicant wants to retain a guard shack near the front entrance, the location is severely limited due to the fire lane locations and the way the remainder of the site has been developed.

Likewise, the turnstile structure location is limited by the existing parking and easements, and staff recognizes that having a secure pedestrian entrance for employees parking on the north side of the street that is separate from the truck entrances enhances the overall safety of workers on the site. Accordingly, staff has no objection to this request.

9. A total of 11 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Finding**

Staff has no objection to this request

---

<table>
<thead>
<tr>
<th>Front Setback (Sec. 2.5.13)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30 feet</td>
<td>12 feet 7 inches (12’7”) for Turnstiles</td>
<td>Turnstiles: 17 feet, 5 inches</td>
</tr>
<tr>
<td></td>
<td></td>
<td>23 feet for Guard Shack</td>
<td>Guard Shack: 7 feet</td>
</tr>
</tbody>
</table>

49 Ordinance - ZC22-0065 - Considering a Zoning Change from S-P-2 (C-C) “Generalized Site Plan – Community Commercial” to S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” - Approximately 1,557 Square Feet Located at 8704 Cypress Waters Boulevard, Suite 120 - Politano’s Pizza & Pasta, Applicant; Billingsley Company, Owner

**Administrative Comments**

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 1,557 square foot lease space within a multi-tenant retail center. The applicant is requesting a zoning change to allow a restaurant to sell alcoholic beverages for on-premises consumption.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Commercial Corridor uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses with parking in front with buildings set back from the street and low to midrise buildings. The requested zoning is in conformance with the Comprehensive Plan.

4. The existing restaurant, Politano’s Pasta & Pizza, has been open for approximately one year and they would like to add alcoholic beverage choices to their menu. The alcohol storage will be located behind the bar area.

5. The restaurant can seat up to 39 patrons and is not adding any seating. The shopping center has 148 parking spaces, of which 16 are allocated to the restaurant. Adequate parking exists in the shopping center, and no variances are required.

6. This proposed zoning case meets the alcohol distance requirement regulations from a religious facility, school, or hospital as required in Section 3.3 of the Unified Development Code.

7. Since this development is consistent with the Comprehensive Plan and does not require any variances, staff can support this request.

8. A total of four (4) public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

Approval

---

50 Ordinance - ZC22-0068 - Considering a Zoning Change from ML-20A "Light Industrial 20A" to S-P-2 (ML-20A) "Generalized Site Plan - Light Industrial 20A" to Allow an Accessory Structure in the Required Side Yard Setback - Approximately 6.159 Acres Located at 7880 Bent Branch Road - Entos Design, Applicant; Royal Tech Owner, LLC, Owner

**Administrative Comments**

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 6.159-acre lot with an existing 79,600-square-foot office building. The applicant is requesting to rezone the property to S-P-2 (ML-20a) “Generalized Site Plan – Light Industrial 20a” to allow an accessory structure in the required side yard setback.
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 buildings with a mix of surface and structured parking. **The requested use is in conformance with the Comprehensive Plan.**

4. The applicant is proposing to add an accessory structure along the south property line that will be used as an **outdoor amenity space for employees.** The applicant intends to build a 10.5-foot-tall structure open on one side with a roof and will include benches and tables for the employees to occupy.

5. The following variance is being requested:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard Setback (Sec. 2.5.14 “ML-20a”)</td>
<td>10 feet</td>
<td>1 foot</td>
<td>Decrease of 9 feet</td>
</tr>
</tbody>
</table>

6. The structure will be placed on what are now seven (7) parking spaces. After construction, this property will still have an excess of sixty-six (66) parking spaces over the minimum required after this addition; therefore, a parking variance is not required.

7. A three-foot-wide easement runs along the adjacent property line, and an eight-foot-wide fire main easement runs along half of the southern property line. The applicant has been made aware and acknowledged that the future structure would not be placed on any easement or public utility lines. Approval of the variance through the Site Plan district does not waive easements and all other codes apply.

8. All other ML-20a “Light Industrial 20a” district standards will be met.

9. The proposed variance does not constitute a “hardship” since the structure could be located elsewhere on the site or otherwise constructed in a manner that did not require a variance. However, the proposed encroachment is in the interior of the property, is for an accessory structure that provides an amenity to employees, and does not remove required parking.

10. A total of eight (8) public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Finding**

No undue hardship is evident
Administrative Comments

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 1.813-acre vacant tract of land. **The applicant is requesting a zoning change to allow a restaurant to sell alcoholic beverages for on-premises consumption.**

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Commercial Corridor** uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses with parking in front with buildings set back from the street and low to midrise buildings. **The requested zoning is in conformance with the Comprehensive Plan.**

4. The applicant is proposing to construct a **Fogo de Chao Churrascaria** restaurant. The restaurant would like to include alcoholic beverage choices on their menu. Alcohol storage will be located in the bar area.

5. The restaurant is proposing a seating capacity of 312 that includes 260 interior seats and 52 patio seats. A total of 125 parking spaces will be required. The subject property can accommodate 102 of the required spaces. The applicant is intending to provide the remaining 23 spaces on another property within 300 feet, in accordance with the requirements of Sec. 4.4.6 - Parking Location, Layout, and Design of the Unified Development Code (UDC).

The adjacent property to the north contains existing excess parking spaces that are not affiliated with a structure or use. The parking lot was constructed as part of the larger retail center development, but the pad site was never developed with a building. While this is not a variance, the applicant is aware that they must present a shared parking agreement that is recorded with the county when they apply for a building permit so that the parking spaces legally remain with the subject property.

6. The site complies with the 30-foot parking setback and 40-foot building setback along IH-635 required by Chapter 33A (Building Setbacks) of the Land Development Code, as well as all other UDC requirements.

7. This proposed zoning case meets the alcohol distance requirement regulations as required in Section 3.3 of the Unified Development Code.

8. Since this development is consistent with the Comprehensive Plan and does not require any variances, staff can support this request.
9. A total of 5 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

Approval

---

**52 Ordinance - ZC22-0072 - Considering a Zoning Change from C-C “Community Commercial” and S-P-2 (C-C) “Generalized Site Plan – Community Commercial” to S-P-1 (C-C) “Detailed Site Plan – Community Commercial” and Automated Car Wash to Allow an Automated Car Wash and Related Uses, with Variances to the Side Yard Setback- Approximately 1.504 Acres Located at 1701 N. Belt Line Road - MA Engineering & Construction, Applicant; Belt Line CW Investment, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 1.504-acre tract with a former restaurant on the north portion of the site and a parking lot on the remainder of the site. The applicant is proposing to demolish the existing vacant restaurant building and redevelop the site with an automated car wash with a variance to the side setback on the north side.

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Neighborhood Commercial* uses for this property. This land use category is described as mixed-use commercial areas along major corridors, with opportunities for residential and commercial infill and reinvestment. The requested zoning is in conformance with the Comprehensive Plan.

4. The site is currently divided into two zoning categories. The northern portion of the site is zoned C-C “Community Commercial.” The southern portion of the site is zoned S-P-2 (C-C) “Generalized Site Plan – Community Commercial with Miniature Golf & Outdoor Amusements.”

5. Since car washes are not a permitted use in the C-C district, the applicant is requesting C-C zoning with a site plan to add the use of a car wash and retain the base C-C- district, consistent with the zoning of the area.

6. The site plan proposes a two-lane automated car wash building that is approximately 110 feet long. The building will have a customer lounge area and outdoor seating. The side yard setback variance is being requested for an
accessory “payment canopy” that can accommodate three (3) lanes of cars on the north side of the car wash. An “escape lane” from this area is provided in case a customer decides not to proceed to the car wash.

7. Five (5) employee spaces and two (2) ADA parking spaces will be provided. The facility will also provide 34 vacuum stalls between the building and N. Belt Line Rd. Eleven (11) of the vacuum stalls are proposed to be covered by a shade canopy which is outside of the required 30 foot setback to Belt Line Rd. and behind a screening wall. A striped area at the south end of the site will serve as a post-wash, hand-dry area.

8. The site will have one access point to N. Belt Line Road. A 24-foot lane in front of the building will allow for two-way traffic circulation and will also serve as the required fire lane. Two (2) private access and fire lane easements will provide access to the property to the west. An existing mutual access drive that connects to the lot to the south will also remain.

9. The main building meets all setback requirements; however, as an accessory structure, the “payment canopy” does not. It is located approximately 12.28 feet from the north property line, requiring a variance of approximately 16 feet to encroach into the side yard setback.

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard Setback:</td>
<td>28.17 feet</td>
<td>12 feet on north side</td>
<td>-16.17 feet</td>
</tr>
<tr>
<td>Section 2.5.7 (d)(3) of the UDC</td>
<td></td>
<td>(for payment canopy)</td>
<td></td>
</tr>
<tr>
<td>“None, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point”.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Screening Wall

a. Per Section 4.6 (Screening) of the UDC, the Planning and Zoning Commission may recommend, and the City Council may require, screening or fencing in addition to or in lieu of the screening or fencing requirements for each district.

b. No screening is required by ordinance for the vacuum equipment; however, to help screen the vacuum stall area from view from Belt Line Road, the applicant is proposing a screening wall that is a maximum of 16 feet tall. The entire wall structure, including footers, will be located adjacent to and outside of the 30-foot parking setback, and the applicant will have to provide an engineered drawing for Inspections permit approval.
c. The wall is proposed in two different sections and will be constructed of brick with decorative, laser cut, metal screen inserts. An additional seven (7) foot decorative CMU screening wall is proposed in front of the refuse and vacuum tank at the entrance of the business. An elevation of both screening walls is included on the site plan.

11. The retail area around the site has experienced some economic distress in recent years, as evidenced by the restaurant that went out of business and other large shopping centers nearby that remain largely vacant. **Per the Building and Standards Commission, the existing building must be demolished regardless of the outcome of this case.** While a car wash is not specifically permitted in the C-C district, the proposed site plan adequately addresses circulation and safety issues, and the business could provide a service that will benefit nearby residents. Therefore, staff can support this request.

12. A total of 16 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

Approval

**Ordinance - ZC22-0073 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with Variances to the Minimum Lot Area and Depth, Minimum Driveway Length, and Minimum Front and Rear Yard Setbacks - Approximately 0.114 Acres Located at 2003 Royal Oaks Drive - Dolphin Custom Homes, Applicant/Owner**

**Administrative Comments**

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 4,844 square foot portion of a lot that is currently vacant. The applicant is requesting a rezoning of the property to allow for the construction of a single-family home with variances to the minimum lot size and depth, minimum driveway length, and minimum front and rear yard setbacks.

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The use is in conformance with the Comprehensive Plan.
4. History

a. The subject property is a 4,844 square foot portion of Lots 15 and 16 of the Irving Truck Tract Addition. The lot appears to have been sold by metes-and-bounds prior to January 1, 1980 (after which all property title history must be provided by ordinance) without going through the City’s replatting process, resulting in the creation of a tract that does not meet the minimum lot size.

b. The property must be legally replatted through the City for the current owner to construct a two-story single family house on the lot. However, since the lot size does not meet the minimum requirements of the R-6 (Single-family Residential 6) district, variances are required so the lot can meet zoning regulations and be replatted.

c. There have been two previous requests to rezone the property with variances in 2018 and 2020. The 2018 request was denied because Council did not believe a single-family house would be compatible with the surrounding neighborhood. The 2020 request was denied based on the requested variance to not provide a two-car garage.

5. Zoning Analysis

a. The applicant proposes to reduce the front and rear yard setbacks to construct a two-story home with a three-car garage. The reduced setbacks along with a second story will allow the home to be constructed with a three-car garage intended to provide more off-street parking. With the reduced setbacks, as proposed, the area for a building pad will be approximately 1,800 square feet. The three-car garage will take up approximately 630 square feet (35%) of the ground floor.

b. The applicant is requesting the following variances:

<table>
<thead>
<tr>
<th>Category</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (Sec. 2.4.8)</td>
<td>6,000 sq. ft.</td>
<td>4,844 sq. ft.</td>
<td>-1,156 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Depth (Sec. 2.4.8)</td>
<td>100 feet</td>
<td>69 feet</td>
<td>-31 feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback (Sec. 2.4.8)</td>
<td>25 feet</td>
<td>20 feet</td>
<td>-5 feet</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback (Sec. 2.4.8)</td>
<td>20 feet</td>
<td>10 feet</td>
<td>-10 feet</td>
</tr>
<tr>
<td>Minimum Driveway Length (Sec. 8.4.4)</td>
<td>25 feet</td>
<td>20 feet</td>
<td>-5 feet</td>
</tr>
</tbody>
</table>

i. Minimum Lot Size - Sec. 2.4.8 requires a 6,000 square foot minimum lot size. The proposed lot is only 4,844 square feet, which is 1,156 square feet less than the minimum. The size accounts for an
anticipated dedication of 1-foot of right-of-way for Royal Oaks Drive if the zoning is approved and the property can be replatted.

ii. Minimum Lot Depth – Sec. 2.4.8 requires a lot depth of 100 feet. The proposed lot depth is 70.02 feet on both sides; however, when the lot is replatted, a 1-foot dedication of right-of-way (or street and sidewalk easement) will leave a depth of approximately 69 feet. The lot depth is approximately 31 feet less than the minimum of 100 feet that is required.

iii. Minimum Front Yard Setback – Sec. 2.4.8 requires a front yard setback of 25 feet. The applicant is requesting a front yard of 20 feet to allow for a larger building pad.

iv. Minimum Rear Yard Setback – Sec. 2.4.8 requires a rear yard setback of 20 feet. The applicant is requesting a rear yard of 10 feet to allow for a larger building pad.

v. Minimum Driveway Length – Sec. 8.4.4 – Residential Yards requires, in any residential zoning district, the door or entry to a garage shall not be located closer than 25 feet from where the property line meets a right-of-way. **The applicant is requesting the garage door to be 20 feet, measured from the property line at the street right-of-way, and consistent with the front setback variance request.** A 20-foot setback for garage doors can result in larger SUV’s or trucks to extend over the city’s sidewalk

vi. Sec. 52-36. - Off-Street Parking Requirements requires that new single-family homes constructed on or after April 5, 2018 have a 2-car garage with a minimum of four hundred (400) square feet, plus two (2) additional off-street parking spaces. **The applicant proposes a three-car garage with parking for three additional cars in the driveway (six total).** However, staff has concerns about the depth of the driveway being an adequate depth for parking vehicles without encroaching into the right-of-way.

d. The new house will comply with the five-foot side yard setbacks and the two-story or 25-foot height limitations of the R-6 District.

6. The proposed rezoning would allow the use and development of a property that has remained undeveloped and been in this configuration for over 40 years. The proposed home would be two-story which is allowed in the R-6 district and this proposal would allow for the minimum required parking spaces to be provided for the future home. The City has been investigating ways to encourage unique housing options on infill lots and can support the variances to the lot size, lot depth, front yard setback and rear yard setback; however, staff cannot support a reduction in the required garage door setback. Moving the garage door back an additional five (5) feet would still leave adequate space for the first floor living area.

7. A total of 31 public notices were mailed. Staff has not received any responses in
support and has received one (1) response in opposition. The opposition represents 4.50% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Findings**

1. The existing lot size **imposes a hardship** necessitating the variances to the minimum lot size, minimum lot depth, front yard setback, and rear yard setback; and
2. **No undue hardship** is found for the variance to the garage door setback.

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**Ordinance - CP22-0013 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Residential Neighborhood" to "Compact Neighborhood" - Approximately 2.74 Acres Located at 2005 and 2009 State Highway 356, and 330, 404, and 418 Fleming Avenue - JDJR Engineers & Consultants, Inc., Applicant; KBM Fleming, LLC, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for the subject 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.”
3. The subject property is a 2.74-acre lot. The applicant seeks to change the future land use to **Compact Neighborhood**, being described as “predominantly single-family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and small-scale apartment buildings. It also includes a mix of non-residential uses, especially at intersections and commercial corners.”
4. A companion zoning case, ZC22-0074, seeks to assemble the existing lots for a townhouse development built to the R-TH “Townhouse Residential” district standards with variances.
5. The property fronts both State Highway 356 and Fleming Avenue which is one block east of Loop 12. As defined on the Master Throughfare Plan (2021), Fleming Avenue is labeled as a “Local Road” and State Highway 356 is labeled as a “Principal Arterial”.
6. Additionally, the west side of Fleming Avenue adjacent to Loop 12 and the south side of State Highway 356 are designated as “Business District” on the Future Land
Use Map and are made up of residential, convenience store, motel, restaurant, and truck repair uses. Properties to the north and east are designated as “Residential Neighborhood” and have single-family residential uses. Given the location at the intersection of both the roads and these future land use designations, a change to “Compact Neighborhood” would provide a buffer between the commercial and low-density residential designations.

7. 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 residential desires to transition to a different residential use (such as low density to medium density), the City of Irving should require the following:
   
   a. The area is physically appropriate (i.e., size, shape, etc.) for the proposed residential use.
   
   b. The area provides adequate access and parking capacity required for the proposed residential development.
   
   c. The rezoning does not create any foreseeable negative impacts on the adjacent uses.

8. The applicant’s letter of justification states that the proposed change meets these stipulations, stating:
   
   a. The size and shape is appropriate, and no residual of the property will be left;
   
   b. The associated zoning case will provide adequate access and parking capacity; and
   
   c. The applicant does not foresee any negative impacts on the surrounding area, particularly on the residential property to the north and east.

9. Staff believes the proposed change does meet all the polices listed above and that the area continues to be appropriate for residential uses.

10. The proposed future land use designation, “Compact Neighborhood”, is more suitable for the subject property as the property is adjacent to State Highway 356, one block from Loop 12, provides a buffer to the northern and eastern residential properties from the mix of uses located across both frontages, and would provide additional housing as needed in the city as identified in the 2021 Housing Study. Accordingly, staff can support this Comprehensive Plan amendment.

11. A total of 29 public notices were mailed. Staff has not received any responses in support or in opposition.

Staff Recommendation
Approval
Ordinance - ZC22-0074 - Considering a Zoning Change from R-7.5 "Single-Family Residential 7.5" to S-P-2 (R-TH) "Generalized Site Plan - Townhouse Residential" with Variances to the Minimum Front and Side Yard Setbacks, Minimum Lot Area, Minimum Distance Between Structures, and Maximum Lot Coverage Requirements - Approximately 2.74 Acres Located at 2005 and 2009 State Highway 356, and 330, 404, and 418 Fleming Avenue - JDJR Engineers & Consultants, Inc., Applicant; KBM Fleming, LLC, Owner

Administrative Comments

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 2.74-acre tract with six (6) existing single-family houses. The applicant wants to assemble the lots and plat the tract into thirty-four (34) lots for townhouse uses. To facilitate this development, the applicant requests a zoning change to R-TH “Townhouse Residential” with variances to the R-TH requirements, including variances to the minimum front and side yard, minimum lot area, minimum distance between structures, and maximum lot coverage requirements.

3. The site fronts both State Highway 356 and Fleming Avenue which is one block east of Loop 12. The concept plan (which is not approved as part of this zoning case) shows nine (9) of the proposed lots fronting Fleming Avenue. The remaining lots would front new internal streets accessing Fleming Avenue as the primary point of access. Texas Department of Transportation (TxDOT) approval is required for any access to State Highway 356, including emergency-only access.

4. The concept plan also shows all of the proposed residential lots having a rear entry garage accessed from new private alleys/driveways.

5. Amendments to the R-TH “Townhouse Residential" zoning district requirements have been proposed and are currently in discussion by the City Council. (The applicant prepared the standards of this development with the intention to meet a prior proposal that included a 10 foot front setback. After further discussions with city staff, this was increased to 15 feet in the current proposed amendments.) While these changes have not been adopted by the Council, they can still be used to evaluate the appropriateness of certain requested variances. The requested variances are summarized below. The development would otherwise be required to meet all R-TH standards in place at the time of permitting.
<table>
<thead>
<tr>
<th>Requirement (Sec. 2.4.16(d))</th>
<th>Current Ordinance</th>
<th>Proposed UDC Amendments</th>
<th>Request</th>
<th>Variance from Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Front Yard Setback</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>-15 ft.</td>
</tr>
<tr>
<td>Min. Side Yard Setback</td>
<td>15 ft.</td>
<td>10 ft. for Local Street</td>
<td>10 ft.</td>
<td>-5 ft.</td>
</tr>
<tr>
<td>Adjacent to a Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Area</td>
<td>2,420 sq. ft.</td>
<td>2,100 sq. ft.</td>
<td>2,100 sq. ft.</td>
<td>-320 sq. ft.</td>
</tr>
<tr>
<td>Min. Distance Between Buildings</td>
<td>12 ft.</td>
<td>No requirement</td>
<td>10 ft.</td>
<td>-2 ft.</td>
</tr>
<tr>
<td>Max. Lot Coverage by</td>
<td>70%</td>
<td>80%</td>
<td>80%</td>
<td>-10%</td>
</tr>
<tr>
<td>Buildings, Driveways and Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Planning staff has worked with other key departments to develop the proposed R-TH requirements, including the Fire Department, CIP Department, Traffic and Transportation, and Water Utilities. **While staff can support the requested zoning change, staff cannot support variances greater than those agreed upon by the other departments and therefore cannot support the 10 foot front setback.**

7. A total of 29 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

Approval of the zoning change, with a 15-foot front setback
Ordinance - ZC22-0075 - Considering a Zoning Change from S-P-2 (C-W) “Generalized Site Plan – Commercial Warehouse” and State Highway 161 Overlay District to S-P-2 (C-W) “Generalized Site Plan – Commercial Warehouse” with Outside Storage of Fleet Commercial Vehicles (Excluding Truck Trailers) and State Highway 161 Overlay District and Retain Variances Previously Approved with Zoning Case ZC22-0015 (Ord. No. ORD-22-10589) - Approximately 7.64 Acres Located at 4335 West Northgate Drive - J&J Lott Irving, LLC, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 7.64-acre vacant lot. The applicant is requesting to rezone the property currently zoned S-P-2 (C-W) “Generalized Site Plan – Commercial Warehouse” and State Highway 161 Overlay District to add the use of Outdoor Storage of Fleet Commercial Vehicles. The change will allow a previously approved distribution center to include an unscreened outdoor storage area of fleet delivery vehicles for the delivery of items from the principal structure.

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

4. Case ZC22-0015, approved on June 9, 2022, changed the zoning from FWY Freeway to S-P-2 (C-W) “Generalized Site Plan – Commercial Warehouse” to allow for the warehouse use within 300 feet of SH 161.

5. Section 2.3.3(c)(2)(b) of the State Highway 161 Overlay District prohibits outside storage between any principal use building and any street right-of-way. The applicant intends to add a storage area for up to 96 fleet commercial vehicles on the eastern side of the property with access from Northview Drive. Vehicles that remain in an area for more than 48 hours are classified as “outdoor storage”.

6. The following new variance is being requested:

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside storage between a principal building and any street right-of-way</td>
<td>Unscreened outside storage of fleet commercial vehicles allowed</td>
</tr>
<tr>
<td>State Highway 161 Overlay (Sec. 2.3.3(c)(2)(b))</td>
<td>Outside storage is not allowed</td>
</tr>
</tbody>
</table>

7. A note on the site plan specifically provides that only the outside storage of fleet commercial vehicles will be permitted along the SH 161 frontage, and specifically
excludes the storage of commercial truck trailers at this location. No other outside storage of any type is allowed at this location.

8. The applicant’s letter of intent states that while the fleet parking area proposed in this case would be located within a 140-foot Oncor utility easement, Oncor will allow the parking and storage of “smaller passenger vehicles including delivery vans”, provided that this is not part of the required parking for the site. If Oncor does not permit the company to use the easement, then the area cannot be used for the fleet storage.

9. In addition to the Oncor easement, several city easements also run through or along the proposed outdoor storage area. The applicant has been made aware and acknowledged that the city will not approve any fencing which would limit access to the utility, water, and/or sewer easements.

10. The proposed site plan includes all variances that were approved per Zoning Case ZC22-0015 on June 9, 2022 that will be retained, including:

<table>
<thead>
<tr>
<th>Required per UDC</th>
<th>Approved per ZC22-0015 on June 9, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height of Principal Structure</strong> (Sec. 2.5.11)</td>
<td>2 stories or 30 feet</td>
</tr>
<tr>
<td><strong>Minimum distance of warehouse and industrial uses from SH 161</strong> (Sec. 2.3.3(b))</td>
<td>300 feet</td>
</tr>
<tr>
<td><strong>Maximum parking between building and SH 161</strong> (Sec. 2.3.3(d))</td>
<td>25%</td>
</tr>
</tbody>
</table>

11. All other C-W “Commercial Warehouse” district and the State Highway 161 Overlay District standards will be met.

12. A total of 7 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

No undue hardship is evident, and the requested proposal does not comply with the development standards outlined in Section 2.3.3 “State Highway 161 Overlay” of the Unified Development Code.
Ordinance - ZC22-0076 - Considering a Zoning Change from S-P-2 (C-C) "Generalized Site Plan - Community Commercial" to S-P-2 (C-C) "Generalized Site Plan - Community Commercial" Plus Self-Storage and Outside Storage Uses on Tract 1 with Variances to Lot Coverage and Self-Storage Regulations and to C-C "Community Commercial" on Tract 2 - Approximately 19.512 Acres Located at 2488 Market Place Boulevard - LTFI Investors, LLC, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission recommendation: Pending (December 5, 2022 meeting).

2. The subject property is a 19.513-acre tract currently occupied by a vacant large retail store and related surface parking zoned S-P Site Plan allowing for retail, restaurant, hotel and other commercial uses. The applicant is requesting to rezone the property to (Tract 1) S-P-2 (C-C) “Generalized Site Plan – Community Commercial”, Self-Storage and Outside Storage to allow for self-storage facilities with outdoor storage, and (Tract 2) to remove the S-P district and designate the base C-C “Community Commercial” district for future commercial development.

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Commercial Corridor uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses with parking in front with buildings set back from the street and low to midrise buildings. The requested zoning is in conformance with the Comprehensive Plan.

4. The zoning request has been divided into two tracts to accommodate the two different zoning categories independently.

   a. Tract 1: The applicant proposes to repurpose the existing building for a self-storage facility with indoor and outdoor storage of trucks, recreational vehicles, boats, watercraft, trailers and automobiles.

      i. The outside storage of vehicles is restricted to the area west of the existing building and shall be screened with new self-storage warehouses on the north, west and south sides, with the existing building providing screening on the east side.

      ii. The site plan does not allow outside storage for large commercial vehicles such as semi-trucks and semi-truck trailers 40 feet or longer. The applicant is proposing the following variances to Sec. 2.5.7 – Community Commercial (C-C) and Sec. 3.16 - Self Storage—Mini Warehouses for Tract 1:
<table>
<thead>
<tr>
<th>Category</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>50%</td>
<td>55%</td>
<td>+5%</td>
</tr>
<tr>
<td>Sec. 2.5.7 (e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-storage: Building Height</td>
<td>25 feet</td>
<td>32 feet (for existing building)</td>
<td>+7 feet</td>
</tr>
<tr>
<td>Sec. 3.16.2 (e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-storage: Signage</td>
<td>Signage shall be prohibited from being placed on exterior screening walls or on the rear of a building used as a screening wall</td>
<td>Signage shall be allowed on rear of building used as screening for outside storage area only if facing commercial property</td>
<td>Allow building signage facing commercial property</td>
</tr>
<tr>
<td>Sec. 3.16.2 (f)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-storage: Outside Storage</td>
<td>Outdoor storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles for more than 24 hours is prohibited, except as noted herein</td>
<td>Outdoor storage and parking of trucks, recreational vehicles, boats, watercraft, trailers and automobiles for more than 24 hours shall be permitted. Semi-trucks with a manufacturer’s gross vehicle weight rating of 10,000 pounds or more shall not be permitted. Trailers 40 feet or longer shall not be permitted</td>
<td>Allow outside storage of autos, trucks, trailers, boats, watercraft, and recreational vehicles</td>
</tr>
<tr>
<td>Sec. 3.16.2 (h)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

b. **Tract 2**: This portion of the site is an existing parking lot and does not have any structures. It includes a parking lot and undeveloped land. The applicant is proposing to rezone this tract to the base C-C (Community Commercial) zoning district without the need for any variances that would necessitate a site plan. Any uses would have to comply with the requirements of the C-C zoning category.

5. The proposed development does repurpose a long-vacant retail structure for a new self storage use that is intended for public consumer use and could be of service to the surrounding neighborhoods. Although outside self-storage facilities are an added use to Tract 1, the site plan proposes restrictions that will screen the outdoor storage area so it is not visible to neighboring properties.
Additionally, the proposed C-C “Community Commercial” zoning on Tract 2 will allow commercial and retail uses to develop on the part of the property adjacent to the highway.

For the reasons cited, staff can support this request.

6. A total of 28 public notices were mailed. Staff has not received any responses in support or in opposition.

**Staff Recommendation**

Approval

**APPOINTMENTS AND REPORTS**

58 Resolution - Appointments to the Housing and Human Services Board, Irving Flood Control District (IFCD) Sec. I, IFCD Sec. III, and the Library Board to Fill Various 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 include appointments to the Housing and Human Services Board, Irving Flood Control District Section I (IFCD I), Irving Flood Control District Section III (IFCD III), and the Library Board.

4. The City Council conducted interviews for various vacancies on October 10, 11, 15, and 17, 2022.

**Recommendation**

The resolution be approved.

59 **Mayor's Report**

Adjournment