

MINUTES
Irving City Council Work Session
Thursday, December 8, 2022 at 1:00 PM
City Hall, First Floor, Council Conference Room
825 West Irving Boulevard, Irving, TX 75060

The Irving City Council met in work session on December 8, 2022 at approximately 1:00 p.m. The following members were present/absent:

Attendee Name	Organization	Title	Status	Arrived
Mayor Rick Stopfer	Irving City Council	Mayor	Present	
John Bloch	Irving City Council	Councilman	Present	
Brad M. LaMorgese	Irving City Council	Councilman	Present	
Mark Zeske	Irving City Council	Councilman	Present	
Phil Riddle	Irving City Council	Councilman	Present	
J. Oscar Ward	Irving City Council	Councilman	Present	
Al Zapanta	Irving City Council	Councilman	Present	
Kyle Taylor	Irving City Council	Councilman	Present	
Dennis Webb	Irving City Council	Councilman	Present	

DISCUSSION TOPIC

2 Citizen Comments on Items Listed on the Agenda

The following individuals signed up to speak on items listed on the agenda:

- Daniel Burns, 1305 McHam St., Irving, TX – Work Session Item 6
- Ayeda Wajid, 4525 Biruni St., Irving, TX – Work Session Items 6 and 7
- Karen Bell, 704 McCoy Dr., Irving, TX – Work Session Item 6
- Natalie Culp, 1161 Bayside Dr., Irving, TX – Work Session Item 6
- Mike Timko, 1203 Walmet St., Cincinnati, OH – Regular Meeting Agenda Item 56
- Rob Baldwin, 3904 Elm #13, Dallas, TX – Regular Meeting Agenda Item 57

3 City Operations Update

-Digital Cities Award
 Chad Powell, Chief Technology Officer, recognized the Information Technology Department for receiving the Digital Cities Award.

4 Review of Regular Agenda

CONSENT AGENDA

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

Shannon Phillips, Budget Manager, outlined the proposed changes to the FY22-23 budget.

9 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

Staff confirmed that funding is allocated from the Police Department seized fund and the remainder from ARPA funds.

- 11** 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

Todd Hawkins, Executive Director of Arts and Culture, detailed the background regarding the Clay W. Gilbert Estate.

Kuruvilla Oommen, City Attorney, noted that legal advice can be provided in Executive Session.

- 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

Pat Lamers, Capital Improvement Program Director, and Walt Thomas, City Engineer outlined the additional design services needed for the Brockbank Channel Improvements Project.

Staff and Council discussed the importance of these drainage improvements. They also discussed using vendors that have had issues in the past.

- 16** 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

Bryan Haywood, Economic Development Manager, described the proposed amendment to the economic incentive agreement with Allstate Insurance Company.

- 24** 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

Victor Conley, Fire Chief, described how the Fire Department cleans bunker clothing and how it maintains extra bunker gear.

- 43** 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

Debbie Jackson, Fleet Business Operations Manager, confirmed that fuel prices have increased from previous years.

Council and staff discussed increases in costs.

- 46** Ordinance -- Amending Ordinance No. 2022-10638 by Approving a Schedule of Classified Personnel for the Fire Department

Victor Conley, Fire Chief, detailed the changes in the organizational structure for the Fire Department.

ZONING CASES AND COMPANION ITEMS

- 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)

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff recommends denial per the recommendation of the Planning and Zoning Commission. 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.**

- 48** 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

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff has no objection to the zoning request.

- 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

Jocelyn Murphy, Planning Director, noted the case was postponed at the December Planning and Zoning Commission and will be postponed to the January 12, 2023 Council meeting.

- 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

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff sees no undue hardship.

- 51** Ordinance -- ZC22-0070 - 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 1.813 Acres Located at the Northeast Corner of Ranch Retail and IH-635 - Fogo De Chao Churrascaria, Applicant; BDDC, Inc., Owner

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff recommends 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

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff recommends approval.

- 53** 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

Jocelyn Murphy, Planning Director, noted the case was postponed at the December Planning and Zoning Commission and will be postponed to the January 12, 2023 Council meeting.

- 54** 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

Jocelyn Murphy, Planning Director, noted the case was postponed at the December Planning and Zoning Commission and will be postponed to the January 12, 2023 Council meeting.

- 55** 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

Jocelyn Murphy, Planning Director, noted the case was postponed at the December Planning and Zoning Commission and will be postponed to the January 12, 2023 Council meeting.

- 56** 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

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff sees 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.

- 57** 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

Jocelyn Murphy, Planning Director, presented the applicant's request, noting staff recommends approval.

5 HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) Allocation Plan Overview & Update

Maureen Milligan with the National Development Council presented an overview of the HOME Investment Partnerships American Rescue Plan Program. The presentation included the HOME-ARP regulations, data related to homelessness, eligible activities related to lack of shelters and affordable housing.

Council and staff discussed the various definitions of homelessness and shelters.

It was the consensus of the Council to move forward with more information on a non-congregate shelter program.

Council recessed at approximately 3:50 p.m.

Council reconvened at approximately 4:00 p.m.

6 Nuisance Code Amendment- Construction Timing

Shane Diller, Code Enforcement Director, described the proposed nuisance code amendment related to construction timing.

7 Library Collection Development Overview

Lynette Roberson, Library Director, outlined the library collection program.

Council and staff had a lengthy discussion about library policies related to selection criteria and access of content to minors.

Chris Hillman, City Manager, confirmed that staff will be continuing to take input and bring changes to the policy back to the Council in the future.

8 Proposed Unified Development Code Amendments: Alcoholic Beverages

Jocelyn Murphy, Planning Director, presented the proposed amendments to the Unified Development Code related to alcoholic beverages.

It was the consensus of the Council to allow the Planning and Zoning Commission hear the presentation, and move forward with the presentation as presented.

9 Solicitation Ordinance

Derick Miller, Police Chief, presented information on the solicitation ordinance and proposed changes related to panhandling at intersections.

Council and staff discussed the safety concerns of people walking and standing in the medians.

10 City Hall Complex Site and Space Planning Discussion

This item was not discussed at this meeting.

EXECUTIVE SESSION

Council convened into executive session to discuss the below item and Item 11 on the regular agenda pursuant to Section 551.071 of the Texas Local Government Code at approximately 5:32 p.m.

- 11 Legal Advice - City of Allen, Et Al., V. Time Warner Cable Texas, LLC D/B/A Spectrum and Charter Communications Open Meetings Act § 551.071

Council reconvened from executive session at approximately 5:55 p.m.

Council adjourned the meeting at approximately 5:55 p.m.

Richard H. Stopfer, Mayor

ATTEST:

Shanae Jennings, TRMC
City Secretary/Chief Compliance Officer