

AGENDA
Irving City Council Regular Meeting
Thursday, September 14, 2023 at 7:00 PM
City Hall, First Floor, Council Chambers
825 West Irving Boulevard, Irving, TX 75060

Citizens that would like to provide a presentation to Council must submit their presentation(s) to Information Technology no later than 2:00 p.m. on the Tuesday prior to the work session or council meeting at councilpubpres@cityofirving.org.

Organizational Service Announcements

Invocation

Dr. Steve Nutter, Senior Pastor, Community Bible 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 65

CITY COUNCIL AGENDA

1 City Operations Update

2 Ordinance - Adoption of the 2023-2024 City of Irving Fiscal Year Budget

Administrative Comments

1. This item has been recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city’s financial integrity and credibility.
2. **Impact:** The FY 2023-24 budget has been prepared pursuant to discussion with

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

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

A member of the public may address the City Council regarding an item on the agenda either before or during the Council's consideration of the item, upon being recognized by the presiding officer or the consent of the Council.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

Council and submitted for adoption.

3. Public Hearings were held on June 8, 2023, June 29, 2023, August 31, 2023, and September 7, 2023 to allow resident input.

Recommendation

The ordinance be adopted.

3 Ordinance - Ratifying the Fiscal Year 2023-24 Budget Which Increases Property Tax Revenues

Administrative Comments

1. This item is recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city’s financial integrity and credibility.
2. State law requires this item to be adopted if the proposed budget raises additional revenue from property taxes compared to the prior year.
3. Based on the calculation required by state law, the proposed budget raises additional revenue from property taxes compared to the prior year.
4. The proposed budget is based on a tax rate of \$0.5891, which exceeds the no new revenue tax rate.
5. Because the proposed budget is based on a tax rate in excess of the no new revenue tax rate, staff recommends adoption of this item.

Recommendation

The ordinance be adopted.

4 Ordinance - Setting the 2023 Tax Rate and Levying the Tax as Required by the State of Texas Property Tax Code

Administrative Comments

1. This item has been recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city’s financial integrity and credibility.
2. **Impact:** The adoption of the tax rate of \$0.5891 per \$100 of value provides the revenues necessary to balance the proposed FY 2023-24 budget.

- The total proposed tax rate is \$0.5891 per \$100 in value. The Texas Property Tax Code requires adoption of the tax rate in its two components, Maintenance and Operations and Debt Service. The proposed tax rate in its component parts is:

Maintenance and Operations Tax Rate	\$0.4294
Debt Service Tax Rate	<u>\$0.1597</u>
Total City of Irving Tax Rate	\$0.5891

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

Proposed Tax Rate	\$0.589100
Preceding Year's Tax Rate	\$0.589100
No New Revenue Tax Rate	\$0.491701
Voter Approval Tax Rate	\$0.706518

- The proposed tax rate reduces the tax rate from the prior year.
- On August 18, 2023 at the Budget Retreat, Council adopted a resolution expressing an intent to adopt a tax rate that does not exceed \$0.5891.

Recommendation

The ordinance be adopted.

5 Ordinance - Adopting the 2023 City of Irving Tax Roll as Required by the State of Texas Property Tax Code

Administrative Comments

- This item has been recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city's financial integrity and credibility.
- Impact:** Adoption of the Appraisal Roll with the calculation of tax imposed on each property becomes the City's Tax Roll for collection of this year's taxes.
- The Tax Assessor has calculated and determined the tax imposed on each piece of property included on the appraisal roll for the City of Irving pursuant to Section 26.09 of the Texas Property Code and has submitted it to the City Council for approval.

Recommendation

The ordinance be adopted.

CONSENT AGENDA

- 6 Approving Special Meeting Minutes for Saturday, August 12, 2023**
- 7 Approving Budget Retreat Minutes for Friday, August 18, 2023**
- 8 Approving Work Session Minutes for Thursday, August 31, 2023**
- 9 Approving Regular Meeting Minutes for Thursday, August 31, 2023**
- 10 Ordinance - Amending Ordinance No. 2022-10634 Providing Budget Adjustment #11 to the 2022-23 Fiscal Year Budget**

Administrative Comments:

- 1. This item has been recommended by the Financial Services Department. It supports Future in Focus - Government Sustainability, protect the city's financial integrity and credibility.
- 2. Budget Adjustments are needed in the following funds: General Fund, Water Resources Development Fund, Criminal Justice Grants Fund, Local Law Enforcement Blk Grant Fund, Texas Hwy Safety Grants Fund, Emergency Management Grant Fund, CARES Grant Fund and ESG Grant Fund.
- 3. The adjustments have been proposed by city staff and have been reviewed and recommended by Budget staff and Financial Services.
- 4. Total Budgeted Revenues = \$693,540 Total Budgeted Expenditures = \$477,856 and Total Fund Balance Net Impact = \$215,684.

Recommendation:

The ordinance be adopted.

11 Resolution - Reimbursing the City of Irving for Capital Expenditures for Projects in Advance of the Fiscal Year 2023-24 General Obligation Bond Sale, General Certificates of Obligation Sale, Water and Sewer Revenue Bond Sale, and Municipal Drainage Utility Certificates of Obligation Sale in an Amount Not to Exceed \$209,605,000

Administrative Comments

1. This item is recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city’s financial integrity and credibility.
2. **Impact:** This resolution provides that any funds advanced for the projects listing in Attachment A will be reimbursed with proceeds from the FY 2023-24 General Obligation Bond sale, General Certificates of Obligation sale, Water and Sewer Revenue Bond sale, and Municipal Drainage Certificates of Obligation sale.
3. The City wishes to begin capital projects approved in the FY 2023-24 Budget in effort to expedite the design and construction of priority projects.
4. The proposed reimbursement resolution allows the city to be reimbursed for eligible costs for the projects listed in Attachment A.
5. Any funds advanced for the General Obligation projects listed in Attachment A will be from currently available funds in the General Fund or various project funds and those funds will be reimbursed in proceeds from the General Obligation Bonds issued in FY 2023-24. The total amount to be issued is \$128,880,000.
6. Any funds advanced for the General Certificates of Obligation listed in Attachment A will be from currently available funds in the Vehicle Replacement Fund various project fund or the General Fund and those funds will be reimbursed with proceeds from the General Certificates of Obligation issued in FY 2023-24. The total amount to be issued is \$13,800,000.
7. Any funds advanced for the Water and Sewer Revenue Bonds will be using currently available funds in Water and Sewer Operating Fund and the Water and Sewer Non-Bond CIP Fund and reimbursing those funds once the Water and Sewer Revenue Bonds are issued in FY 2023-24. The total amount to be issued is \$28,225,000.
8. Any funds advanced for the Municipal Drainage Utility Certificates of Obligation will be using currently available funds in the Municipal Drainage Utility Operating Fund and Municipal Drainage Non-Bond CIP Fund and reimbursing those funds once the Municipal Drainage Utility Certificates of Obligation are issued in FY 2023-24. The total amount to be issued is \$38,700,000.

Recommendation

The resolution be approved.

12 Resolution - Approving the City of Irving Investment Policy

Administrative Comments

1. This item is recommended by the Financial Services Department. It supports Future in Focus – Government Sustainability, protect the city’s financial integrity and credibility.
2. **Impact:** The approval of the investment policy will be in accordance with state law and allow staff to continue to safely maximize earnings for the City.
3. **This item was presented to the Audit & Finance Committee on August 3, 2023.**
4. State law and the City of Irving Investment Policy require annual review by the City Council.
5. The last Council review was on September 15, 2022.
6. In accordance with state law, a listing of the authorized brokers and investment training providers has been provided to Council.
7. No policy changes are proposed this year; however, staff does propose changes to the list of approved broker/dealers.
8. The City currently has four organizations on the approved broker/dealers: Bank of America NA, Wells Fargo Securities, LLC, Cantor, Fitzgerald L.P., and Raymond James & Associates, inc.
9. Staff proposes the removal of Cantor, Fitzgerald L.P. and the addition of UBS Securities LLC to maintain four organizations on the approved broker/dealers list.

Recommendation

The resolution be approved.

13 Resolution - Adopting a Consolidated Schedule of Fees for Code Enforcement, Library Services, Parks and Recreation, and Planning

Administrative Comments

1. This item has been recommended by the City Manager’s Office.
2. **Impact:** This resolution provides a schedule of fees for Code Enforcement, Library Services, Parks and Recreation, and Planning.
3. Several city departments publish fee schedules for services such as development reviews, permits, use of parks and facilities, and more. However, there is not a central location that houses these fees.
4. By developing a consolidated fee schedule, it provides a detailed schedule of services and its associated costs. Additionally, it gives departments the opportunity

to streamline various fee schedules; eliminate outdated fees and inaccuracies; and incorporate updated fees.

5. A consolidated fee schedule will be convenient for residents, developers, contractors, and businesses by providing a “one-stop shop” for fees.

Recommendation

The resolution be adopted.

14 Resolution - Approving an Agreement and Federal Funds Addendum with Sole Source Provider Lenco Industries, Inc. for the Purchase of One BearCat Armored Vehicle in the Total Amount of \$351,132.00 Using U.S. Treasury Equitable Sharing Program Funds

Administrative Comments

1. This item is recommended by the Police Department. It supports Future in Focus: Safeguard public safety, security and health.
2. **Impact:** This purchase from Lenco provides for one BearCat G3 armored vehicle for official law enforcement use by the Irving Police Department. The vehicle is fully armored and provides high ballistic protection and will primarily be used by the tactical team for operations including active shooter, hostage rescue, terrorism, and other search and rescue capabilities and ground clearance.
3. Funding for one vehicle in the amount of \$342,832.00 is available in the Police Department Seized Fund.

Recommendation

The resolution be approved.

15 Resolution - Approving a Service Level Agreement, Terms of Service and Addendum for Mobile Application with Sole Source Provider Evertel Technologies, LLC for the Subscription of a Public Safety Real Time Intelligence Tool in the Total Amount of \$57,600.00 for a Three-Year Term

Administrative Comments

1. This item is recommended by the Police Department. It supports Future in Focus:

Safeguard public safety, security and health.

2. **Impact:** This service level agreement with Evertel provides a three-year subscription service for a public safety collaboration tool which provides real-time updates and organized intelligence.
3. Funding for this annual subscription service in the amount of \$19,200.00 per year for a three-year term beginning in FY23/24, for a total of \$57,600.00, subject to funds being available in the Police Department Budget in the General Fund.

Recommendation

The resolution be approved.

16 Resolution - Approving a First Amendment to the Master Services and Purchasing Agreement with Sole Source Provider Axon Enterprise, Inc. for a Ten-Year Contract for the Purchase and Support of Law Enforcement Equipment in the Total Amount of \$19,611,189.00

Administrative Comments

1. This item is recommended by the Police Department. It supports Future in Focus: Safeguard public safety, security and health.
2. **Impact:** This first amendment to the master services and purchasing agreement with Axon provides for a ten-year contract for the purchase and support of law enforcement equipment for use by police officers. Equipment includes body worn cameras, TASERs, in car camera systems, and all licensure and physical and digital storage necessary for the use and maintenance of this equipment.
3. This agreement was presented to the Public Safety Committee on August 31,2023.
4. Funding for this agreement in the amount of \$1,087,000.00 for FY23/24 is available in the Police Department Budget in the General Fund; funding for the remaining \$18,524,189.00 for FY 24/25 through FY 32/33 is subject to fund availability by fiscal year.

Recommendation

The resolution be approved.

17 Resolution - Approving an Amendment and Fourth Renewal to the Interlocal Agreement with Dallas County Hospital District D/B/A Parkland Health & Hospital System in an Amount Not to Exceed \$247,281.89 for BioTel System Services from October 1, 2023 through September 30, 2025

Administrative Comments

1. This item is recommended by the Fire Department and supports Future in Focus: Safe and Beautiful City – Safeguard public safety, security and health.
2. **Impact:** This Interlocal Agreement Renewal allows for continuous 24-hour access to online medical control by physicians at Parkland Hospital, for paramedics who need to consult for treatment options for patients requiring emergency medical services.
3. This item renews an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System (Parkland) to receive BioTel System Services in an amount not to exceed \$120,923.85 for Fiscal Year 2023-24 and an amount not to exceed \$126,358.04 for Fiscal Year 2024-25.
4. This agreement meets competitive bid requirements with the State of Texas statutes, rules, policies, and procedures.
5. Funding for Fiscal Year 2023-24 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

Recommendation

The resolution be approved.

18 Resolution - Approving Restatement of the City of Irving Retiree Health Plan Document

Administrative Comments

1. This item is recommended by the Human Resources Department.
2. **Impact:** This restatement of the Retiree Medical Plan document provides the foundation of the Retiree Health Insurance Plan. Through this document it defines how the plan will operate, eligibility to participate in the plan, and provides the outline for the Rule of Discounts.

Recommendation

The resolution be approved.

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

Administrative Comments

1. This item is recommended by the Code Enforcement Department. This item supports Strategic Objective 4.1: Safeguard public safety, security, and health.
2. **Impact:** Providing preventative health services helps to promote a healthier lifestyle and improved quality of life for Irving residents.
3. This agreement establishes the continuation of an annual contract to provide control of communicable disease services. This contract includes services for tuberculosis control, sexually transmitted diseases, laboratory tests, immunizations, and well-baby exams.
4. This contract cost is based on the prior year amount with no increase.
5. There are no changes to service levels or deliverables.
6. Funding in the amount of \$81,906.00 is available in the Code Enforcement budget with the Health Board Program Fund. Funding is subject to approval of FY23-24 budget.

Recommendation

The resolution be approved.

20 Resolution - Approving Payments to Overdrive for Its Digital Platform Services and Digital Content in a Total Estimated Amount of \$180,000

Administrative Comments

1. This item is recommended by the Library Services Department.
2. **Impact:** Use of the OverDrive delivery platform supports Irving Connects, the city's smart city initiative by allowing the library to provide 24/7 access to a collection of digital materials (including eBooks, eAudiobooks, video and magazines) for checkout which may be accessed through personal digital devices such as smart phones, tablets, e-readers and computers. OverDrive is one of several electronic content services provided to supply library customers with a wide variety of electronic publications and media. Multiple digital vendors are required, as each service covers a limited number of publishers, types of content, formats or supported end-user devices. OverDrive offers a customized website and the popular Libby app for accessing and downloading digital materials. Both the website and the app are integrated with the Library's Polaris system for real-time patron authentication.

3. OverDrive is the sole provider of a service model not present in other digital platforms that offers downloads in the Kindle format and compatibility with all generations of the Amazon Kindle.
4. This agreement includes a magazine subscription package that integrates into the existing Libby platform, allowing users to conveniently access eBooks, eAudiobooks and eMagazines all in the same place.
5. The OverDrive service allows the Library to continue a partnership with the Irving Independent School District (IISD) for digital lending. IISD students have the ability to use their OverDrive Sora student app to seamlessly access and check out materials from the Irving Public Library collections.
6. Other unique features of the OverDrive service include a multi-lingual user interface option for library users and a Local Content feature providing the ability to upload locally produced and self-published digital content into a platform for lending.
7. The contract, RES-2022-142, automatically renews for a second one-year period on October 1, 2023.
8. Funding for Fiscal Year 22-23 is available in the Library Services Department budget within the General Fund, while funding for Fiscal Year 2023-2024 is subject to budget appropriation.

Recommendation

The resolution be approved.

21 Resolution - Approval of Purchases in the Total Amount of \$57,845.15 with OCLC for Subscriptions of Cataloging and Metadata, ExProxy and WebDewey.

Administrative Comments

1. This item is recommended by the Library Department.
2. **Impact:** OCLC, a worldwide organization of library and technology professionals, provide shared technology and resources to public libraries as well as academic, law, medical, corporate and government libraries. The Irving Public Library utilizes three of these resources, Cataloging and Metadata, EzProxy and WebDewey. These subscriptions assist the library with maintaining a clean and up-to-date collection along with providing the connection between library patrons and e-resources while maintaining privacy protection.
3. The OCLC Cataloging and Metadata subscription provides the pathway to adding the library's collection into WorldCat, the world's largest database of bibliographic and classification records. The subscription also provides resources such as

Record and Collection Manager, Connexion Client and Connexion Browser which are necessary to extract bibliographic and classification records for the library’s over 500,000 physical and digital materials as well as its approximately 8000 new items received each month.

4. In the current fiscal year, 22-23, the library obtained WorldCat bibliographic records for 14,253 library items through the OCLC Cataloging and Metadata subscription while adding 168 new records into the database.
5. OCLC EzProxy furnishes an authenticated remote connection to customers, so they may gain access to the library’s e-resources (e-Materials and databases) from any location.
6. The electronic version of the Dewey Decimal System, WebDewey, equips the library with the latest mapping and terms which helps in the organizing and classification of library materials.
7. Upkeep of the library collection information is vital to maintaining the ease of how customers locate and obtain information which, in turn, enhances their overall library experience.
8. The amount of \$53,444.11 for OCLC Cataloging and Metadata will be paid through the Interlibrary Loan Project budget located within the Library’s department within General Fund FY22/23. Partial reimbursement will be provided through the Texas State Library and Archives Commission Interlibrary Loan reimbursement program.
9. The amounts of \$340.42 for WebDewey and \$4,060.62 for EzProxy are located in the Library department’s budget within the General Fund FY23/24.
10. This agreement realigns the subscription period for WebDewey so its renewals will run concurrent with the City’s fiscal year beginning October 1, 2024.

OCLC Product	Subscription Period	Amount
Cataloging & Metadata	10/01/2022 - 9/30/2023	\$53,444.11
EzProxy	10/01/2023 – 9/30/2024	\$4,060.62
WebDewey	5/1/2024 – 9/30/2024	\$340.42
	TOTAL:	\$57,845.15

Recommendation

The resolution be approved.

22 Resolution - Approving Contract Renewal and Modification Statement of Work Addendum with Simpleview, Inc. in an Amount Not to Exceed \$1,109,383.00 for Web-Based Products and Digital Marketing Services for the Irving Convention and Visitors Bureau, the Irving Convention Center and Irving's Hospitality Venues

Administrative Comments

1. This item is recommended by the Irving Convention & Visitors Bureau and supports Future in Focus: Vibrant Economy – Market Irving as a destination.
2. **Impact:** The Contract Renewal and Modification Statement of Work Addendum will enable the Irving Convention & Visitors Bureau to promote tourism, conventions and the hotel industry through industry-specific web-based products and digital marketing services.
3. A portion of the funding in the amount of \$1,109,383.00 has been requested from the City's American Rescue Plan Act (ARPA) distribution for web-based products and digital marketing services, with the balance coming from the ICVB's General Fund. The web-based products and services include a Customer Relationship Management system (CRM), a Content Management system (CMS), Search Engine Optimization (SEO) and Search Engine Marketing (SEM) services, and integrated applications, including a Digital Asset Manager (DAM), user-generated content (UGC), marketing automation platform and marketing performance reporting. The digital marketing services include digital campaigns, content promotions, campaign content creation, strategy consulting, and an Online Travel Agency (OTA) program.
4. The agreement renews a two-year contract for the continuation of web-based products and services. Simpleview, LLC has been the ICVB's primary provider of web-based products and services for many years now, and Simpleview's capacities continually expanded through the ongoing acquisition of supplemental services and the development of others, and they continue to be the dominant provider in the CVB landscape. By continuing to use Simpleview's integrated products and services, the ICVB is better positioned to capitalize on the constantly changing digital landscape.
5. The CRM allows the ICVB to manage customer data, communicate leads from clients to our hotel partners, and support sales management and performance reporting. It is integrated with the ICVB's CMS and works seamlessly to provide informational listings for restaurants, hotels, attractions, etc., on the ICVB website. The CMS allows the ICVB to control many aspects of the irvingtexas.com and irvingconventioncenter.com websites, including adding content to pages and updating imagery.
6. Search Engine Optimization (SEO) and Search Engine Marketing (SEM) increase the ranking of the ICVB's website on popular search engines (Google and Bing) in order to reach a wider audience by using organic website optimization activities and paid search methods.
7. User Generated Content (UGC) is a social media aggregation tool that enables the ICVB to curate and populate user content for use on the ICVB website, within

listings, emails and social ads. The Digital Asset Management (DAM) system provides the ICVB with an asset management tool to organize, manage and distribute images, videos, documents, and logos.

8. The Marketing Automation system is ICVB’s tool for the organization’s email marketing strategy. Visit Apps is a content management system (CMS) for the ICVB’s native mobile application (app).
9. The one-year addendum to the contract establishes a continuation of digital marketing services. These services include fully integrated digital marketing campaigns and strategy consulting. Simpleview, LLC’s expertise in working with over 200 CVBs and destination marketing organizations provides unique insight to best market Irving as a destination. These campaigns have generated \$89.2 million in Potential Economic Value and \$4.9 million in Direct Hotel Revenue.
10. The fully integrated digital marketing campaigns use search engine marketing and display advertising to increase hotel occupancy in the near term by marketing the city as a destination and raising awareness and consideration of Irving as a meeting destination to book longer-term meetings and conventions.
11. The digital content promotion increases the awareness of Irving as a destination by increasing the reach and engagement of content that promotes and highlights Irving’s hospitality industry, including Irving hotels, attractions, restaurants, and local businesses.
12. The Online Travel Agency (OTA) program partners with major OTAs (e.g., Expedia, Priceline) to promote Irving and Irving hotels through their platforms and advertising channels. This program is directly tied to bookings to increase occupancy at Irving hotels.
13. The Irving Convention & Visitors Bureau represents a \$3.04 billion-per-year hospitality industry, which welcomes 4.1 million visitors and generates \$64.7 million in taxes annually.
14. This renewal shall be from October 1, 2023, to September 30, 2025 and the Addendum shall be for the period from October 1, 2023 to September 30, 2024.
15. Funding in the amount of \$1,109,383.00 is budgeted in Fiscal Year 2023-24 and subject to funds being approved in Fiscal Year 2024-25.

Vendor	Contract Terms	Total Estimated Amount	Fiscal Year (s)
Simpleview	10/1/2023-9/30/2025 Renewal	\$559,383.00	2023-25
Simpleview	10/1/2023-9/30/2024 Addendum	\$550,000.00	2023-24
TOTAL		\$1,109,383.00	

Recommendation

The resolution be approved.

23 Resolution - Approving the Renewal Contract and Amendment No. 1 with Maloney Strategic Communications, Inc., for Advertising Agency Representation for the Irving Convention & Visitors Bureau for a One-Year Term in the Total Estimated Amount of \$445,000.00

Administrative Comments

1. This item is recommended by the Irving Convention & Visitors Bureau (ICVB) and supports Future in Focus: Vibrant Economy - Market Irving as a destination.
2. **Impact:** Advertising agency services directly enhance the efforts of the ICVB to promote the City as a destination for visitors, conventions and meetings.
3. Current data shows that the average “blended rate” for advertising agency services is between \$100-200 per hour, according to multiple advertising industry sources. With the Maloney Strategic Communications, Inc. (MSC) rate maintaining at \$80 per hour, the City continues to receive not only quality work but clearly a best value.
4. As part of the ongoing process and efficiency reviews, the ICVB is able to achieve a savings of approximately \$400,000.00 annually by utilizing an advertising agency for select projects. In addition to direct project cost savings achieved by MSC’s negotiating power because of its vendor relationships, the ICVB is also able to access considerably more “human” resources to accomplish a wide range of projects without having to increase staffing.
5. Due to the nature of the industry, and the frequency with which projects with long lead times cross fiscal years, balances for purchase orders associated with this contract routinely have been encumbered.
6. This contract provides advertising agency services for the ICVB. The current contract expires September 30, 2023; the ICVB has been working with this vendor since September 1994.
7. Amendment No. 1 is for the fees associated with the production and printing of the Irving Visitors Guide in Fiscal Year 2022-23. Work on this critical collateral piece was initially paused and then ultimately halted through COVID and now demand for such a piece has returned.
8. Partial funding for this contract has been requested from the American Rescue Plan Act (ARPA); the balance is funded through the ICVB General Fund. ARPA funds are available to address the negative economic impacts of the pandemic, including aid to impacted industries such as tourism, travel and hospitality. Aid is also available to help reopen travel businesses and organizations that were closed during the pandemic, to respond to the negative economic impacts of the pandemic, and to replace lost public sector revenue and cover government revenue losses that

were due to the pandemic, such as hotel occupancy taxes and convention center revenues.

9. The Irving Convention & Visitor Bureau’s Hotel Occupancy revenues have declined significantly since March 2020 due to the COVID-19 pandemic. Per the formula in the Act, the ARPA Calculation of Loss for the ICVB and ICC total \$10,860,521 for FY 20-21 and \$11,460,519 for FY 21-22.
10. Funding in the amount of \$45,000.00 for Fiscal Year 2022-23 and funding in the amount of \$400,000.00 for Fiscal Year 2023-24 are available.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Maloney Strategic Communications	10/1/22 – 9/30/23	\$45,000.00	2022-23
Maloney Strategic Communications	10/1/23 – 9/30/2024	\$400,000.00	2023-24
TOTAL		\$445,000.00	

Recommendation

The resolution be approved.

24 Resolution - Approving and Accepting the Proposal of The Fain Group, Inc., for Construction Manager at Risk (CMR) for the Construction of Lee Park Swimming Pool Replacement Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.
2. **Impact:** This item will provide for the CMR services for the construction of the replacement of the Lee Park swimming pool.
3. **This item was presented to the Parks and Recreation Advisory Board on June 12, 2023 and at City Council Work Session on June 29, 2023.**
4. Use of the CMR delivery method will provide a means of shortening the overall project time to construct the new Lee Park Swimming Pool. At the same time, the CMR method will provide a value engineered process which will provide the highest overall project quality at the most economical cost to the City.
5. The CMR contract includes a lump sum price of \$25,000.00 for pre-construction

phase services to be provided by the awarded contractor and establishes a fee of 4% of the Guaranteed Maximum Price (GMP) to be paid to the contractor for serving as CMR for this project. Upon completion of work, any cost savings realized below the GMP amount will be credited to the City.

6. The GMP will be determined jointly by the City, the Architect and the CMR as part of the pre-construction phase services and will be brought to Council for approval at a future Council meeting.
7. The Fain Group, Inc. was selected for award of this contract as the contractor receiving the highest scores based on staff's evaluation of weighted criteria as published in a Request for Proposals pursuant to the requirements of Section 2269.056(b) of the Texas Government Code and based on interviews of the three (3) firms scoring the highest evaluation of the weighted criteria.
8. Funding in the amount of \$25,000.00 is available within the General Non-Bond CIP Fund.

Recommendation

The resolution be approved.

25 Resolution - Approving a Professional Services Agreement Between the City of Irving and Dunaway Associates, Inc. in the Estimated Amount of \$503,450.00 for the Design Services of Lee Park Swimming Pool Replacement Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.
2. **Impact:** This item will provide for the design services for the construction of the replacement of the Lee Park swimming pool.
3. **This item was presented to the Parks and Recreation Advisory Board on June 12, 2023 and at City Council Work Session on June 29, 2023.**
4. Requests for qualifications were solicited for these services through RFQ #143D-23F. Qualifications were received from six (6) firms, of which four (4) were chosen to be interviewed. Dunaway Associates, Inc. was determined to be the most highly qualified provider for these services solicited.
5. The project will include a 100% demolition of the existing swimming facility and design of a new family-oriented neighborhood seasonal pool.

6. Funding in the amount of \$503,450.00 is available within the General Non-Bond CIP Fund.

Recommendation

The resolution be approved.

26 Resolution - Approving Change Order No. 2 to the Contract with SYB Construction Company, Inc. in the Amount of \$110,408.90 for the Lindy Lane Improvements Phase 1 Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.
2. **Impact: This item supports the Road To The Future Initiative.** This change order will address modified scope of work and contract time associated with the pavement and utility improvements for the project.
3. The Capital Improvement Program (CIP) Director declared the additional work to be an emergency on August 4, 2023, in lieu of stopping the project and causing further delay. This was to ensure the welfare and safety and of the residents from risks associated with an abandoned construction zone, and to avoid extending the time of construction and costs associated with remobilization.
4. The work associated with Change Order No. 2 includes the construction of two (2) additional wastewater manholes, additional 6-in thick reinforced concrete pavement with 8-in flexbase subgrade and additional block sod.
5. This change order increases the contract by 4.73%.
6. Staff has negotiated a fair and reasonable price for this change order based on existing unit prices in the contract where applicable.
7. Funding in the amount of \$98,608.90 is available in the Street Improvement Bond Fund and funding in the amount of \$11,800.00 is available in the Sanitary Sewer Bond Fund.

Recommendation

The resolution be approved.

27 Resolution - Approving an Expenditure with Insituform Technologies, LLC, in the Amount of \$3,723,846.50 for Yellowstone Street and Chinook Court Water and Wastewater Improvement Project through the State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard)

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Water Utilities Department. It supports Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.
2. **Impact: This contract supports the ROAD TO THE FUTURE and Delivering Clean, Safe Water initiatives.** This work is part of the Water Utilities Department water system improvements. This project impacts residential properties along Yellowstone Street and Chinook Court.
3. This project will replace 3,148-feet of deteriorated 6 and 8-inch water and wastewater with a new 8-inch Fusible Polyvinyl Chloride (PVC) pipe via pipe bursting a trenchless method and open cut. The project will also overlay the street, repair concrete curb and gutter and driveways for the entire project limits.
4. This project utilizes State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) Contract #635-21 for Cured in Place Pipe for Pipeline Rehabilitation which expires on February 29, 2024. The \$3,723,846.50 price is \$295,043.50 (7.34%) below the engineers estimate.
5. Funding in the amount of \$940,182.90 is available in the Water Improvement Bond Fund; and funding in the amount of \$911,213.60 is available in the Water and Sewer System Non Bond CIP Fund; and funding in the amount of \$1,872,450.00 is available in the Street Improvement Bond Fund.

Recommendation

The resolution be approved.

28 Resolution - Approving a Sales Contract with Georganna L. Simpson, in the amount of \$315,000.00, for a Special Warranty Deed and up to \$30,000.00 for Closing Costs for the property, and up to \$5,000.00 for a Replacement Housing Supplement, located at 1833 W. 5th Street for the West Irving Creek Channel Project

Administrative Comments

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

supports Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

2. **Impact: This acquisition supports Drainage Solutions for a Better Tomorrow.** This deed acquisition is necessary for the improvement of the drainage of the West Irving Creek Channel. This property is needed to widen and deepen the channel at the intersection of W. 5th Street and Wanda Drive.
3. The property consists of 10,106 square feet (0.232 acres) of land located at 1833 W. 5th Street, owned by Georganna L. Simpson. The residence on the property is 1,048 square feet. The owner is being relocated and is eligible for replacement housing supplement in the amount not to exceed \$5,000.00.
4. Funding in the amount of \$315,000.00 for the property, replacement housing supplement payment not to exceed \$5,000.00, and closing costs not to exceed \$30,000.00, for a total of \$350,000.00 is available within the Municipal Drainage Utility C.O. Fund.

Recommendation

The resolution be approved.

29 Resolution - Approving the FY 2023-24 Entertainment Center Maintenance and Operations Work Plan and Budget

Administrative Comments

1. This item is recommended by the Office of Economic Development and supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** The resolution approves the Maintenance and Operations Work Plan and Budget submitted by Music Factory Portfolio, L.P. (The Company). In connection with the City's FY 2023-24 budget, this item authorizes the City's Designee to reimburse The Company for expenditures identified in the work plan and budget as revenues become available based on the flow of funds identified in the Entertainment Center Lease.
3. The Second Amended and Restated Entertainment Center Lease Agreement requires The Company to submit an annual Maintenance and Operations Work Plan and Budget.
4. Brimer Hotel Occupancy Tax (HOT) revenue and Admission Tax revenue are restricted for use on the Entertainment Center project. The Bond Ordinance and Lease provide the order in which Brimer HOT revenue and Admission Tax revenue may be expended.

5. Available Excess Brimer HOT revenue and Admission Tax revenue are used to reimburse The Company for eligible expenditures. Eligible reimbursement is based on actual revenues received. The Company must provide invoices and proof of payment for all reimbursements.
6. Funding is provided by available FY 2023-24 Excess Brimer HOT and Admission Tax revenues totaling \$6,437,708.
7. Budgeted expenditures include insurance, parking, and maintenance and repair items that were identified by ASM Global, LLC during the annual physical inspection earlier this year.
8. This item does not amend any provisions in the Entertainment Center Lease.

Recommendation

The resolution be approved.

30 Resolution - Approving Renewal of Annual Support and Maintenance Agreement between Systems & Software, Inc. and City of Irving in the Amount of \$111,368.79 for the enQuesta Utility Billing System

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.
2. **Impact:** The renewal of the annual support and maintenance agreement allows Systems & Software (S&S) to continue to provide the support and maintenance services needed to keep the enQuesta utility billing system performing at a high level.
3. The annual support and maintenance in the amount of \$111,368.79 includes fees for software hosting, managed services, off-line backup storage, Oracle maintenance, and other support services.
4. The annual support and maintenance for fiscal year 2023-24 consists of:

Product Name	From Date	To Date	Total
enQuestaLink other Device Validation	10/01/23	9/30/24	\$ 5,360.39
Oracle Maintenance and license fees	12/01/23	9/30/24	\$ 10,280.00
Managed Services & offline backup storage fees	12/01/23	9/30/24	\$ 49,840.00
Mailing Address Verification	10/01/23	9/30/24	\$ 3,704.40
Collection Agency Module Support	10/01/23	9/30/24	\$ 2,184.00
Hosting Fees	12/01/23	9/30/24	\$ 40,000.00
TOTAL			\$111,368.79

5. Funding in the amount of \$111,368.79 is available in the Water Utilities budget within the Water and Sewer System Fund, subject to funding being appropriated in fiscal year 2023-24.

Recommendation

The resolution be approved.

31 Resolution - Approving a 5-Year Water and Sewer Rate Plan for Proposed Water and Sewer Rates for Fiscal Years 2023-24 through 2027-2028

Administrative Comments

1. This item is recommended by the Water Utilities Department. It Supports Future in Focus: Government Sustainability: Protect the city’s financial integrity and credibility.
2. **Impact:** A multi-year plan of water and sewer rate increases will maintain sufficient revenues to cover expected annual increases of pass-through costs, capital improvement costs and other expenses while maintaining the debt service coverage ratio at a level expected for a “AA” bond rated municipal utility.
3. **This item was presented at the Irving City Council Audit & Finance Committee meeting on August 3, 2023.**
4. The 7.31% increase proposed for FY2023-24 will maintain the annual debt service coverage ratio of approximately 1.80 and puts the city on a steady path to sustain that level in future years. It also helps the city meet the financial goal of maintaining at least 90 days of working capital.
5. Benefits of the proposed 5-Year Rate Plan include low interest rates on new debt and increased cash that can be used to fund capital improvement projects.

6. The monthly bill for a residential customer with a 5/8" x 3/4" meter, 3,000 gallons of water usage and 2,000 gallons of wastewater would increase \$2.00 under the proposed rate during fiscal year 2023-24.
7. The monthly bill for a residential customer with a 5/8" x 3/4" meter, 10,000 gallons of water usage and 8,000 gallons of wastewater would increase \$6.08 under the proposed rate during fiscal year 2023-24.

	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Proposed Water & Sewer Rate Increase	7.31%	7.07%	7.10%	6.41%	5.10%

Recommendation

The resolution be approved.

32 Resolution - Approving the Attached Advance Funding Agreement for a Surface Transportation Block Grant Program (STBGP) Project and Non-Traditionally Funded Transportation Projects Off-System Between the City of Irving and the Texas Department of Transportation (TXDOT) for the Design and Construction of the Interstate Highway 635 Frontage Road and Belt Line Road Project

Administrative Comments

1. This item is recommended by the Traffic and Transportation Department. It supports **Future in Focus: Infrastructure Investment** – Maintain roadways, sidewalks, and transportation infrastructure.
2. **Impact:** This Advanced Funding Agreement (AFA) for the Interstate Highway 635 Frontage Road and Belt Line Road Project provides funding breakdown for the funding of the project.
3. **This Item was presented to the Transportation and Natural Resources Committee September 7, 2023**
4. Below is a breakdown of the cost responsibility between City of Irving, City of Coppell, Dallas County, and TxDOT for this Design and Construction project for IH 635 Frontage Road and Belt Line Road:

City of Irving Cost	\$ 862,428.00
City of Coppell Cost	\$ 244,500.00
Dallas County Cost	\$1,200,000.00

TxDOT/NCTCOG Cost \$4,876,827.19

Total Project Cost \$7,183,755.19

5. Previous Actions:

- a. Interlocal Agreement between the City of Irving and City of Coppell for \$244,500 to be transferred from Coppell to Irving for IH 635 @ Belt Line Project – July 2022
- b. Project Specific Agreement between the City of Irving and Dallas County for \$1,200,000 to be transferred from Dallas County to Irving for IH 635 @ Belt Line Project – December 2022

6. 100% of Cost Over-runs for this project will be paid by TxDOT/NCTCOG.

7. Funding in the amount of \$862,428 is available in the Street Bond Funds.

Recommendation

The resolution be approved.

33 Resolution - Approving Addendum No. 1 to the Engineering Services Agreement with Black & Veatch Corporation, in the Estimated Amount of \$2,747,026.00 for Engineering Services in Connection with the Princeton Booster Pump Station Expansion and the Doe Branch Discharge Improvements

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Infrastructure Investment – Maintain water, wastewater, and drainage infrastructure.
2. **Impact:** Approval of this agreement will upgrade and increase the capacity of our water supply facilities. It will also help meet contractual requirements with the Upper Trinity Regional Water District.
3. **This item was presented to the Transportation and Natural Resources Committee on August 31, 2023.**
4. Irving and Upper Trinity Regional Water District (Upper Trinity) have a decades-long history working together developing water supplies and related infrastructure to transport water and serve the needs of their respective customers and residents.
5. Upper Trinity initially contracted with Irving for transportation of their Chapman Lake water supply and delivery to Lewisville Lake beginning in 2002.

6. Irving and Upper Trinity amended and restated the existing agreement (RES-2021-343) to include transportation of raw water from Lake Ralph Hall (LRH). Under this agreement, Upper Trinity will provide funding for Irving to replace and upgrade pumping equipment at the Princeton Booster Pump Station and will increase their pumping capacity from approximately 17 million gallons per day (MGD) to 42 MGD to transport the additional supply from LRH.
7. Irving will provide funding to replace the sleeve valve and make other improvements to the Doe Branch Discharge. Design and construction services for this work is included in this Engineering Services Agreement.
8. Irving will manage the design and construction contracts for the Princeton Booster Pump Station Expansion. The original scope (Task Order No. 1) of the engineering services agreement (RES-2022-34) included Preliminary Design Services needed to expand the capacity of the facility. Under Addendum No. 1, the scope (Task Order No. 2) will include Final Design, Procurement, and Construction Phase Services to increase the firm capacity of the pump station from about 73 MGD to 98 MGD.
9. The cost of these additional services is \$2,747,026.00 which brings the total value of the agreement to \$3,389,868.00.
10. Funding in the amount of \$2,747,026.00 is available in the Water Utilities budget within the Water and Sewer System Non-Bond CIP Fund. Upper Trinity will provide funding in the amount of \$2,146,210.62.

Recommendation

The resolution be approved.

**Bids and Purchasing Items
Items 34-45**

34 Resolution - Renewing the Annual Contract with Echo Cove Enterprises, LLC dba Richey Company in the Total Estimated Amount of \$150,000.00 for Imprinted Promotional Products

Administrative Comments

1. This item is recommended by the Financial Services Department – Purchasing Division. It supports Future in Focus: Government Sustainability – Protect the city’s financial integrity and credibility.
2. **Impact:** Renewal of this contract allows for as-needed purchases of promotional, advertising, and specialty items which are used to promote the city through outreach programs and events, and to provide employee incentives.
3. Examples of departmental uses include, but are not limited to, the following: Parks and Recreation and Library events; Open House events; Irving 360° Civic

Academy; Water Utilities, Emergency Management, and Municipal Drainage Utility educational outreach programs; Employee Health and Safety Fair promotional items; Communications and MWBE Program promotional items for various city functions; and Irving Convention & Visitors Bureau (ICVB) imprinted items which are distributed to meeting attendees.

4. Examples of items purchased include pens, notepads, bags, USB drives, notebooks, lanyards, and other promotional items imprinted with city and/or event-specific promotional logos. In addition, the PRIDE coins and presentation boxes for the city’s newly established RISE program are purchased through this contract.
5. This renewal establishes the continuation of an annual contract for city-wide use to provide imprinted promotional items. The current contract will expire on September 30, 2023. This is the second and final, one-year renewal option.
6. Funding for Fiscal Year 2023-24 will be available in various departmental budgets within various funds subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount
Echo Cove Enterprises, LLC dba Richey Company	10/1/23 – 9/30/24	\$150,000.00

Recommendation

The resolution be approved.

35 Resolution - Authorizing Expenditures with Cornerstone OnDemand, Inc., in the Total Estimated Amount of \$92,379.53 for an Online Training Platform and Training Content through a Contract Administered by the General Services Administration (GSA)

Administrative Comments

1. This item is recommended by the Human Resources Department. It supports Future in Focus: Government Sustainability – Recruit, retain and develop a qualified, competent and diverse workforce.
2. **Impact:** Approval of this item will allow the city continued access to an online training platform and stock training content for use by general government employees.

3. The Cornerstone platform and training content are vital to the development of the city’s workforce. The content ranges from soft skills such as communication training to hard skills such as software training. The system is also used to provide and track required internal compliance training.
4. The online training platform currently offers over 1,700 trainings which are available to all general government employees.
5. The attached order form is for the period of October 1, 2023 through September 30, 2024, and is supported by a Vendor/Member contract between the City of Irving and Cornerstone OnDemand, Inc., for utilization of GSA Contract No. GS-35F-0247V for Information Technology: IT Training Software which expires on February 22, 2024.
6. Funding will be available in the Human Resources Department budget within the General Fund and in the Technology Fund, subject to budget appropriation in Fiscal Year 2023-24.

Vendor	Contract Term	Service	Total Est. Amount	Fund
Cornerstone OnDemand	10/1/23 – 9/30/24	Content	\$35,493.10	General
		Platform	\$56,886.43	Technology
TOTAL			\$92,379.53	

Recommendation

The resolution be approved.

36 Resolution - Approving and Accepting the Proposal of Avant Specialty Benefits LLC in the Total Estimated Amount of \$2,200,400.00 for Stop Loss Insurance for City of Irving from Insurance Carrier Voya Financial and its Affiliates or Subsidiaries

Administrative Comments

1. This item is recommended by the Human Resources Department. It supports Future in Focus: Government Sustainability – Protect the city’s financial integrity and credibility.
2. **Impact:** Stop Loss Insurance allows for claims within the health plans to have a definite financial cutoff allowing the city to budget the health fund accordingly. Individual stop loss insurance reimburses the city for individual medical claims in excess of a set deductible amount of \$275,000. Premiums for this insurance are primarily based on claim experience.

3. The proposal submitted by Avant Specialty Benefits LLC for stop loss coverage placed with Voya Financial ensures that the city’s current deductible amount of \$275,000 remains intact in addition to not being subject to any lasers for the 2024 plan year. Future years, however, will be subject to claims experience as is standard in this industry.
4. The coverage features noted above will result in no premium increase over the 2023 plan year rates. Stop loss cost is based on \$98.71 per enrollee per month for approximately 1,850 enrollees for the 2023-24 plan year.
5. This award establishes an annual contract for the continuation of providing stop loss insurance coverage. Avant Specialty Benefits LLC is recommended for award as the firm scoring the highest points based on evaluation criteria established through a Request for Proposals process. The current contract expires September 30, 2023.
6. Funding for Fiscal Year 2023-24 is available in the Health Self-Insurance Fund

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Avant Specialty Benefits LLC	10/1/23 – 9/30/24	\$2,200,400.00	2023-24

Recommendation

The resolution be approved.

37 Resolution - Approving Second Amendment and Renewal to the Clinic Service Agreement between the City of Irving and CareATC in the Total Estimated Amount of \$900,000.00 for an Employee Clinic for City of Irving

Administrative Comments

1. This item is recommended by the Human Resources Department. It supports Future in Focus: Government Sustainability – Recruit, retain and develop a qualified competent and diverse workforce.
2. **Impact:** This second amendment and renewal to the contract with CareATC will provide a strong benefits package for employees and retirees on the city's self-insured health program. The clinic will offer an opportunity for those employees and their dependents who elect a medical plan to see a doctor at no or low cost. Usage of the clinic by plan participants will further reduce the liabilities on the self-insured health plan.

3. A Request for Proposals for an Employee Clinic for City of Irving was issued on May 5, 2023. The single response received which was from CareATC, the city's incumbent clinic provider, was determined to meet all criteria as presented in the RFP; therefore Human Resources and the provider recommend amending the existing contract to reflect the agreed upon terms per the RFP.
4. CareATC will continue to provide a shared local office as well as other DFW and national locations staffed by qualified medical professionals, as well as the necessary supplies and equipment for operation of the shared local office.
5. Employees, their dependents, and retirees on city PPO plans will have access to the clinic at no cost, while those on high deductible plans will be charged a Fair Market Value rate as mandated by the IRS, which is substantially less than the cost the member would incur in the private marketplace. The city is charged a per employee per month rate (PEPM) of approximately \$40.50 in the first year.
6. This amendment is subject to one-year renewal options upon mutual agreement of the parties. The current contract expires September 30, 2023.
7. Funding for Fiscal Year 2023-24 is subject to budget appropriation in the Health Self-Insurance Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
CareATC	10/1/23 – 9/30/24	\$ 900,000.00	2023-24

Recommendation

The resolution be approved.

38 Resolution - Authorizing As-Needed Expenditures with Facilities Solutions Group, Inc. (FSG), and in the Total Estimated Amount of \$100,000.00 for Replacement, Installation, and Repairs of Scoreboards and Digital Signage through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.
2. **Impact:** Approval of this contract will provide purchase and installation of new signage, as well as allowing the city to address the repair and/or replacement of aging equipment such as scoreboards and digital signages at parks, athletic fields and recreation facilities, as well as allow for the purchase of new digital kiosks that are being installed at various parks and recreation facilities.

3. A Vendor/Member contract between the City of Irving and FSG was approved on November 10, 2022, by RES No. 2022-478 which supports utilization of BuyBoard Contract No. 678-22 for Scoreboards, Signage, Digital Display Products, and Installation Services, which expires on September 30, 2023.
4. Funding for Fiscal Year 2023-24 is subject to budget appropriation and shall be available in the Parks and Recreation Department budget within the General Fund.

Vendor	Contract Term	Total Estimated Amount
Facility Solutions Group, Inc.	10/1/23 – 9/30/24	\$100,000.00

Recommendation

The resolution be approved.

39 Resolution - Authorizing As-Needed Expenditures with Facility Solutions Group, Inc. (FSG), in the Total Estimated Amount of \$100,000.00 to Provide Parks and Sports Field Energy Saving Lighting Products and Installation Services, through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation Department. It supports Future in Focus: Safe and Beautiful City – Safeguard public safety, security and health.
2. **Impact:** Approval of this item will support as-needed repairs and/or replacement of lighting systems and components for parks, sports fields or courts, facility security lighting, etc. at Parks & Recreation facilities. This contract will ensure that these facilities are equipped with safe, essential, and progressive lighting components for the residents of Irving.
3. A Vendor/Member contract between the City of Irving and FSG was approved on November 10, 2022, by Resolution No. 2022-479 which supports utilization of BuyBoard Contract No. 677-22 for Parks and Sports Field Lighting Products and Installation Services, which has been renewed through September 30, 2024.
4. Funding for Fiscal Year 2023-24 is subject to budget appropriation in the Parks and Recreation Department budget within the General Fund.

Vendor	Contract Term	Total Estimated Amount
Facility Solutions Group, Inc.	10/1/23 – 9/30/24	\$100,000.00

Recommendation

The resolution be approved.

40 Resolution - Authorizing As-Needed Expenditures with Lea Park & Play, Inc., in the Total Estimated Amount of \$200,000.00 for Purchase and Installation of Playground and Park Equipment, and Playground Surfacing Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Parks & Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.
2. **Impact:** Approval of this item will allow the city to purchase and install playground equipment, playground surfacing and park equipment such as picnic tables, park benches, shade shelters, etc. These purchases will allow the Parks and Recreation Department to be proactive in maintaining and providing quality recreational facilities for the citizens of Irving.
3. A Vendor/Member Contract between the City of Irving and Lea Park & Play, Inc., was approved on November 10, 2022, by Resolution No. 2022-480 which supports utilization of BuyBoard Contract No. 679-22 for Parks and Recreation Equipment, Products, and Installation Services, which has been renewed through September 30, 2024.
4. Funding for Fiscal Year 2023-24 is subject to budget appropriation in the Parks & Recreation Department budget within the General Fund.

Vendor	Contract Term	Total Estimated Amount
Lea Park & Play, Inc.	10/1/23 – 9/30/24	\$200,000.00

Recommendation

The resolution be approved.

41 Resolution - Approving and Accepting the Bids of Bounce 'N' More LLC, TLD Holdings, LLC, dba Texas Entertainment Group, and Little Grande Trackless Trains, in the Total Estimated Amount of \$100,000.00 for Activities, Attractions and Food Equipment Rentals

Administrative Comments

1. This item has been recommended by the Parks & Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.
2. **Impact:** Approval of this item will allow the city to procure rental equipment such as inflatables, rides, carnival games, food equipment, photobooths and trackless trains to enhance family friendly city special events.
3. This award establishes annual contracts for City of Irving Special Events for Attractions, Activities and Food Equipment. This award is for one year with four, one-year renewal options.
4. Funding for Fiscal Year 2023-24 is subject to budget appropriation in the Parks & Recreation Department budget within the General Fund.

Vendor	Item#	Contract Term	Total Not to Exceed Amount	Fiscal Year(s)
Bounce 'N' More, LLC	1, 2, 3, 4, 5 & 8	9/15/23 – 8/31/24	\$100,000.00	2023-24
TLD Holdings, LLC, dba Texas Entertainment Group	7			
Little Grande Trackless Trains	6			

Recommendation

The resolution be approved.

42 Resolution - Renewing the Annual Contract with Fannin Tree Farm Sales, LLC, in an Amount Not to Exceed \$800,000.00 for Tree Transplanting Services for a Two-Year Term

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) and Parks & Recreation departments. It supports Future in Focus: Safe and Beautiful City – Improve property conditions and overall appearances of the city.

2. **Impact: This contract supports the Tree Board's Reforestation of the City's Urban Forest initiative.** Tree transplanting services provide for the removal, moving, and transplanting of city trees where these trees would otherwise be destroyed and removed from the urban forest landscape. CIP is working to promote the protection of trees within the City of Irving per the Tree Board's initiative. These services also assist Parks & Recreation in relocating trees from the city's tree farm to be replanted in park facilities where old trees have died and been removed.
3. This renewal establishes the continuation of a contract to provide tree transplanting services. This is the second and final, two-year renewal option. The current contract expires September 30, 2023.
4. Funding for Fiscal Years 2023-24 and 2024-25 is subject to budget appropriation in various project budgets within various funds.
5. Because this contract runs from October 2023 through September 2025, 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.

Vendor	Contract Term	Total Est. Amount	Fiscal Year
Fannin Tree Farm Sales, LLC	10/1/23 – 9/30/25	\$400,000.00	2023-24
		\$400,000.00	2024-25
TOTAL AMOUNT NOT TO EXCEED		\$800,000.00	

Recommendation

The resolution be approved.

43 Resolution - Authorizing As-Needed Expenditures with Heritage One Roofing, Inc., in the Total Estimated Amount of \$400,000.00 for Roofing Repairs and Replacement through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) and Parks & Recreation departments. It supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** Approval of this contract will allow for timely repair, replacement,

maintenance, or installation of roofing systems on city buildings and facilities at prices that will be favorable for the city. The CIP and Parks & Recreation departments maintain roofing systems at more than 60 facilities that may require the services of this agreement.

3. A Vendor/Member contract between the City of Irving and Heritage One Roofing, Inc., was approved by RES-2021-441 on November 11, 2021. The contract supports utilization of TIPS Contract No. 210603 for Roofing Part 2 (JOC), which expires on September 30, 2024.
4. Funding for Fiscal Year 2023-24 is subject to budget appropriation in various departmental budgets within various funds.

Vendor	Spending Term	Total Estimated Expenditures
Heritage One Roofing, Inc.	10/1/23 – 9/30/24	\$400,000.00

Recommendation

The resolution be approved.

44 Resolution - Approving As-Needed Expenditures with DataProse, LLC, in the Total Estimated Amount of \$280,000.00 for Utility Bill Printing and Mailing Services through an Interlocal Cooperative Purchasing Agreement with the City of Allen

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.
2. **Impact:** This contract provides city bill printing and mailing services to ensure Water Utilities, Sanitation and Storm Water revenues are collected efficiently.
3. The city entered into a Vendor/Member contract with DataProse, LLC, by Resolution No. 2019-381 on October 3, 2019, for utilization of City of Allen Contract No. 2019-6-61. This is the fourth and final automatic one-year renewal option. The current contract term expires on September 24, 2023.
4. Water Utilities has been very pleased with the services DataProse has provided to the city since going live in 2015 and recommends continued utilization of this contract.
5. Funding for Fiscal Year 2023-24 is subject to budget appropriation in the Water-Sewer Operating Fund.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year
DataProse, LLC	10/1/23 - 9/30/24	\$280,000.00	2023-24

Recommendation

The resolution be approved.

45 Resolution - Authorizing As-Needed Expenditures with Texan Waste Equipment, Inc., dba Heil of Texas, in the Total Estimated Amount of \$120,000.00 for Street Sweeper Repairs through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Fleet Services Division and the Human Resources Department – Risk Management Division. It supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.
2. **Impact:** Approval of this item will provide as-needed Schwarze street sweeper repairs which help keep fleet vehicles and equipment maintained with minimum downtime, keeping service levels high and enhancing Fleet Services Operations.
3. Fleet Services recommends a declaration of spending in the additional amount of \$120,000.00, which includes the repair of 42025, a 2021 Freightliner Schwarze sweeper that was involved in an accident in the estimated amount of \$60,000.00, as well as other as-need repairs of Schwarze sweepers in the Fleet.
4. A Vendor/Member contract between the City of Irving and Texan Waste Equipment, Inc., dba Heil of Texas was approved on July 12, 2023, by Administrative Award No. 8659 which supports utilization of BuyBoard Contract No. 685-22, for Construction, Road, and Bridge and Other Related Equipment which expires on November 30, 2023.
5. Funding for Fiscal Year 2022-23 is available in the Property-Casualty Insurance Fund and in the Garage Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

Vendor	Spending Term	Total Estimated Amount	Fiscal Year(s)
Texan Waste Equipment, Inc., dba Heil of Texas.	9/15/23 – 11/30/24	\$80,000.00	2022-23
		\$40,000.00	2023-24
Total		\$120,000.00	

Recommendation

The resolution be approved.

End of Bids

46 Ordinance - Second and Final Reading -- Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, Regarding the Company's 2023 Rate Review Mechanism Filing

Administrative Comments

1. This item has been recommended by the City Manager’s Office and the City Attorney’s Office.
2. **Impact:** The purpose of this ordinance is to approve the Settlement Agreement and the resulting rate change under the Rate Review Mechanism (“RRM”) tariff.
3. The City of Irving, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), for future filings under the GRIP statute.
4. Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in the test year ending December 31, 2021, entitled it to additional system-wide revenues of \$165.9 million.
5. Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s

request to \$156.1million, \$113.8 million of which would be applicable to ACSC members. After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$142 million from ACSC Cities, with an Effective Date of October 1, 2023.

6. The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31 percent. The increase for average commercial usage will be \$24.72 on a monthly basis, or 5.19 percent.
7. The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the proposed Ordinance with its attachments approving the negotiated rate settlement resolving the 2023 RRM filing and implementing the rate change.

Recommendation

The ordinance be adopted.

47 Ordinance - Amending Ordinance No. 2023-10726 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. It supports Future in Focus - Government Sustainability, protect the city's financial integrity and credibility.
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.
4. This amendment increases the number of personnel in the Emergency Activities Class. The rank of Fire Captain will be increased from 41 to 45. In addition, the rank of Fire Equipment Operator will be increased from 123 to 126. There is funding available within the department budget for this personnel adjustment.

Recommendation

The ordinance be adopted.

48 Ordinance - Ordinance Amending Chapter 8 Entitled "Building Standards Code," and Chapter 8A Entitled "Boarding Home Facilities" of the Code of Civil and Criminal Ordinances to Repeal Certain Fees that Are Established by Resolution

Administrative Comments

1. This item has been recommended by the Code Enforcement Department.
2. This item will repeal specific fees from existing ordinances that are re-established via resolution.
3. This ordinance ensures that fees are not duplicated in both code and resolution.

Recommendation

The ordinance be adopted.

49 Ordinance - Amending Chapter 16 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas by Amending Section 16-27 Relating to the Approval of Certain Agreements; and Providing a Severability Clause

Administrative Comments

1. This item has been recommended by the City Manager's Office and the Capital Improvement Program Department. This supports Future In Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** The proposed ordinance revisions would allow for all real estate acquisitions that do not exceed \$50,000.00 to be processed administratively and all change orders that do not exceed \$100,000 to be processed administratively. The proposed amendments specifically address real property acquisition and change order approvals.
3. Increasing the administrative authority for property acquisitions will provide more efficiency and will allow for quicker negotiation of purchases for the benefit of the City.
4. The Texas Legislature recently passed House Bill 1440, effective September 1, 2023, which streamlines the change order approval process for the City and clarifies approval requirements under Texas Local Government Code Section 252.048. HB 1440 allows the City to grant authority to an administrative official to approve change orders involving an increase or decrease of \$100,000 or less instead of the previous amount, \$50,000.00, for competitively bid contracts. The

legislature accomplished this by reducing the population requirement from 300,000 to 240,000 or more which includes Irving. This provides an expeditious process for approving minor changes. This change will be adopted in Chapter 16 of the Irving Code.

Recommendation

The ordinance be adopted.

INDIVIDUAL CONSIDERATION

- 50 Ordinance - Public Hearing and First Reading Amending Chapter 33 Entitled “Refuse, Garbage, and Weeds” of the Code of Civil and Criminal Ordinances of the City of Irving, Texas in Its Entirety, to Amend Article I “In General,” Article II “Garbage Cans and Receptacles,” Article III “Collection and Removal of Garbage,” Article IV “Condition of Premise,” Article V “Rates and Fees,” Providing an Effective Date, and Providing a Severability Clause**

Administrative Comments

1. This item has been recommended by the Solid Waste Department and supports Future in Focus: Safeguard public safety, security, and health.
2. **Impact:** The updated ordinance is amending the entirety of Chapter 33 Entitled “Refuse, Garbage, and Weeds.”
3. These ordinance amendments establish guidelines for curbside collection. Specifically, the updated ordinance adds definitions for: brush, bulky items, construction and demolition debris, contamination, curbside recycling collection, large cardboard boxes, and service providers. The current ordinance lacks definitions for these terms. Additionally, the updated ordinance establishes bag sizes and weight limits for individual bags.

The current ordinance does not speak to the times in which material can be placed out for collection. The updated ordinance establishes the times in which material can be placed out for collection. Additionally, the updated ordinance states that garbage must be placed in a bag to be collected, and that 8-bags of garbage are collected at each address each collection day.

Regarding recycling, the updated ordinance establishes that recycling material must be placed in translucent blue bags for collection. Large cardboard boxes do not have to be flattened for collection; however, they must be empty. Contaminated recycling will not be collected.

Regarding bulky items, the updated ordinance establishes four (4) bulky items will be collected each week at each residential address. Regarding brush, the updated ordinance increases the diameter and length of limbs which can be placed out for collection.

The updated ordinance states that material must be placed out for collection in an area free of obstructions and that service providers must haul away material resulting from their work at a residential location. The updated ordinance maintains that used or scrap tires and construction & demolition debris are not collected curbside at residential locations. A toilet(s) placed out for collection is not considered Construction and Demolition Debris.

Regarding roll-off containers, the updated ordinance establishes a 14-day rental period and removes the roll-off rental fee for additional days. Lastly, in keeping with Council Resolution 2021-346, the updated ordinance revises the fees for roll-off containers. The rental fee for a 12-yard container increases by \$50.00, the rental fee for a 20-yard container increases by \$50.00 and the rental fee of a 30-yard container increases by \$75.00.

4. These changes support appropriate enforcement to ensure the integrity of the Solid Waste Services Collection Program.

Recommendation

The ordinance be adopted.

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

Administrative Comments

1. This item has been recommended by the Water Utilities Department.
2. **Impact:** A 7.3% combined water and sewer rate increase will help provide funding to cover increases to pass-through costs for wastewater and water treatment while also providing additional revenues to fund salary adjustments to remain competitive.
3. **This item was presented at the Irving City Council Budget Retreat on August**

18, 2023.

4. The need for the proposed rate increase is primarily driven by increasing pass-through cost for contracted services from the City of Dallas and the Trinity River Authority and increases in the price of commodities. Other increases are needed to address requirements in federal and state legislation.
5. The rate adjustment is projected to increase revenues to approximately \$131 million. The proposed budget is also \$131 million, and it includes a Capital Improvement Program (CIP) of \$45,525,000.00. The CIP is projected to be funded with \$17,300,000.00 in cash and \$28,225,000.00 in bonds.
6. The monthly bill for a residential customer with 3,000 gallons of water usage and 2,000 gallons of wastewater would increase \$2.00 under the proposed rate.
7. The monthly bill for a residential customer with 10,000 gallons of water usage and 8,000 gallons of wastewater would increase \$6.08 under the proposed rate.

Recommendation

The ordinance be adopted.

52 Ordinance - Public Hearing and Consideration of Amendments to Chapter 5 "Subdivision Design and Improvements" of the Unified Development Code to Provide for a Fee at an Hourly Rate for the Review and Process of Engineering or Construction Plans or Inspection of Infrastructure Improvements

Administrative Comments

1. This item has been recommended by the Capital Improvements Program and Planning Departments and supports Future in Focus: Infrastructure Investment; Support strategic investment in city facilities.
2. The Planning and Zoning Commission recommended **Approval** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Burns, Spurlock, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioner absent: Joy, Myrick

3. HB 3492 was passed by the Texas Legislature and signed by the Governor in June 2023, with an effective date of September 1, 2023, that requires regulatory fees assessed by a municipality be proportional to the actual operating costs to review and process engineering or construction plans or inspect infrastructure improvements.

4. Proposed Amendments to Chapter 5, Subdivision Design and Improvements, of the Unified Development Code include the addition and removal of wording in Subsection 5.1.3 as provided below:

5.1.3 Required Improvements

- b. Prior to the construction of the improvements listed in subsection (a) above, the person or entity constructing the improvements shall:
 - 5) Provide a signed acknowledgment that prior to acceptance of the improvements by the city, the person or entity will pay any fees for reasonable tests deemed appropriate by the director of CIP, or designee and pay for city's actual cost to review, to process plans and to inspect the public infrastructure improvement at an hourly rate as determined in the city's Consolidated Fee Schedule for the estimated actual direct time of the city's employee performing those services;
 - 6) Provide a signed acknowledgment that timely notice will be given to the director of CIP, or designee, for the purposes of inspecting the work on the improvements, and that the work site will be made available for the city's inspectors as needed.;~~and~~
 - ~~7) Pay inspection fees in the amount of five and one half (5.5) percent of the value of the improvements inspected.~~
5. The proposed amendment is necessary to ensure that the city's ordinances comply with the new state requirement.
6. CIP Staff briefed the City Council on August 18 regarding the proposed change in fee structure.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

- 53 Resolution - PL23-0025 - Considering a Preliminary/Final Plat for Las Colinas Business Park, 23Rd Installment, 2Nd Revision Addition - Approximately 58.3 Acres Located at 6300 Longhorn Drive - Kimley-Horn Associates, Applicant; CRD Irving, LLC; Quality Investment Properties Irving, LLC; and Quality Technology Services Irving II, LLC, Owners**

Administrative Comments

1. The Planning and Zoning Commission recommended **approval with conditions** on

September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. The purpose of this request is to plat 58.3 acres, including 14.4 acres of unplatted land and four (4) existing platted lots, into seven (7) lots for commercial development.
3. The lots within the subdivision will have access to the public rights-of-way of E. Campus Circle Drive, Shorthorn Drive, and Angus Drive. One lot (Lot 6) will front a private street easement which will be maintained by the private property owner(s).
4. Per Section 5.3.1(f) of the Unified Development Code (UDC), all lots shall abut a dedicated public street. However, per Section 5.4.10, **the City Council may allow private streets/private street easements** to be constructed in accordance with the provisions of Chapter 5 of the UDC.
5. The plat dedicates the following:
 - a. A 60 foot private street and public utility easement; and
 - b. A variable-width fire lane and private access easement along Lot 2R.
6. All the Planning and Zoning Commission conditions for approval have been met.

Staff Recommendation

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

- 54 Ordinance - SFP23-0004 - Considering Special Fence Project Plan to Allow a Modification to 3.13.3 (Multifamily Development Standards) of the City of Irving Unified Development Code to Replace the Required Seven-Foot (7') Tall Masonry Wall on the South Side of the Property with an Alternate Landscaping and Lighting Plan- Property Located at 300-360 O'Connor Ridge Boulevard - Savannah TPC Las Colinas Development, LLC, Applicant/Owner**

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante,

Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. **Owner/Applicant:** Savannah TPC Las Colinas Development, LLC
3. The subject property is a 7.17-acre lot being developed with multifamily (condominium) uses. **The applicant is requesting a special fence project plan to replace the required seven-foot (7') tall masonry wall on the south side of the property with an alternate landscaping and lighting plan.**
4. Development Plan #48, approved for this site, requires a seven-foot tall masonry wall along the south property line as a buffer between the adjacent single family uses and the subject property.
5. The neighborhood to the south has requested an alternative landscaping and lighting plan rather than having the screening wall which was also preferred by the developer.
6. The applicant has negotiated extensively with the adjacent residential neighbors and appear to have come to an agreement regarding the landscaping and lighting plan. Multiple meetings and discussions have been held with the property owners and neighborhood representatives. They requested the landscape buffer in order to provide a higher quality aesthetic in their backyards, ensure that the landscaping would be layered and primarily evergreen, not have to maintain a masonry wall and retain the look and feel of the existing open, wrought iron fencing.
7. Section 15-17 (Variance Procedures) of the Fence Ordinance states that a variance shall not be granted to relieve a self-created or personal hardship. In order to grant a variance, it must be determined that:
 - a. The requested variance does not violate the intent of this chapter;
 - b. The requested variance will not adversely affect surrounding properties;
 - c. The requested variance will not adversely affect public safety; and
 - d. Special conditions exist which are unique to this applicant or property.

Staff agrees that the criteria have been met.

8. Staff from the Fire, Inspections, CIP, Water Utilities, and Traffic and Transportation departments have reviewed this application and have no objection to this request.
9. A total of 64 public notices were mailed. Staff has received four (4) responses in support and none in opposition to this request.

Staff Finding

Staff finds that the criteria for a variance through a Special Fence Project Plan have been met and have no objection to this request.

55 Ordinance - ZC23-0013 - Considering a Zoning Change from C-OU-2 "Commercial Outdoor 2" to S-P-1 (C-OU-2) "Detailed Site Plan - Commercial Outdoor 2" and Outside Storage of Trucks and Cars as a Primary Use - Approximately 0.28 Acres Located at 204 N. Britain Road - Sergey Monastyrskiy, Applicant/Owner (Postponed from May 4, 2023)

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on May 1, 2023 by a vote of **6-2**.

Commissioners voting to approve recommendation for denial: Joy, Skinner, Haacke, Spurlock, Burns, Prichard

Commissioners in opposition to recommendation: Collins, Myrick

Commissioner absent: Vigilante

2. The subject property is an approximately 0.28-acre vacant site. The applicant is requesting a zoning change to **(1) allow outside storage of cars and trucks under 15,000 lbs. gross weight, and (2) allow the use of gravel or crushed stone ("road base") in lieu of the required paving materials.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Business District** for this property. This use is described as a flexible use district for retail, office and commercial uses. While the proposed zoning is not in conformance with the Comprehensive Plan Future Land Use Map, it would not be an increase in the nonconformity with the Future Land Use Map since the existing zoning and the proposed base zoning are the same.
4. The property was previously developed with a warehouse that was demolished in 2016. The property is across the railroad tracks and northeast from the Heritage Crossing District and planned multifamily construction on the former lumberyard property. Adjacent land uses include auto sales and small light industrial buildings with some residential uses north of the subject property. **No other outside storage lots are in the area.**
5. The C-OU-2 district does not allow outside storage as a primary use. The applicant is seeking approval to use the site to store cars and trucks.
6. The storage area would be behind an eight (8)-foot tall wood fence with a rolling gate, located approximately 25.5 feet from N. Britain Road. Some of the buildings to the north, east and south are along the property line. The applicant proposes installing the wood fence on the north and south property lines only wherever a

building is not present. Should the buildings ever be demolished, it would be the applicant's responsibility to build additional screening fence to fill the gaps.

7. Staff does not believe that outside storage of any type should be a permanent use on the property; a Conditional Use Permit (CUP) is not an option until allowed by ordinance amendment. Accordingly, staff cannot support this request.
8. On May 4, 2023, Council voted to postpone this case to the September 14, 2023 public hearing.
9. At the May 1, 2023 Planning and Zoning Commission hearing, the applicant's site plan included a request for a variance to allow the use of gravel or crushed stone ("road base") in lieu of the required paving materials. **On September 8, the applicant revised the zoning request. The site plan no longer includes a variance request to the required paving materials.**
10. A total of 14 public notices were mailed. Staff has not received any responses in support and has received two (2) responses in opposition to this request. The opposition represents 20.44% 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.

56 Ordinance - ZC23-0028 - 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 a Variance to the Minimum Rear Yard Setback - Approximately 0.179 Acres Located at 3824 Double Oak Lane

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 5, 2023 by a vote of 6-1.

Commissioners in support of recommendation of denial: Skinner, Haacke, Burns, Prichard, Vigliante, Collins

Commissioners in opposition to recommendation of denial: Spurlock

Commissioners absent: Joy, Myrick

2. **Owner/Applicant:** Russell Logan
3. The subject property is a 0.179-acre lot with a single-family house. **The applicant/owner is requesting a variance to allow an encroachment into the 20-foot rear yard for an addition to the home.**

4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Traditional Neighborhood** uses for this property. This land use category is described as a “predominantly residential area with the appearance of traditional single-family detached homes or duplexes with some mix of non-residential uses at intersections of collector or arterial streets. **The requested zoning is in conformance with the Comprehensive Plan.**
5. On October 14, 2022, a building permit application was made for a 795 square foot addition to the house. However, the permit was never issued or picked up by a contractor. The owner said he worked to ensure that permits were to be pulled, but multiple contractors failed to obtain proper permits as promised. He stated that he was led to understand that the addition would meet the city setbacks.
6. Construction commenced on the addition, with foundation, framing and rough plumbing installed.
7. The following variance is being requested:

Category	Required	Request <i>(Variance)</i>
Rear building Setback Sec. 2.4.8 (d)	20 feet	16 feet <i>(-4 foot variance)</i>

8. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.
9. Per the Planning and Zoning Commission Rules of Procedure, if an applicant fails to appear at a re-scheduled hearing following a postponement, the Commission must forward a recommendation of denial of the case. The applicant did not appear at the August 7 or the September 5 meetings. Accordingly, the Commission voted to recommend denial of the case.
10. Since the addition could be developed without the variance and therefore staff cannot state that a “hardship” exists in this situation, though the construction is well underway. However, staff has no objections to this request.
11. A total of 41 public notices were mailed. Staff has received five (5) responses in support and none in opposition to this request.

Staff Findings

No undue hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.8 (Single-family Residential 6) of the Unified Development Code.

57 **Ordinance - CP23-0009 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Regional Commercial" to "Manufacturing/Warehouse" - Approximately 9.1 Acres Located at 205, 215 and 315 E. Airport Freeway**

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 5, 2023 by a vote of 7-0.

Commissioners in support of recommendation of denial: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition to recommendation of denial: None

Commissioners absent: Joy, Myrick

2. **Owners:** K Series II, LLC, 215 RST Properties, LLC, & Kechejian Enterprises LP
Applicant: Winkelmann & Associates, Inc.
3. The majority of the single-family subdivision west of the subject property was built in the 1950's. By 1972, a motel had been built on the western portion of the subject property, a multifamily complex was constructed directly north, and multiple multifamily, and retail, and commercial buildings existed west of this property along SH 183. By 1978, a commercial building was built on the southeast corner along with the six (6) office buildings currently located on the eastern portion of the subject property and two other office buildings to the east.
4. In 2009, approximately 1.4 acres from the **southern portion of the subject property was acquired/purchased by the City and State and used for the expansion of the State Highway 183 frontage road.** This acquisition led to the removal of multiple multifamily, retail, and commercial buildings on the subject property and to the west. This acquisition consequently left the single-family houses backing up to the E. Airport Freeway service road, separated by a new sound wall and open space.
5. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Regional Commercial** uses for the subject property. The **Regional Commercial** land use category is described as an "auto-oriented district for larger scale retail, office and commercial uses. This area provides destination services to multiple neighborhoods and the region and is dependent on automobile or transit rather than pedestrian access. It is generally appropriate for placement along major arterial roads and freeways."
6. The current *Regional Commercial* category was selected due to the property's central location fronting a state highway and its allowable uses provide a good transitional buffer to the existing residential uses to the west and north and to the industrial uses to the east.
7. In conjunction with the companion zoning case (ZC23-0031), the applicant seeks to change the future land use to **Manufacturing/Warehouse**, being described as

“Primarily light manufacturing, warehousing and storage inside a building, but with some supportive commercial uses present. Exterior design presenting an office park aesthetic rather than a purely functional appearance is preferred.” The companion zoning case seeks to rezone the property to allow warehouse distribution uses.

8. The site fronts both and E. Airport Freeway and Wingren Road, labeled as a “Minor Collector” on the city’s Master Throughfare Plan (2021). Besides a church and the multifamily complex north of this property, Wingren Road primarily provides access to single-family home neighborhoods.

Eastbound access from Airport Freeway/SH 183 involves a turnaround under the highway back to the west due to the barrier of the railroad. This is the only access to the two office buildings to the east and the existing buildings on the subject property. **Westbound access** is provided from an access ramp over the railroad which merges with the turnaround traffic. However, the solid lines and location of the merge occur after the subject property, almost to the Wingren intersection. Therefore, Transportation staff is concerned that it would not be possible for westbound truck traffic to access the site from SH 183, causing potential traffic through the residential areas to the north.

9. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 2017 Imagine Irving Comprehensive Plan requires that, **if an area that is designated and/or developed as non-residential desires to transition to a different non-residential use**, the City of Irving should require the following:
 - a. If new construction, the development **conforms to new use standards and concepts**.
 - b. The area **meets all compatibility standards for adjacent uses**.
 - c. The rezoning **does not cause any negative impacts on adjacent uses**.

The applicant’s Letter of Intent contends that conditions 1 and 2 have been met. The applicant did not address condition #3.

10. Staff’s analysis of the policies concludes that **all three of the policies have not been met** to justify the change to nonresidential uses:
 - a. The change in future land use from commercial to warehouse/distribution uses would not provide for any new concepts, simply a different, more intensive use. The rezoning case (ZC23-0031) includes four (4) variance requests from the landscaping and parking location requirements, with additional variances possibly necessary in the future.
 - b. The area does not meet all compatibility standards for adjacent uses, including a requested variance to the minimum landscape buffer or residential adjacency for the multifamily complex to the north.

- c. The rezoning could cause a negative impact on adjacent single-family and multifamily residential uses to the west and north of this property due the industrial activity, potentially 24 hours and access to the site and truck circulation, both offsite and onsite. While a TIA has been submitted, no Traffic Management Plan/Circulation Plan has been provided to staff to show how the commercial vehicles will access the site, as was requested by both the Planning and the Traffic and Transportation Departments.

11. In summary, staff does not believe this request meets the criteria for a change to the Future Land Use Map as set forth in the Comprehensive Plan and therefore cannot support this request.

12. A total of 16 public notices were mailed. Staff has not received any responses in support and 66 responses in opposition to this request as of the date of this report. The opposition represents 3.48% of the land within 200 feet of the subject property.

Staff Recommendation

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

- 58 Ordinance - ZC23-0031 - Considering a Zoning Change From S-P-2 (C-C) “Generalized Site Plan – Community Commercial” Including Senior Independent Living, Assisted Living, and Nursing Home Uses, S-P “Site Plan” for Motel and Convention Center Usage, C-C “Community Commercial”, S-P-2 (FWY) “Generalized Site Plan – Freeway” Including Custodian & Security Residences, and State Highway 183 Overlay District to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and State Highway 183 Overlay District Including Distribution Warehouse Uses - Approximately 9.1 Acres Located at 205, 215 and 315 E. Airport Freeway**

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 5, 2023 by a vote of 7-0.

Commissioners in support of recommendation of denial: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition to recommendation of denial: None

Commissioners absent: Joy, Myrick

2. **Owners:** K Series II, LLC, 215 RST Properties, LLC, & Kechejian Enterprises LP
Applicant: Winkelmann & Associates, Inc.

Background

3. The subject property is currently under four (4) separate zoning districts as follows:
 - a. The western portion of the property was developed in the past as an Atrium Suites hotel, with the building demolished in approximately 2008. In 2018, the property rezoned to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” Including Senior Independent Living, Assisted Living, and Nursing Home Uses. This zoning was a condition of the 2018 sale of the property by the City to the owner at that time.
 - b. The eastern portion of the property was rezoned S-P-2 (FWY) “Generalized Site Plan – Freeway” Including Residences for Custodian & Security Personnel in 2002. It appears to have been originally zoned for and built as a convention center with two nonresidential structures and four residential units in 1971. The building on the 183 frontage appears to currently be used as a child day care. The rear structures appear to be vacant.
 - c. There are two remainder strip zoning tracts currently zoned C-C “Community Commercial” and S-P “Site Plan” for Motel and Convention Center Usage. These appear to be remnants from the adjacent zoning case.

Zoning Analysis

4. The subject property is an approximately 9.017-acre tract with six (6) existing structures. **The applicant is requesting a zoning change to allow warehouse distribution uses with variances to the requirements for minimum landscape buffer, parking location, and other variances.**
5. The applicant is proposing to demolish all existing buildings and build an approximately 176,000-square-foot warehouse. The illustrative plan provided approximately 39 truck loading docks in a service court on the north side of the building.
6. Land Use. CP23-0009, processed as a companion case to this ZC, proposes to change the **future land use** of the property from Regional Commercial to Warehouse/Distribution to provide for the construction of a warehouse at this location. The Comprehensive Plan Future Land use would have to be considered and approved prior to any rezoning of this property for warehouse uses. If the CP case is not approved, this ZC case is moot. The existing Regional Commercial Future Land Use designation is appropriate for the existing uses in the area and serves as a buffer between SH 183 and the more intensive industrial uses to the east.

The **existing land uses** in the area include multifamily to the north, single family residential and vacant property to the west (resulting from right of way acquisition), and offices, outside storage, and vacant property to the east. Other heavy industrial uses are located further to the east across the railroad tracks.
7. The existing property owner has requested that the applicant/proposed developer **retain the existing C-C Community Commercial zoning district and add the**

Warehouse/Distribution use. The owner wishes to retain the commercial district uses so that in the case that the transaction is not completed, and the industrial development is not built, a commercial use may be developed. Industrial uses are also not permitted in the SH 183 Overlay. The zoning case request includes adding the use as allowed in the overlay district.

C-C and 183 Overlay District	Proposed S-P-2 for C-C
Warehouse/Distribution not permitted	Add Warehouse/Distribution Use

8. Variances. The applicant is requesting the following variances to the requirements of Section 2.3.4 “State Highway 183 Overlay” of the Unified Development Code:

Standard for 183 Overlay (Sec. 2.3.4 of UDC)	Required	Provided
Permitted Uses	Warehouse and/or wholesale distribution uses are not allowed in the SH 183 Overlay District	Permit warehouse distribution uses in the SH 183 Overlay District
Minimum Landscape Buffer from State Highway 183 (south side)	Min. 30 feet	Variable setback with minimum of 25 feet and average of 30 feet
Minimum Landscape Buffer from Residentially Zoned Property (north side)	Min. 20 feet	Min. 10 feet (10-foot variance)
Parking Location	No more than 25% of parking between building and SH 183	Max. 50% (+25% variance)

In addition, to the variance requested to the minimum landscape buffer from State Highway 183, the following variance from Chapter 33A “Building Setback” of the Land Development Code is being requested:

Standard for Ch. 33A	Required	Provided
Minimum Parking Setback (Ch. 33A, Sec. 33A-5)	No parking is allowed within 30 ft. adjacent to SH 183	Variable setback with minimum of 25 feet and average of 30 feet

9. Traffic and Circulation. The site fronts both E. Airport Freeway and Wingren Road, considered a “Minor Collector” per the Master Throughfare Plan (2021).
- a. The illustrative exhibit (which is not approved as part of this zoning case) provides for a total of four (4) driveways accessing the property. Passenger vehicles would access the property from one driveway on Wingren Road and one (1) driveway from the E. Airport Freeway access road. The northernmost access point on Wingren is currently indicated to be a limited access, 26 ft. emergency/fire lane access only.

Per the applicant's letter of intent, the building would face State Highway 183 and the layout would be designed "to keep trucks off of Wingren [Road] and no truck access will be permitted to or from Wingren [Road]". **However, no notes have been placed on the site plan requiring no truck access from Wingren Road.**

- b. Commercial trucks appear to be directed to one 45 ft. ingress/egress driveway on the southeast corner of the development site. **Texas Department of Transportation (TxDOT) approval is required for any access to State Highway 183.**

The location of the proposed commercial truck access as provided on the Illustrative Plan is at the site of a merge with turnaround traffic and would require westbound traffic to cross over solid white lines, marked intentionally to limit crossing traffic. No lane crossing is permitted until close to the intersection at Wingren.

Alternatively, westbound trucks would need to exit, turn around at O'Connor Road and go east, then use the turnaround at the railroad to head back west and then into the driveway.

Eastbound traffic would complete the turnaround due to the location of the railroad track. Discussions have also mentioned the possibility of accessing the site through O'Connor, Rochelle, and Wingren in order to address this lack of access directly from SH 183. **Concern remains about the practicality of the commercial driveway at this location and the general ability to access the site with commercial vehicles.**

- c. On August 10, the applicant's team met with staff from Planning and the Traffic and Transportation Department. At that time, the applicant's team was made aware of the following:
 - i. The site plan will need to conform to the city's Access Management Manual
 - ii. The Traffic & Transportation Department will need to see a Traffic Management Plan/circulation analysis for this site that includes the following:
 - 1. A traffic management plan for ingress/egress to/from site
 - 2. A secondary exhibit to show utilization of O'Connor/183 intersection to ingress/egress site with a 1 page memo of volumes.

As of September 7, staff has not received a Traffic Management Plan

or circulation analysis.

10. As discussed in the companion case CP23-0009, staff cannot support the corresponding amendment to the Future Land Use Map as it **fails to meet the criteria for a change from a non-residential use to another non-residential use** as set forth in the Comprehensive Plan. Staff believes **warehouse distribution uses are not compatible at this location** as the truck traffic would cause a **negative impact on the roads and traffic in the surrounding residential areas**.
11. The State Highway 183 Overlay district was established with a purpose **“to guide new development and redevelopment along the State Highway 183 corridor by designating permitted uses and establishing enhanced standards for the design, appearance, and placement of buildings and other site improvements, landscaping, signs, utilities, lighting, fences, and screening.”** The proposed warehouse use will not contribute to these objectives, especially given the concerns about the access to the property with commercial vehicles. Therefore, staff does not support the request.
12. A total of 16 public notices were mailed. Staff has not received any responses in support and 66 responses in opposition to this request as of the date of this report. The opposition represents 3.48% of the land within 200 feet of the subject property. **Since this is less than 20%, per State Law a ¾-vote is not required for approval.**

Staff Recommendation

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

59 Ordinance - ZC23-0041 - 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 - Approximately 0.298 Acres Located at 1210 Balleywood Road

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. **Owner/Applicant:** TI Developments, LLC
3. The subject property is a 0.298-acre vacant lot. The applicant wants to subdivide the property into two (2) lots for the construction of two single family homes. To facilitate this division, the applicant requests a zoning change to allow a **variance to the minimum lot area requirement** required by Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code **to allow a minimum lot area of 6,670 square feet.**
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Traditional Neighborhood** uses for this property. This land use category is described as predominantly residential area with the appearance of traditional single-family detached homes or duplexes with some mix of non-residential uses at intersections of collector or arterial streets. The requested zoning is in conformance with the Comprehensive Plan.
5. Section 5.3.5, “Single-family Residential Lot Size Compatibility”, known as the “Neighborhood Protection Ordinance”, requires that proposed lots are required to be no less than 80% of the lot width and lot area of the average of the lots in the surrounding area. Lots 1 and 2 would be less than 80% of the average lot area of the surrounding residential lot area.
6. The following variances are being requested:

Standard – Residential Lot Size	Applicable UDC Section	Required	Proposed
Minimum Lot Area R-6 minimum 6,000 s.f.	5.3.5 (a)(5)	80% of Total Avg. 10,610 SF	6,670 SF

7. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.
8. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.
9. Staff has no objections to the requested variances and allowing the variances would provide for additional housing needed in the city, as identified in the 2021 Housing Study.
10. A total of 27 public notices were mailed. Staff has not received any responses in support or opposition to this request.

Staff Finding

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

60 Ordinance - ZC23-0042 - 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 Width and Lot Area - Approximately 0.67 Acres Located at 3804 Jackson Street

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. **Owner/Applicant:** TI Developments, LLC
3. The subject property is a 0.69-acre vacant lot. The applicant wants to subdivide the property into two (2) lots for the construction of two single family homes.
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Traditional Neighborhood** uses for this property. This land use category is described as predominantly residential area with the appearance of traditional single-family detached homes or duplexes with some mix of non-residential uses at intersections of collector or arterial streets. The requested zoning is in conformance with the Comprehensive Plan.
5. To facilitate the division of the property, the applicant requests a zoning change to allow **a variance to the minimum lot area and lot width requirement** required by Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code.
6. Section 5.3.5, "Single-family Residential Lot Size Compatibility", known as the "Neighborhood Protection Ordinance", requires lots to be no less than 80% of the lot width and lot area of the average of the lots of the surrounding area. Lots 1 and 2 would be less than 80% of the average lot area and lot width of the surrounding residential lot area.
7. The following variances are being requested:

Standard – Residential Lot Size	UDC Section	Required	Proposed
Minimum Lot Width R-6 Minimum 50 feet	5.3.5 (a)(5)	80% of Total Avg. 83 FT.	50 FT.
Minimum Lot Area R-6 Minimum 6,000 sq. ft.	5.3.5(a)(5)	80% of Total Avg. 25,360 SF.	14,510 SF.

8. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.
9. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.
10. Staff has no objections to the requested variances and allowing the variances would provide for additional housing needed in the city, as identified in the 2021 Housing Study.
11. A total of 23 public notices were mailed. Staff has not received any responses in support and has received one (1) response in opposition to this request.

Staff Finding

No undue hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.8 (Single-family Residential 6) and Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code

- 61 Ordinance - ZC23-0049 - Considering a Zoning Change from S-P-1 (FWY) “Detailed Site Plan - Freeway” and Retail Uses and Urban Business Overlay District 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” and Urban Business Overlay District - Approximately 0.176 Acres Located at 5205 N. O'Connor Blvd., Suite 105**

Administrative Comments

1. The Planning and Zoning Commission recommended **approval** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. **Applicant:** Lyle Allen & Associates **Owner:** AGRE Williams Square Holdings
3. The subject property is a 7,764 sq. ft. lease space for the *Mustang Kitchen* restaurant in a multi-tenant building. **The applicant is proposing rezoning to allow the restaurant to sell alcoholic beverages for on-premises consumption.**
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Urban Center** uses for this property. This is described as the “highest intensity areas of Irving containing a variety of uses in multi-story buildings. The requested zoning is in conformance with the Comprehensive Plan.
5. The multi-tenant building is part of a 26.86 acre office development with shared parking. The lease space was previously zoned S-P-1 (R-AB) in 1986. The zoning was repealed in 2006.
6. The approved zoning allows for restaurant uses as well as outdoor dining. However, the sale of alcoholic beverages for on-site consumption requires a separate zoning case for the restaurant lease space.
7. This proposed zoning case meets all requirements of Section 3.3 of the Unified Development Code, including the alcohol distance requirement regulations from a religious facility, school, or hospital.
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 eight (8) public notices were mailed. Staff has not received any responses in support or in opposition to this request.

Staff Finding

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

- 62 Ordinance - ZC23-0050 - Considering a Zoning Change from S-P-2 (R-TH) "Generalized Site Plan - Townhouse Residential" and State Highway 161 Overlay District to S-P-2 (R-TH) "Generalized Site Plan - Townhouse Residential" and State Highway 161 Overlay District with an Additional Variance to the Side Yard Setback Adjacent to a Street on Certain Corner Lots - Approximately 9.04 Acres Located on the South Side of Rainier Street, Approximately 300 Feet East of State Highway 161**

Administrative Comments

1. The Planning and Zoning Commission recommended **approval for Block C, Lot 7 and Block D, Lots 1, 8,9 and 17**, and **denial for Block C, Lot 11** on September 5, 2023 by a vote of 7-0.

Commissioners in support: Skinner, Haacke, Spurlock, Burns, Prichard, Vigliante, Collins

Commissioners in opposition: None

Commissioners absent: Joy, Myrick

2. **Applicant:** JDJR Engineers and Consultants, Inc. **Owner:** Rainier 161 Properties, LLC.
3. The subject property is a 9.04-acre subdivision with 83 townhouse residential lots and three (3) open space lots. The applicant is requesting a variance to allow a 10-foot side setback adjacent to a street on the following six (6) lots:
 - a. Block C, Lots 7 **and 11**
 - b. Block D, Lots 1, 8, 9 and 17
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Compact Neighborhood** uses for this property. This is described as predominantly single-family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and low-density multi-dwelling units. The requested zoning is in conformance with the Comprehensive Plan.
5. The zoning site plan approved in 2020 included several variances, including:

	Required	Provided
Minimum front yard setback	25 feet	15 feet
Minimum rear yard Setback	25 feet	10 feet
Minimum distance between structures	12 feet	10 feet
Maximum lot coverage by principal building	70 %	80 %

6. The applicant is asking for the following additional variances:

	Required	Provided
Minimum Side Setback on a reverse-frontage lot (side setback to front setback of adjacent rear lot) (Sec. 8.4.1) – Lots 7 and 11, Block C	15 feet	10 feet (-5 foot variance)
Minimum Side Setback – for lots siding a street (Sec. 2.4.16) – Lots 1, 8, 9 and 17, Block D	15 feet	10 feet (-5 foot variance)

7. The developer platted the subject lots at a larger size than the interior lots which, with the existing variances, provides for an adequate home site for construction within the existing 15-foot setback.
8. A total of 18 public notices were mailed. Staff has not received any responses in

support or opposition to this request.

Staff Finding

No undue hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.16 (Townhouse Residential) of the Unified Development Code

APPOINTMENTS AND REPORTS

63 Resolution - Nominating a Candidate to be a Member of the Board of Directors of Dallas Central Appraisal District

Administrative Comments

1. This item has been recommended by the City Council
2. **Impact:** The nomination is one step in ensuring that the City of Irving is locally represented on the Dallas Central Appraisal District (“DCAD”) Board of Directors (“Board”).
3. Incorporated cities and towns (located in Dallas County), except for the City of Dallas, have the right to nominate a candidate as a member to the Board. From the nominations received by DCAD, the said cities and towns will elect, by majority vote, a member to the Board by December 15, 2023.
4. Every agency will be advised of the final appointments and election results by January 1, 2024.
5. The said cities and towns are currently represented by Michael Hurtt from the City of Desoto.

Recommendation

The resolution be approved.

64 Resolution - Confirming the Appointment by the City Manager of a Commissioner to Serve on the Fire Fighters' and Police Officers' Civil Service Commission to a Term Expiring November 2025

Administrative Comments

1. This item is recommended by the City Manager’s Office and Human Resources and

supports Future in Focus Safe and Beautiful City-Safeguard public safety, security and health.

2. **Impact:** This Commission's decisions are final, on cases dealing with Fire and Police personnel, and continuity of service on this board is an asset to the process.
3. Dana Collins is completing the term for a commissioner who is unable to complete her term.
4. City Manager Chris Hillman appoints and recommends confirmation of the members on the Civil Service Commission. This is a three-member board.

Recommendation

The resolution be approved.

65 Mayor's Report

Adjournment