

AGENDA
Irving City Council Regular Meeting
Thursday, November 9, 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

Senior Pastor Larry Pittman, Irving Baptist Fellowship

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 57

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving Work Session Minutes for Thursday, October 26, 2023

3 Approving Regular Meeting Minutes Thursday, October 26, 2023

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.

4 Ordinance - Amending Ordinance No. 2022-10634 Providing Budget Adjustment #12 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 fund: DART Fund.
3. The adjustment has been proposed by city staff and has been reviewed and recommended by Budget staff and Financial Services.
4. Total Budgeted Revenues = \$12,529,000 Total Budgeted Expenditures = \$12,529,000 and Total Fund Balance Net Impact = \$0.

Recommendation:

The ordinance be adopted.

5 Ordinance - Amending Ordinance No. 2023-10795 Providing Budget Adjustment #2 to the 2023-24 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, Economic Development Fund, Police Narcotics Treasury Fund, Vehicle Replacement Fund, General Non-Bond Fund, Street Improvement Bond Fund, Public Safety Joint Facilities Fund and Emergency Management Grant Fund.
3. The adjustments have been proposed by city staff and have been reviewed and recommended by Financial Services.
4. Total Budgeted Revenues = \$21,686,520 Total Budgeted Expenditures = \$21,916,520 and Total Fund Balance Net Impact = \$(230,000).

Recommendation:

The ordinance be adopted.

6 Resolution - Approving the Adoption of a Public Facility Dedication, Honorary Plaque Installation, and Street Renaming Policy for the City of Irving, Texas

Administrative Comments

1. This item is recommended by the City Manager's Office. It supports Future In Focus: Government Sustainability – Improve efficiency through data, technology, and thoughtful, innovative approaches.
2. **Impact:** The purpose of the proposed resolution is to approve a Public Facility Dedication, Honorary Plaque Installation, and Street Renaming Policy. Through the adoption of this policy, the city will maintain clear and consistent standards as to the process for naming new public assets, dedicating public assets or honorary markers, and renaming private and public streets within the City.
3. **This item was presented at the City Council Work Session on October 12, 2023.**

Recommendation

The resolution be approved.

7 Resolution - Approving a Contract for Professional Services between the City of Irving and Hance Scarborough LLP, in the Estimated Annual Amount of \$115,000 for Federal Public Affairs Consulting Services

Administrative Comments

1. This item is recommended by the City Manager's Office and supports Future in Focus: Government Sustainability – Protect the city's financial integrity and sustainability.
2. The city issued a Request for Proposals (RFP) for Professional Services for Federal Advocacy which closed on August 4, 2023 to provide consulting and advocacy services for federal government regulatory and funding issues for which three responses were received. Hance Scarborough is recommended for award as the respondent receiving the highest points based on the evaluation criteria established in the RFP.
3. The attached agreement with Hance Scarborough is for 14 months at a total cost of \$115,000. This represents payments of \$7,500 per month through December 31, 2024, and allows up to \$5,000.00 per fiscal year for reimbursement of travel expenses incurred at the city's request. The agreement includes two renewal options, each for a two-year period.
4. The consultant will represent the city's general interests before the federal

government, federal agencies and congressional committees; help establish and maintain communications with legislative and agency leaders, and provide ongoing strategic advice and information related to federal actions that affect the city.

5. Funding is available in the Non-Departmental Budget within the General Fund.

| Vendor | Contract Term | Total Estimated Amount | Fiscal Year(s) |
|-----------------------|--------------------|------------------------|----------------|
| Hance Scarborough LLP | 11/10/23 –12/31/24 | \$ 82,500.00 | 2023-24 |
| | | \$ 22,500.00 | 2024-25 |
| TOTAL | | \$115,000.00 | |

Recommendation

The resolution be approved.

8 Resolution - Approving a Settlement Agreement in the Lawsuit Styled the City of Irving V. Robert Trejo, Et Al. for Damages to City Sewer Line Located at or Near 3201 Finley Road

Administrative Comments

1. This item is recommended by the Financial Services Department and the City Attorney’s Office. It supports Future in Focus – Government Sustainability: Protect the city’s financial integrity and credibility.
2. **Impact:** This settlement allows the City to resolve pending litigation against Robert Trejo, Trejo’s Construction and Concrete, and Trejo’s Foundation & Construction, LLC relating to the El Delujo El Morocco Apartments.
3. The subject of this lawsuit is the City’s sanitary sewer line that is located under the El Delujo El Morocco Apartments located at 3201 Finley Road, Irving, Texas.
4. On March 30, 2023, the City Council authorized the City Attorney’s Office to file suit, take all legal action necessary to prosecute the suit, and seek any available remedies under law or in equity, to recover damages to the City’s sanitary sewer line located under the El Delujo El Morocco Apartments at 3201 Finley Road.
5. This settlement would reimburse the City \$200,000.00 it spent repairing the sanitary sewer line and provides for the City to recover the court costs it incurred in filing this suit.

Recommendation

The resolution be approved.

9 Resolution - Ratifying the Workforce Agreement Acknowledging the Formation and Administration of the Dallas County Local Workforce Development Board, Inc. (Workforce Solutions Greater Dallas); Approving the First Amendment to the Agreement; and Authorizing the Mayor, as the Chief Elected Official, to Execute the First Amendment

Administrative Comments

1. This item is recommended by the City Manager's Office and the City Attorney's Office and supports Future in Focus: Vibrant Economy.
2. **Impact:** Ratification of this agreement and approval of the first amendment recognizes the creation of the local workforce development board and acknowledges recent legislative changes relating to the composition of the board.
3. The Dallas County Local Workforce Development Board, Inc. (Workforce Solutions Greater Dallas) was duly certified by the Governor of the State of Texas on May 15, 1996, and is recognized as the entity for the Dallas County Local Workforce Development Area, with the responsibilities to provide planning, contracting, program oversight, and evaluation of workforce programs. The Dallas County Local Workforce Development Board, Inc., is a not for profit corporation in the State of Texas.
4. HB 1615, passed during the 88th Texas Legislative Session, amended Texas Government Code § 2308.256, to require each local workforce development board to expand its membership to include a representative of the child care workforce. The First Amendment to the Workforce Agreement updates the composition of the board to incorporate the requirements set forth in HB 1615.
5. There is no funding associated with this item.

Recommendation

The resolution be approved.

10 Resolution - Approving Retroactively an Amendment to the Fiscal Year 2022-2023 Agreement Amendment and Extension with Dallas Area Agency on Aging (DAAA) for Reimbursement of Expenses Related to the Congregate Meal Program Provided at Heritage Senior Center to Increase the Not to Exceed Amount of Grant Fund Reimbursements

Administrative Comments

1. This item is recommended by the Parks and Recreation Department and supports the Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.
2. **Impact:** Approval of the attached Amendment to FY2023 Agreement Amendment and Extension with Dallas Area Agency on Aging (DAAA) revises the City of Irving’s original FY23 Agreement Amendment with DAAA to increase the Title III state grant funding available for reimbursement eligible meals to an amount not to exceed \$71,284.10.
3. The City of Irving purchases congregate meals from Visiting Nurse Association of Texas (VNA) and DAAA provides Title III state grant funds for reimbursement eligible meals. The provision of these meals is vital for some senior residents and enhances their quality of life.
4. An estimated 11,225 Title III state grant fund reimbursement eligible meals were projected to be served during the Agreement Amendment period, an increase of 1,844 meals over the original Agreement for FY23.
5. This Amendment to the Agreement for Fiscal Year 2023 applies to the period of August 1, 2023, through September 30, 2023.

Recommendation

The resolution be approved.

11 Resolution - Approving an Amendment to Extend the Congregate Meals Agreement Between the City of Irving and Visiting Nurses Association (VNA) for Fiscal Year 2023-2024 to Provide Meals at the Heritage Senior Center in an Amount Not to Exceed \$60,000.00

Administrative Comments

1. This item is recommended by the Parks and Recreation Department and supports the Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.
2. **Impact:** Approval of this Amendment will allow program participants at Heritage Senior Center to continue receiving daily nutritional meals and services at no cost to

the participant.

3. The Amendment extends the original agreement dated October 1, 2014, between the City of Irving and The Visiting Nurses Association (VNA), in consideration of the price being increased from \$3.93 to \$4.13 per meal for the period of October 1, 2023, through September 20, 2024.
4. The nutritional service provided by VNA is an important component to improve the quality of life for our senior citizens.
5. Reimbursement for the cost of these meals is funded by Title III state funding obtained through a grant from Dallas Area Agency on Aging (DAAA), a Dallas County entity.
6. Funding in the amount of \$60,000 is available in the Miscellaneous Grants Fund budget within the FY 2023-2024 Grants Fund.

| Vendor | Contract Term | Total Estimated Expenditure | Fiscal Year(s) |
|-----------------------------|----------------------|------------------------------------|-----------------------|
| Visiting Nurses Association | 10/1/23 – 9/30/24 | \$60,000 | 2023-24 |

Recommendation

The resolution be approved.

12 Resolution - Approving Fiscal Year 2023-2024 Dallas Area Agency on Aging (DAAA) Contract for Older Americans Act Program for Reimbursement of Expenses Related to the Congregate Meal Program Provided at Heritage Senior Center in an Amount Not to Exceed \$59,567.58.

Administrative Comments

1. This item is recommended by the Parks and Recreation Department and supports the Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.
2. **Impact:** Approval of the attached FY2023-2024 Contract with Dallas Area Agency on Aging (DAAA), Rate Setting Documents and Data Use Agreement, allows the City to request Title III state grant funding for the reimbursement eligible meals provided by the congregate meal program at Heritage Senior Center in the amount of \$59,567.58.
3. The City of Irving purchases congregate meals from Visiting Nurse Association of

Texas (VNA) and DAAA provides Title III state grant funding for reimbursement eligible meals. The provision of these meals at no charge is vital for some senior residents and enhances their quality of life.

4. An estimated 13,250 meals are projected to be served in FY2023-2024.
5. The agreement with DAAA also provides seniors access to additional services and benefits including counseling, information and referrals, health screenings, nutritional education, and other resources.
6. This Contract with DAAA will be in effect for the period of October 1, 2023 through September 30, 2024.

Recommendation

The resolution be approved.

13 Resolution - Approving the Contract with Lewis Marketing Partners for Media Buying and Digital Media Strategy Services for the Irving Convention & Visitors Bureau for a One-Year Term in the Total Estimated Amount of \$57,000.00

Administrative Comments

1. This item is recommended by the Irving Convention and Visitors Bureau (ICVB) and supports Future in Focus: Vibrant Economy – Market Irving as a Destination.
2. **Impact:** Media Buying and Digital Media Strategy Services positively impact City of Irving residents, visitors and businesses large and small by generating additional community revenues through a targeted advertising program promoting the city of Irving as a premier destination, directly enhancing the efforts of the ICVB to promote the city as a destination for visitors, conventions and meetings.
3. Lewis Marketing Partners (LMP) will provide media buying and digital media strategy services to the ICVB on an annual basis, with a 10 percent fee assessed based on the media buying budget, plus any associated expenses.
4. The services LMP provides are part marketing art and science, part content strategy, part research and part technology. Additionally, LMP provides a unique set of qualifications that are key for target segmentation, category, value proposition and brand strategy; this is a key asset to our Marketing and Communications initiatives.
5. The Irving Convention and Visitors Bureau represents a \$3.04 billion-per-year hospitality industry, which welcomes 4.1 million visitors and generates \$64.7 million

in taxes annually.

6. This contract will run January 1, 2024, through December 31, 2024.
7. Funding in the amount of \$57,000 is available in the Irving Convention & Visitors Bureau budget within its General Fund.

| Vendor | Contract Term | Total Estimated Amount | Fiscal Year(s) |
|--------------------------|----------------------|-------------------------------|-----------------------|
| Lewis Marketing Partners | 1/1/24 – 12/31/24 | \$57,000.00 | 2023-24 |
| TOTAL | | \$57,000.00 | |

Recommendation

The resolution be approved.

14 Resolution - Authorizing the Irving Convention and Visitors Bureau to Purchase Advertising Space in the Media in the Amount of \$570,000.00 for Fiscal and Calendar Year 2024

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:** The contract positively impacts City of Irving residents, visitors and businesses large and small by generating additional community revenues through a targeted advertising program promoting the city of Irving as a premier destination.
3. Funding in the amount of \$570,000 is available in the Irving Convention & Visitors Bureau budget within its General Fund.
4. The advertising schedule includes traditional and digital media in both the trade and leisure markets. Messaging will be focused primarily on the meetings trades and specialty publications within that segment, promoting Irving hotels and the Irving Convention Center for meetings and events, and will include third-party lead generation outlets. Leisure messaging will include the Texas Tourism co-operative program and focus on the 150-500 mile “drive-to” markets, as well as targeted staycation and regional event-driven messaging.
5. The final advertising schedule will be determined based on proposals submitted and the evaluation of these, to select those that best address the primary objective of the 2023-24 ICVB Marketing Plan. Budgeting is done on a fiscal year basis; however, the media schedule primarily is placed on a calendar year with funds

encumbered as commitments are made, and thus crossing fiscal years.

6. Past ICVB advertising conversion studies reported the following impacts and return on investment: for each \$1 the ICVB spent on advertising, \$31 was spent by travelers in Irving businesses. (Irving Conversion Study, Smart Business, 2000.) Based on the results received from similar advertising campaign components, for every \$1 spent, \$76.85 was generated in Potential Economic Value and/or direct hotel referrals.

Recommendation

The resolution be approved.

15 Resolution - Authorizing the Exercise of the Right of Eminent Domain and the Initiation of Condemnation Proceedings in Accordance with the City Charter, Chapter 21 of the Texas Property Code, and Other Authority to Acquire for a Public Use a Portion of the Property Located at 1110 N. Union Bower Blvd. for the Campion Trails Unification Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department, Parks and Recreation Department, and the City Attorney's Office. It supports Future in Focus: Safe and Beautiful City - Improve property conditions and overall appearance of the city.
2. **Impact:** This item will authorize the initiation of eminent domain proceedings as necessary for acquisition of a 26,654 sq. feet parcel (0.612 acre) by easement, located at/near 1110 N. Union Bower Blvd., owned by Driver RE Irving, LLC, which is needed for the Campion Trails Unification Project.
3. The specified parcel and interests must be acquired as they are essential and necessary to the completion of the public purpose of the project. The City's efforts to acquire the parcel and said interests, over the past several years, have proven unsuccessful with the property owner.

Recommendation

The resolution be approved.

16 Resolution - Approving an Expenditure with Heritage One Roofing, Inc., in the Amount of \$205,434.00 for Roofing Repairs and Recoating at 3000 Rock Island Road through the Interlocal Purchasing System (TIPS) Program

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment - Support strategic investment in city facilities.
2. **Impact:** This project will provide for the repair and recoating of the roof at the warehouse located at 3000 Rock Island Road, providing for a secure weather barrier for this facility.
3. A Vendor/Member contract between the City of Irving and Heritage One Roofing, Inc., was approved on September 7, 2023 by Resolution No. 2023-418. The contract supports utilization of TIPS Contract No. 210603 for Trades, Labor, and Materials, which expires on September 30, 2024.
4. Funding in the amount of \$205,434.00 is available in the City Building Improvement Bond Fund.

Recommendation

The resolution be approved.

17 Resolution - Awarding a Contract to NorthStar Construction, LLC in the Amount of \$849,880.00 for the ARPA Funded E. Union Bower Sidewalk Replacement 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 contract supports the ADA Transition Plan and the E. Union Bower Road Sidewalk Replacement Project. The work to be performed under this contract is to replace approximately 4,000 Linear Feet of existing four-foot-wide sidewalks with five-foot-wide concrete sidewalks, driveways, and barrier free ramps.
3. This project is part of the ADA Transition Plan and the E. Union Bower Road Sidewalk Replacement Project; and is needed to provide accessible sidewalks as part of the revitalization effort in the E. Union Bower Road neighborhood.
4. Bids were received from three (3) bidders. NorthStar Construction, LLC submitted the lowest responsive responsible bid of \$849,880.00. This is \$91,408.00 (11%)

above the probable cost estimate.

5. Minority and/or Women-owned Business (M/WBE) participation goal is 30%. Northstar Construction LLC has submitted a good faith effort estimate.
6. Funding of this item has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City's ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.
7. Funding for this project, in the amount of \$849,880.00 is available through the American Rescue Plan Act (ARPA) Fund.

Recommendation

The resolution be approved.

18 Resolution - Awarding a Contract to 308 Construction, LLC, in the Amount of \$148,861.20 for the ARPA Funded Generator Replacement at Fire Station No. 10

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** This project will provide for the replacement of the generator at Fire Station No. 10 providing for reliable electrical service backup for the facility.
3. This project will replace the generator that is currently in use at Fire Station No. 10 which has exceeded its useful service life.
4. Bids were received from two (2) bidders. 308 Construction, LLC, submitted the lowest responsive responsible bid of \$148,861.20, which is 13% below the engineer's estimate.
5. Minority and/or Women-owned Business (M/WBE) participation in this award is 5%.
6. Funding of this item has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City's ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.
7. Funding in the amount of \$148,861.20 is available in the American Rescue Plan Act (ARPA) Fund.

Recommendation

The resolution be approved.

19 Resolution - Awarding a Contract to A & C Construction, Inc. in the Amount of \$1,853,622.40 for the Southwest Park Improvement 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: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** This project will improve and add recreational amenities at Southwest Park.
3. The project will add a lighted concrete walking trail, a new restroom, new playground area, exercise area, a lighted sports court, picnic tables, benches, landscape and irrigation.
4. **This item was presented to the Parks and Recreation Advisory Board meeting on August 14, 2023.**
5. Competitive sealed proposals were received from four (4) bidders. A & C Construction, Inc., submitted the lowest responsive responsible proposal with a base bid of \$1,730,500.00.
6. It is recommended to award the following Bid Alternate:
 - **2.3:** 6' wide concrete walkway along the west curb of the Shady Grove Road parking lot to connect various park amenities. (\$27,417.00)
 - **2.4:** 6' wide concrete walkway along the east curb of the Shady Grove Road parking lot to connect various park amenities. (\$17,105.40)
 - **2.5:** Eight Masonry seat walls associated with the playground. (\$62,880.00)
 - **2.6:** Two Masonry seat walls associated with the exercise stations. (\$15,720.00)
7. With the addition of the bid alternates, \$123,122.40 will be added to make the recommended award amount \$1,853,622.40 which is (17%) below the project estimate.
8. The city has been approved for an Economic Development Initiative-Community Project Funding Grant, in the amount of \$750,000.00, of which \$400,000.00 will be applied to this phase of the project.
9. Minority and/or Women-owned Business (M/WBE) participation in this award is 35%.
10. Funding in the amount of \$1,453,622.40 is available in the Park Improvement Bond fund and funding in the amount of \$400,000.00 is available in the General Non-Bond CIP Fund.

Recommendation

The resolution be approved.

20 Resolution - Awarding a Professional Services Agreement to Bridgefarmer and Associates, Inc., in the Amount of \$980,000.00, for Engineering Design Services for the Spine Road which is to connect the Texas Plaza Bridge, at the NBFR of Loop 12, to the Signature Bridge at SH 114

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 project will provide Engineering Design Services for a new roadway connector from Texas Plaza to the Signature Bridge, with access points to Loop 12 and SH 114.
3. Plans include designing the extension of Texas Plaza from Loop 12 to Signature Bridge at SH 114 for approximately 1,600 linear feet in length. The project includes paving, intersection improvements, retaining wall design, lighting, storm sewer, pavement markings and signal improvements. The project also includes subsurface utility engineering, geotechnical engineering, bid and construction phase services.
4. To expedite the Spine Road construction, the City of Irving elected to waive the RFQ process and directly request the City Council approve the award to Bridgefarmer and Associates, Inc., as they are the engineer of record for the original Loop 12/SH 114 Highway project.
5. Staff has negotiated a fair and reasonable agreement with Bridgefarmer and Associates, Inc., in the amount of \$980,000.00 and recommends award.
6. Minority and/or Women-owned Business (M/WBE) participation in this award is 11.5%.
7. Funding in the amount of \$980,000.00 is available in the Gateway Development Bond Fund.

Recommendation

The resolution be approved.

21 Resolution - Approving a First Amendment to the Amended and Restated Ground Lease and License Agreement with Provident Group - Irving Properties LLC Relating to the Irving Convention Center Headquarter Hotel

Administrative Comments

1. This item is recommended by the Office of Economic Development and supports Future in Focus: Vibrant Economy – Market Irving as a Destination.
2. **Impact:** This resolution approves the First Amendment to the Amended and Restated Ground Lease and License Agreement with Provident Group-Irving Properties LLC (PGIP) on terms acceptable to the City of Irving and PGIP, as Tenant.
3. On January 12, 2017, the City Council approved Resolution No. RES-2017-3, for a Ground Lease and License Agreement between the City of Irving and PGIP relating to the Irving Convention Center Headquarter Hotel.
4. On March 2, 2017, the City Council approved Resolution No. RES-2017-100 for an Amended and Restated Ground Lease and License Agreement (“Ground Lease”) with PGIP.
5. Pursuant to Section 5.14.1 of the Ground Lease, Tenant is required to operate the Hotel consistent with the Operating Standards.
6. As set forth in Section 5.14.1.2 of the Ground Lease, one such Operating Standard requires that Tenant provide airport shuttle (to both Love Field and DFW Airports) and courtesy shuttle for destinations within five miles of the Hotel.
7. For reasons including, but not limited to, market changes, decreased ridership and cost escalation resulting in significant costs and expenses, Landlord and Tenant have determined it is no longer desirable for Tenant to provide shuttle service.
8. Hotels in the Competitive Set similarly do not provide shuttle service as described in the Ground Lease Operating Standards.
9. Landlord and Tenant desire to amend the Ground Lease to remove the requirement of Tenant to provide shuttle service.

Recommendation

The resolution be approved.

22 Resolution - Nominating the American Bottling Company to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for Designation as a Qualified Business and an Enterprise Project Under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code

Administrative Comments

1. This item is recommended by the Office of Economic Development and **supports Future In Focus: Vibrant Economy – Support business retention and recruitment.**
2. **Impact:** Nomination of American Bottling Company for participation in the Texas Enterprise Zone Program will allow for approximately \$25.0 million of capital investment over the next five years.
3. The Texas Enterprise Zone Act allows a governing body to nominate projects within its jurisdiction to the Office of the Governor for incentives provided by the State of Texas. Should American Bottling Company be selected for the Enterprise Project designation, they will receive a State sales tax reimbursement (State portion) that will be reinvested in the Irving facility.
4. The American Bottling Company is a subsidiary of Dr. Pepper Snapple Group, Inc. With one location in Irving, Texas, American Bottling manufactures, markets and distributes beverages across the United States, Canada, Mexico and the Caribbean.
5. On August 7, 2014, the Irving City Council nominated The American Bottling Company for enterprise project status by RES-2014-259. However, this application was never approved by the State.
6. On November 9, 2017, the Irving City Council nominated The American Bottling Company for enterprise project status by RES-2017-420. However, this application was never approved by the State.
7. On February 15, 2018, the Irving City Council nominated The American Bottling Company for enterprise project status by RES-2018-64. However, this application was never approved by the State.
8. On May 4, 2023, the Irving City Council nominated The American Bottling Company for enterprise project status by RES-2023-170. However, this application was never submitted to the State.
9. With the current application, The American Bottling Company estimates that it will invest approximately \$25.0 million over the next five years and retain 500 jobs with an average annual salary of approximately \$95,850, throughout the five-year designation at the qualified business site in the Irving facility located at 2304 Century Center Blvd. The investment will be to upgrade equipment, improve operating efficiencies and replace equipment at the Irving facility. These improvements will significantly expand The American Bottling Company's ability to

manufacture, market and distribute beverages across North America.

10. American Bottling Company also commits that at least 35% of its new hires will be residents of enterprise zones, economically disadvantaged individuals, or veterans as required by the Texas Enterprise Zone Statute.
11. The Enterprise Zone designation will terminate on December 1, 2028.

Recommendation

The resolution be adopted.

23 Resolution - Adopting a Policy Setting Forth Minimum Standards and Evaluation Criteria for Applicants Seeking Support from the City Council for a Project to Qualify for Housing Tax Credits (HTC) Awarded by the Texas Department of Housing and Community Affairs;

Administrative Comments

1. This item is recommended by the Housing and Redevelopment Division and supports Future in Focus: Support strategic development and redevelopment including revitalization of targeted areas.
2. **Impact:** The policy includes objective evaluation criteria for providing support to Housing Tax Credit projects. Adoption of the policy with scoring criteria will achieve one of the strategies of the 2021 Irving Housing Plan.
3. Low Income Housing Tax Credits (LIHTC) were created by the Tax Reform Act of 1986. The LIHTC program gives State and local LIHTC-allocating agencies the equivalent of approximately \$8 billion in annual budget authority to issue tax credits for the acquisition, rehabilitation, or new construction of rental housing targeted to lower-income households.
4. Developers generally sell the credits to private investors, who purchase an ownership interest, to obtain funding. Once the housing project is placed in service (essentially, made available to tenants), investors can annually claim the LIHTC over a 10-year period.
5. It is a dollar-for-dollar income tax credit for affordable housing developments, which incentivizes developers to use private equity, and controls rent and property for a long affordability period.
6. At the Federal Level, Housing Tax Credits (HTC) have very few requirements but do require states to designate an agency to administer the HTC program & develop a Qualified Allocation Plan (QAP). The QAP outlines how HTCs will be allocated and administered and sets out the state's eligibility priorities and criteria for awarding federal tax credits to housing properties. The Texas Department of

Housing and Community Affairs (TDHCA) was designated as the relevant agency and updates the QAP annually.

7. As part of TDHCA’s QAP, a housing developer seeking to obtain the highly competitive state allocation of 9% Housing Tax Credits must obtain a Resolution of Support or Resolutions of No Objection from the governing body of the city in which the proposed housing project will be located in order to gain the necessary points and obtain a competitive edge. The tax credits are a significant source of equity for housing developments that agree to reserve a large percentage of their units for extremely low-, low- and moderate-income individuals and families.
8. Currently, Irving does not publish evaluation criteria to guide developers in their site-selection and income-targeting for potential housing tax credit projects.
9. Staff utilized data from the Market Value Analysis (MVA) included in the 2021 Irving Housing Plan and the 2023-2028 Consolidated Plan to develop criteria for evaluation in order to align projects with Irving goals and needs and to provide guidelines that encourage projects in strong and middle markets, where there is not already an oversaturation of subsidized units.
10. The policy includes threshold requirements such as Public Meeting requirements. Developers can score the most points on the application for addressing affordable housing needs, constructing a development in an identified target area of the city, and alignment with current and future land use.
11. Scoring Criteria includes:

| Criteria Category | Possible Points | Weight |
|---|------------------------|---------------|
| Aligns with Land Use | 24 | 24% |
| Addresses Housing Need | 20 | 20% |
| Development Type & Location | 10 | 10% |
| Proximity to Amenities | 21 | 21% |
| De-Concentration Factor | 10 | 10% |
| Affordability Mix – Market Rate | 6 | 6% |
| Affordability Mix – 30% | 6 | 6% |
| Community Outreach - Support | 3 | 3% |
| Community Outreach – 2 Information Sessions | Y/N | N/A |
| TOTAL | 100 | 100% |

12. Staff reviewed this criteria with Council at a regular Work Session on October 12, 2023.

Recommendation

The resolution be approved.

24 Resolution - Authorizing Additional Funding in the Total Estimated Amount of \$698,705.82 for Maintenance and Support Fees for Years Six through Ten of the Master Agreement with Systems and Software, Inc. for the Water 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 Water Utilities billing software system assists in serving their customers with accessible and current data for use in making good business decisions, and ultimately, the ability to perform efficient and effective business operations.
3. Resolution No. 2018-167 approved the Implementation, Licensing and Year One Support agreement in the estimated amount of \$1,962,898.25 and the annual maintenance and support for years two through five in the amount of \$124,038.50.
4. The resolution did not include the five one-year renewal options at fixed rates for annual maintenance and support at four percent increases for years six through ten.
5. Funding for Fiscal Year 2023-24 is available in the Water & Sewer Operating fund, while funding for Fiscal Years 2024-25 through 2027-28 is subject to budget appropriation.
6. Annual maintenance and support fees for years six through ten follows:

| Vendor | Services Provided | Estimated Expenditure | Fiscal Year(s) |
|----------------------------|--------------------------------------|------------------------------|-----------------------|
| Systems and Software, Inc. | Year Six (maintenance and support) | \$129,000.04 | 2023-24 |
| | Year Seven (maintenance and support) | \$134,160.04 | 2024-25 |
| | Year Eight (maintenance and support) | \$139,526.44 | 2025-26 |
| | Year Nine (maintenance and support) | \$145,107.50 | 2026-27 |
| | Year 10 (maintenance and support) | \$150,911.80 | 2027-28 |
| | TOTAL | \$698,705.82 | |

Recommendation

The resolution be approved.

25 Resolution - Approving a Professional Services Agreement Between the City of Irving and Parkhill, Smith & Cooper, Inc., in the Total Estimated Amount of \$279,722.50 for On-Call Municipal Solid Waste Engineering Services

Administrative Comments

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** This annual contract will ensure that the City has the correct volume calculation of the Landfill. It will also provide for creation of a fill plan in order to maximize capacity and updates to the site operating plan. In addition, this contract will provide assistance with regulatory compliance assessments and oversee construction of solid waste landfill components; such as landfill cells, and management systems ,gas collection and control system, final cover systems, storm water management and erosion control structures and citizen collection sites.
3. Solid Waste Services sought and received a waiver for RFQ bid regarding On-Call Municipal Solid Waste Engineering Services. Solid Waste Services would like to enter into a contract to continue working with the current consultant Parkhill, Smith & Cooper. The original agreement was awarded as the result of negotiations with the respondent receiving the highest evaluation criteria score through the Request for Qualifications process 060D-20F.

4. Minority- and/or Women-owned Business (MWBE) participation in this award is 50%.
5. This award establishes an annual contract for providing professional engineering services for Landfill projects. The contract may be renewed for two one-year renewals by mutual agreement of the parties.
6. Funding for Fiscal Year 2023-2024 is available in the Solid Waste Non-Bond CIP Fund, while funding for Fiscal Year 2024-2045 is subject to budget appropriation.

| Vendor | Contract Term | Estimated Expenditure | Fiscal Year(s) |
|--------------------------------|-------------------|-----------------------|----------------|
| Parkhill, Smith & Cooper, Inc. | 11/9/23 – 11/8/24 | \$209,222.00 | 2023-2024 |
| | | \$70,500.00 | 2024-2025 |
| TOTAL | | \$279,722.50 | |

Recommendation

The resolution be approved.

26 Resolution - Approving the Single Source Renewal from Infor Public Sector, Inc., in the Total Amount of \$66,859.21 for Enroute Computer Aided Dispatching (CAD) Software Maintenance and Support

Administrative Comments

1. This item is recommended by the Information Technology Department and Fire Department. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology, and thoughtful, innovative approaches.
2. **Impact:** Renewal of this support agreement is imperative to the daily operations of the city’s Fire Department. First responders rely on this software to provide accurate information from Dispatch to arrive fully equipped to assist all residents and businesses in the City of Irving.
3. This maintenance provides support to the Information Technology Department in order to keep all software updated, and fully functional for the Fire Department’s use.
4. Funding in the amount of \$66,859.21 is available in the technology fund.

Recommendation

The resolution be approved.

27 Resolution - Approving the Sole Source Renewal from Trittech Software Systems a CentralSquare Technologies Company, in the Total Amount of \$159,864.47 for the Annual Renewal of Tiburon Public Safety System Software Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department and the Police Department. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology, and thoughtful, innovative approaches.
2. **Impact:** This support renewal keeps the Police Department’s Tiburon records management system (RMS) and jail management software operating efficiently and legally licensed.
3. This software facilitates rapid, accurate communication from the field and promotes safety of personnel, as well as, enabling communication with other agencies in a crisis situation. Tiburon RMS and Jail are designed as an integrated, modular solution, providing the foundation to fully automate law enforcement operations from incident tracking to crime analysis and case management to state reporting. The system supports record processing from the entry of an event from dispatch through closing and assignment of a final disposition.
4. Funding in the amount of \$159,864.47 is available in the Technology Fund.

Recommendation

The resolution be approved.

**Bids and Purchasing Items
Items 28-37**

28 Resolution - Approving Addendum 1 to the Facilities Solutions Agreement between the City of Irving and Cintas Corporation No. 2 and Authorizing As-Needed Expenditures in the Estimated Amount of \$175,000.00 for the Rental of Field Employee Uniforms, Shop Towels, Mops and Mats through a Master Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners

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:** Uniform rental services are provided for employees in Fleet Operations, Solid Waste Services, Streets Operations, and Water Utilities whose uniforms are exposed to grease, asphalt, sewage, garbage, etc., and will benefit from cleaning at

high temperatures and automatic replacement by the vendor for normal wear and tear. In addition, rental of shop towels, mops and mats ensures that these necessary implements are readily available for staff use and maintained in optimum condition.

3. A Vendor/Member contract between the City of Irving and Cintas Corporation No.2, which has been renewed through October 31, 2027, was approved on July 18, 2019 by RES-2019-260. This contract supports the utilization of OMNIA Partners Contract No. R-BB-19002 for Facilities Management Products and Solutions.
4. This item extends the original three-year contract for one additional year for the continuation of providing uniform rental services as well as the rental of shop towels, mops and mats in the estimated amount of \$175,000.00. The current contract expires on November 30, 2023.
5. Funding for Fiscal Year 2023-24 is available in various departmental budgets within various funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

| Vendor | Contract Term | Total Estimated Amount | Fiscal Year(s) |
|--------------------------|--------------------|------------------------|----------------|
| Cintas Corporation No. 2 | 12/1/23 – 11/30/24 | \$145,000.00 | 2023-24 |
| | | \$ 30,000.00 | 2024-25 |
| TOTAL | | \$175,000.00 | |

Recommendation

The resolution be approved.

29 Resolution - Renewing the Contract with Viking Fence Co., Ltd., in the Total Estimated Amount of \$144,600.00 for Portable Restroom Rental and Cleaning Services for a Two-Year Term

Administrative Comments

1. This item has been recommended by the Parks & Recreation, Solid Waste Services and Water Utilities departments. It supports Future in Focus: Sense of Community – provide exceptional recreational cultural and educational opportunities.
2. **Impact:** Approval of this contract will provide for rental of portable restrooms for park users at various parks throughout the year as well as portable restroom and hand sanitizer stations for use during City special events. This contract also provides restroom facilities for city staff at the Hunter Ferrell Landfill and at a materials storage site for Water Utilities.

3. This renewal establishes the continuation of a contract providing portable restroom rental and cleaning services. This is the first of two, two-year renewal options.
4. Funding for Fiscal Year 2023-24 is available in the Parks & Recreation Department budget within the General Fund, and in the Solid Waste Operating and Water-Sewer Operating funds, while funding for Fiscal Years 2024-25 and 2025-26 is subject to budget appropriation.

| Vendor | Contract Term | Total Estimated Expenditure | Fiscal Year |
|------------------------|------------------|-----------------------------|-------------|
| Viking Fence Co., Ltd. | 1/1/24 -12/31/25 | \$49,625.00 | 2023-24 |
| | | \$72,300.00 | 2024-25 |
| | | \$22,675.00 | 2025-26 |
| TOTAL | | \$144,600.00 | |

Recommendation

The resolution be approved.

30 Resolution - Renewing the Annual Contract with Martin & Martin Design in an Amount not to Exceed \$150,000.00 for Art Handling and Fine Arts Services

Administrative Comments

1. This item is recommended by the Irving Arts Center. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.
2. **Impact:** The contracted services will ensure that art handling and fine arts services necessary for the mounting of exhibitions and care of artwork at the Irving Arts Center and Museum will be performed in a safe, professional manner consistent with industry standards, lenders’ expectations, and contractual requirements. Services include, but are not limited to, transportation, framing, fabrication, conservation, installation and packing.
3. This renewal establishes the continuation of a contract providing art services and fine arts handling. This is the first of two, one-year renewal options. The current contract expires November 30, 2023.
4. Funding for Fiscal Year 2023-24 is available in the Irving Arts Center General Fund and the Heritage and Museum Fund, while funding for Fiscal Year 2024-25 is

subject to budget appropriation.

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

| Vendor | Contract Term | Total Est. Amount | Fiscal Year |
|-----------------------------------|--------------------|-------------------|-------------|
| Martin & Martin Design | 12/1/23 – 11/30/24 | \$110,000.00 | 2023-24 |
| | | \$ 40,000.00 | 2024-25 |
| TOTAL AMOUNT NOT TO EXCEED | | \$150,000.00 | |

Recommendation

The resolution be approved.

31 Resolution - Approving a Professional Services Agreement between the City of Irving and LCA Environmental, Inc., in an Amount Not to Exceed \$400,000.00 for Environmental Assessment Services

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department. It supports Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure and Support strategic investment in city facilities.
2. **Impact:** Environmental Assessment Services are necessary to ensure compliance with state and federal environmental regulations when acquiring, remediating, and/or demolishing property as well as for assessing and/or monitoring other types of environmental impacts. Various departments utilize these as-needed services including CIP, Water Utilities, Economic Development, Planning & Community Development, Parks & Recreation and Code Enforcement.
3. Requests for Qualifications were solicited for these services. Qualifications were received from 12 firms. LCA Environmental, Inc. was determined to be the most highly qualified provider for the services solicited, and staff has negotiated a fair and reasonable agreement with LCA for these services and recommends award.
4. Solicitations for annual contracts for professional services are reissued in five years or sooner to ensure the best value for the required services is obtained. This is a one-year contract with two, two year renewal options.
5. Minority and/or Women-Owned Business Enterprise (MWBE) participation in this

award is 100%.

6. Funding for Fiscal Year 2023-24 is available in various project funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation.
7. Because this spending declaration runs from November 2023 through November 2024 it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year’s additional purchases and the contract total amount is not exceeded.

| Vendor | Contract Term | Estimated Expenditure | Fiscal Year(s) |
|-----------------------------------|-------------------|-----------------------|----------------|
| LCA Environmental, Inc. | 11/9/23 – 11/8/24 | \$366,000.00 | 2023-24 |
| | | \$ 34,000.00 | 2024-25 |
| TOTAL NOT TO EXCEED AMOUNT | | \$400,000.00 | |

Recommendation

The resolution be approved.

32 Resolution - Awarding a Contract to Ace Pipe Cleaning, Inc., in an Amount Not to Exceed \$500,000.00 for Annual Storm & Wastewater Systems Cleaning, Inspection & Reporting

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) and Water Utilities departments. It supports Future In Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.
2. **Impact: This contract supports Drainage Solutions for a Better Tomorrow and Delivering Clean and Safe Water initiatives.** The contract will provide as-needed services that support the city's stormwater and wastewater condition assessment programs by inspecting, evaluating and prioritizing repairs of the systems.
3. Cleaning, inspection and reporting of existing storm and wastewater mains provide condition assessments which will help the CIP and Water Utilities departments determine if existing storm and/or wastewater systems are in good working order, can be rehabilitated, or should be replaced.
4. Utilization of these services will also help to determine if newly installed mains meet specification requirements or have deficiencies such as joint separation or pipeline

sags, as well as helping to ensure longevity of the City’s storm sewer and wastewater infrastructure.

5. A Request for Proposals (RFP) was issued on September 25, 2023 for Storm & Wastewater Cleaning, Maintenance, and Inspection services. One response was received which was determined to meet the evaluation criteria requirements established in the RFP and is therefore recommended for award.
6. This award establishes a one-year contract for the purpose of storm and wastewater cleaning, monitoring, and reporting. It includes two, two-year renewal options.
7. Funding for Fiscal Year 2023-24 is available in various departmental budgets within various funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation.
8. Because this contract runs from November 2023 through October 2024, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other 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 Estimated Expenditures | Fiscal Year |
|-----------------------------|---------------------|------------------------------|-------------|
| Ace Pipe Cleaning, Inc. | 11/10/23 – 10/31/24 | \$400,000.00 | 2023-24 |
| | | \$100,000.00 | 2024-25 |
| AMOUNT NOT TO EXCEED | | \$500,000.00 | |

Recommendation

The resolution be approved.

33 Resolution - Approving Addendum No. 1 to the Contract Between the City of Irving and Blue Shield Security & Protection Inc. for Municipal Court Security Services in the Total Estimated Amount of \$60,000.00 to Add Security Services for the Jack D. Huffman Building

Administrative Comments

1. This item is recommended by the Capital Improvements Program Department. It supports Future in Focus: Safe and Beautiful City – Safeguard public safety,

security and health.

2. **Impact:** Employing security personnel to provide on-site armed security services at the Jack D. Huffman building will ensure the safety and protection of City staff and visitors at this building.
3. Security services for the Jack D. Huffman building were included in Invitation to Bid No. 137L-23F for Municipal Court Security Services which was approved on July 31, 2023 by Resolution No. 2023-295 pending approval of the city's Fiscal Year 2023-24 budget. CIP recommends adding these services through approval of the attached Addendum No. 1.
4. Minority- and/or Women-Owned Business participation in this addendum is 100 percent.
5. Funding for Fiscal Year 2023-24 is available in the Capital Improvements Program Department budget within the General Fund.

| Vendor | Contract Term | Total Est. Expenditure | Fiscal Year(s) |
|------------------------------|------------------|------------------------|----------------|
| Blue Shield Protection, Inc. | 11/10/23-6/30/24 | \$60,000.00 | 2023-24 |

Recommendation

The resolution be approved.

34 Resolution - Renewing the Annual Contract with CCGMG, LLC Series B in the Total Estimated Amount of \$2,300,000.00 for Concrete Repair of Sidewalks, Utility Cuts, Streets, and Alleys

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department. It supports Future in Focus: Infrastructure Investment – maintain roadways, sidewalks and transportation infrastructure.
2. **Impact: This contract supports the Road to the Future program.** It will supplement the Streets Operations staff for as-needed concrete repair and maintenance of sidewalks, utility cuts, streets and alleys required for structural integrity and to enhance safety for citizens and motorists.
3. This renewal establishes the continuation of an annual contract to provide concrete repair services. This is the second and final, one-year renewal option. The current contract expires on November 30, 2023.
4. Funding for Fiscal Year 2023-24 is available in the General Non-Bond CIP Fund

and in the Traffic & Transportation Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

| Vendor | Contract Term | Total Estimated Amount | Fiscal Year(s) |
|---------------------|--------------------|------------------------|----------------|
| CCGMG, LLC Series B | 12/1/23 – 11/30/24 | \$ 2,000,000.00 | 2023-24 |
| | | \$ 300,000.00 | 2024-25 |
| TOTAL | | \$ 2,300,000.00 | |

Recommendation

The resolution be approved.

35 Resolution - Renewing the Annual Contract with Incircle Management, Inc., in the Total Estimated Amount of \$78,000.00 for Mowing, Litter Control, and Landscape Maintenance for Water Utilities

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Safe and Beautiful City – improve property conditions and overall appearance of the city.
2. **Impact:** This contract allows Water Utilities to ensure all water and wastewater facilities in Irving are maintained with continuous mowing and litter control.
3. This item establishes the continuation of an annual contract to provide mowing, litter control, and landscape maintenance for Water Utilities facilities throughout the City of Irving. This is the second and final, one-year renewal option. The current contract expires November 30, 2023.
4. Funding for Fiscal Year 2023-24 is available in the Water-Sewer Operating Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

| Vendor | Contract Term | Total Est. Amount | Fiscal Year |
|---------------------------|--------------------|--------------------|-------------|
| Incircle Management, Inc. | 12/1/23 – 11/30/24 | \$65,000.00 | 2023-24 |
| | | \$13,000.00 | 2024-25 |
| TOTAL | | \$78,000.00 | |

Recommendation

The resolution be approved.

36 Resolution - Approving Additional As-Needed Expenditures with SHI Government Solutions, Inc., in the Total Estimated Amount of \$100,000.00 for Technology Equipment, Products, Services & Software through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Information Technology (IT) Department.
2. **Impact:** Use of this contract allows for the purchase of malware mitigation and security education software and other software licensing and support renewals, as well as a variety of hardware and backup supply items that may be required by all city departments as individual purchases or through the city’s computer replacement program.
3. IT has received requests from various city departments for software purchases that were approved as part of their Fiscal Year 2023-24 budgets that were not anticipated when the original spending declaration was approved, necessitating this request for additional spending capacity for this contract.
4. These purchases are supported by a Vendor/Member contract between the City of Irving and SHI Government Solutions, Inc., which was approved on February 24, 2022, through Resolution No. 2022-86 for utilization of BuyBoard Contract No. 661-22 for technology equipment, products, services and software, which has been renewed through December 31, 2023.
5. Funding for Fiscal Year 2023-24 is available in various departmental budgets within various funds.

| Vendor | Spending Term | Total Estimated Amount | Fiscal Year(s) |
|--------------------------------|---------------------|------------------------|----------------|
| SHI Government Solutions, Inc. | 11/10/23 – 12/31/23 | \$100,000.00 | 2023-24 |

Recommendation

The resolution be approved.

37 Resolution - Approving a Contract between the City of Irving and Solid IT Networks, Inc., in the Amount of \$425,183.72 for the American Rescue Plan Act (ARPA) Funded Camera Project

Administrative Comments

1. This item is recommended by the Information Technology Department It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.
2. **Impact:** This project is a second phase of a Camera Technology refresh that is cloud based video solution which will require less hardware and maintenance, thus

reducing cost. The solution has an advanced analytics capability that will help improve security for the various facilities. It also has advanced features for mapping and sharing video quickly to devices for a more feature rich video solution.

3. The city has various video solutions, most of which are analog and older technology that requires more equipment for storage and manpower to maintain. A number of these video locations are failing and are more costly to repair. This solution will replace the older technology with a cloud based solution that is very secure and feature rich. The cameras also have one of the longest warranties in the industry making it a very sound investment. The contract if awarded would be replacing the older technology at 9 locations around the city.
4. A Request for Proposals (RFP) was issued for this project. Of the two responses received, the proposal from Solid IT Networks, Inc., scored the highest points based upon the evaluation criteria established in the RFP and is recommended for award.
5. Funding in the amount of \$425,183.72 has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City's ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.

Recommendation

The resolution be approved.

End of Bids

38 Ordinance - Amending Chapter 2 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas by Amending Section 2-6 Provisions for Vacation and Abandonment of Real Property and Section 2-9 Administrative Fee - Amount; and Providing a Severability Clause and an Effective Date

Administrative Comments

1. This item has been recommended by the Capital Improvement Program Department. This supports Future In Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** The proposed ordinance revisions provide an improved abandonment process.
3. The revisions would provide a detailed procedure on vacation and abandonment of public right-of-way, alley, easements, or other real property interest owned or held by the city to provide for consistent application and will increase the Application Fee to cover the City's cost in processing and reviewing the proposed vacation and abandonment requests.
4. The procedure will include requirements for the application to be considered complete, adjacent consent and notice requirements, a distinction between the Application Fee and the fee to transfer a property interest in the underlying fee simple (Abandonment Fee), and an indemnification provision.

5. The Application Fee has only been increased three times since 1969 and it is currently \$300 since 2013, which does not cover the current cost to process these applications. Staff requests to increase the Application Fee to \$2,800.00. This amount was calculated based on the labor and fees to review the following: Application Review, Deed and Ownership Review, City Infrastructure Review, Consent Letter Review, Drainage and Conflict Review and Investigation, Q & A from City Staff, Evaluation and Appraisal Review, Council Agenda Preparation and Fee deposits. Each application includes approximately 40 hours of work from the CIP Contracts Administrator, 18 hours of work from the Real Estate Specialist, and approximately 10 hours of work from the Real Estate Manager. These hours were multiplied by the hourly rate for this labor.
6. An Abandonment Fee will be included which provides for the Fair Market Value of fee simple interests being conveyed in accordance with state law. The procedures for the Abandonment Fee will provide for method of valuation, credits, and exemptions.
7. Staff requests that this change take effect as of January 1, 2024, so that there is adequate notice to the public.

Recommendation

The ordinance be adopted.

39 Ordinance - Repealing Chapter 27 of the Code of Civil and Criminal Ordinances Regarding Solicitation and Replacing it with a New Chapter 27 Entitled Pedestrian Clear Zones

Administrative Comments

1. This item has been recommended by the Police Department.
2. **Impact:** Adoption of this ordinance will prohibit stopping, standing, sitting, laying, resting and walking on medians at certain high traffic intersections, to ensure the safety of pedestrians in the City of Irving.
3. This amendment repeals Chapter 27 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, entitled "Solicitation" and replaces it with a new Chapter 27 entitled "Pedestrian Clear Zones".
4. City Council was most recently briefed on this item at the October 26, 2023 Work Session.
5. This ordinance takes effect immediately.

Recommendation

The ordinance be adopted.

40 Ordinance - Amending Section 34-2.5 “Procedure to be Followed by Persons Seeking Street Name Change” of Chapter 34 “Streets and Sidewalks” of the Code of Civil and Criminal Ordinances

Administrative Comments

1. This item has been recommended by the Traffic and Transportation and Planning Departments and support Future in Focus: Infrastructure Investment; Support strategic investment in city facilities.
2. Background: Street names are initially assigned at the time of platting. New names complete a review process, especially with 911/emergency services, to ensure the change would not result in duplication or confusion in addressing.
3. Requests are occasionally received by the Planning Department to change street names as honorariums or memorials for persons held in high regard. Staff currently processes and presents such requests to the City Council for consideration. However, no criteria exists to determine the appropriateness of the renaming.
4. Changing a street name can cause considerable disruption to residents and the provision of services, therefore it is important that all property owners are informed and are in support of the proposed changes. Property owners will have to inform their tenants, as applicable, of the potential upcoming changes.
5. Criteria for a naming policy has been proposed and is being submitted for consideration as a companion item on the agenda.
6. The proposed amendments to Chapter 34 “Streets and Sidewalks” of the City Code of Civil and Criminal Ordinances will fully replace the section, including:
 - Creating a reference to the new naming and renaming policy that will provide criteria to consider whether a street should be renamed;
 - Clarifying that applicants will be responsible for the costs of new signs;
 - Providing details required for application:
 - A petition signed by no less than 80% of the property owners with the purpose of the name change and necessary requirement to update all personal mailing addresses;
 - Requiring that notification shall be mailed to property owners within 15 days of the hearing; and
 - Providing for one hearing by the City Council

Recommendation

The ordinance be adopted.

41 Ordinance - Granting a Franchise to Tres Amigos Recycling DBA B&B Waste & Recycling, for Solid Waste Collection Services Beginning on December 7, 2023 and Ending on December 6, 2026 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Tres Amigos Recycling DBA B&B Waste & Recycling to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on December 7, 2023, and ending on December 6, 2026. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

42 Ordinance - AD23-0001 - Considering an Alcohol Distance Variance to the 300-Foot Distance Separation Requirement Between a School and a Place of Business Selling Alcoholic Beverages - Approximately 0.354 Acres Located at 1423 N. Belt Line Road

Administrative Comments

1. The subject property is a 15,405 square foot lease space with approximately in a 69,034 square foot retail center with shared parking. The applicant is seeking approval of an Alcohol Distance Variance on behalf of *La Azteca Meat Market* to allow for a 300-foot (100%) variance to the 300-foot distance between a school and an establishment that sells alcohol for off-premises consumption, as measured from

property line to property line.

2. The shopping center was zoned C-C “Community Commercial” on September 11, 1986. The Irving ISD constructed Lady Bird Johnson Middle School on the adjacent property to the west in 2010.
3. Section 3.3.6(a) states that the sale of alcoholic beverages for off-premises consumption shall not be permitted within 300 feet of a public or private school. Section 3.3.6(c)(2) states that the distance is measured “in a direct line from the property line of the public or private school to the property line of the place of business”, rather than from the lease space.
4. The following variance is being requested for the alcohol distance amendment:

| | Required per Section 3.3.6 | Proposed |
|---|---|--------------------------------------|
| Distance between the property lines of the suite(s) and a public school | 300 feet (Measured property line to property line) | 0 feet (300-foot variance) |

5. The retail center faces east, with only the rear dock facing the school property. The properties are separated by a guard rail and a six-foot tall chain link fence.
6. Per Sec. 3.3.6(e), Council can grant an Alcohol Distance Variance if it determines:
 - a. Enforcement of the regulation in a particular instance is not in the best interest of the public;
 - b. Constitutes a waste or inefficient use of land or resources;
 - c. Creates an undue hardship on an applicant for a license or permit;
 - d. Does not serve its intended purpose;
 - e. Is not effective or necessary; or
 - f. For any other reason the City Council determines is in the best interest of the community after consideration of the health, safety, and welfare of the public and the equities of the situation.
7. An identical application for this establishment was denied by the City Council on August 31, 2023. **Since this is not a zoning case, no six-month waiting period exists for re-application.**
8. The applicant will meet all other requirements per Section 3.3 of the UDC (Alcoholic Beverages; Sale, Serving or Storage).
9. A total of 25 public notices were mailed to property owners within 500 feet of the subject property. Staff has not received any responses in support and has received one (1) response in opposition to this request from the Irving ISD. **Since this is not a zoning case, a ¾-vote is not required for approval.**

43 Ordinance - SFP23-0008 - Considering a Special Fence Project Plan to Allow a Variance to Chapter 15 of the City of Irving Land Development Code to Allow a Six-Foot Tall Wooden Fence on the Side Yard Property Line of a Corner Lot Along E. Shady Grove Road - Property Located at 1200 Arthur Court

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.
2. **Owner/Applicant:** Hasamuddin Sarajzai
3. The subject property is a 0.13-acre corner single-family lot. **The applicant is requesting a special fence project plan to construct a six-foot-tall solid wood fence along E. Shady Grove within the street-side setback for a fence on a reverse frontage lot.**
4. The site is currently developed with a single-family house and is zoned S-P-2 (R-ZLa) “Generalized Site-Plan - Single-family Residential R-ZLa” for zero lot line single family uses.
5. The property owner is making improvements to the property and intends to replace the existing six-foot-tall wood fence with a new six-foot-tall wood fence. The owner purchased the house in 2018; however, the existing fence – located on the side property line - was built prior to that date and no permits have been found for the work. The variance is necessary because the replacement would result in the removal of the entire fence structure.
6. This property is a reverse frontage lot, meaning the side of the lot along the street is the same setback as the front of the adjacent lot. Per Chapter 15-12 of the Land Development Code, a reverse frontage lot may have a fence no closer than 15 feet from the side property line.
7. The following variance is being requested:

| Standard | Required | Proposed |
|--|-----------------|--|
| Side Yard Setback of a Solid Fence on a Reverse Frontage Corner Lot (Sec. 15-12 (a)(2) of the Fence Ordinance) | 15 Feet | 0 Feet (15-Foot Variance) |

8. On their letter of justification, the applicant noted they are requesting this variance to have more “privacy and security”.
9. 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 does not find any special conditions exist which are unique to this applicant or property.

10. Staff from the Fire, Inspections and Traffic and Transportation departments have reviewed this application and have no objection to this request.
11. A total of 31 public notices were mailed. Staff has not received any responses in support of or opposition to this request.

Staff Finding

No undue hardship is evident, and the requested proposal does not comply with the development standards and variance criteria set forth in Section 15-12 and 15-17 of the Fence Ordinance.

44 Ordinance - SFP23-0009 - Considering a Special Fence Project Plan to Allow a Variance to Chapter 15 of the City of Irving Land Development Code to Allow a Six-Foot Tall Wrought Iron Fence Within the Front Setback Along Hard Rock Road - Property Located at 1531 - 1701 Hard Rock Road

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission's recommendation prior to the City Council meeting.
2. **Owners:** Thundil Purayidom, Ansari Faizal, Safia Memon, Hamra Holdings LLC, and Wildbriar Lakeside HOA

Applicants: Thundil Purayidom, Ansari Faizal, and Wildbriar Lakeside HOA
3. The subject property is an approximately 1.70-acre site with eight (8) single-family residential lots and a small portion of the HOA lot, platted in 2017. **The applicants are requesting a Special Fence Project Plan to construct an approximately 840-foot long, six-foot-tall wrought iron fence within the required front setback along Hard Rock Road.**
4. The site is currently developed with one single family home and is zoned S-P-2 (R-6) "Generalized Site Plan – Single-family Residential 6" and State Highway 161 Overlay district through ZC20-0048 with a variance to allow a 15 ft. front setback. Several new homes are under construction or nearing final permit approval.

5. A 4-foot tall wrought iron fence was budgeted as part of the Hard Rock Road project. The city will pay for a new fence as provided in the project budget. If this case is approved, any additional upgrades to the fence beyond what is budgeted will be the responsibility of the property owner.
6. Per Section 15-10 of the Fence ordinance in the Land Development Code, a fence within the front yard setback must have 50% through-visibility and not exceed a height of 48 inches (four feet) within the front setback. While the proposed fence is greater than 50% open, it exceeds the maximum allowed height.
7. The applicants are requesting a six (6) -foot tall wrought iron fence that is primarily along the property line parallel to Hard Rock Road.

The following variance to the fence ordinance is being requested:

| | Required | Proposed |
|---------------------|--------------------|--|
| Fence height | 48 inches (4 feet) | 6 feet (2 ft. variance) |

8. A 10-foot utility easement was platted as required adjacent to Hard Rock Road. The Traffic and Transportation department requires that the vehicle gates meet the requirements of the Access Management Manual. This places the fence within the utility easement; this was determined to be acceptable since (a) the depth of the fence posts should not reach any buried utilities, and (b) the owner would be aware that the fence might need to be removed for any work within the easement.

Per the CIP Department, a license agreement for the fence within the easement must be executed with the City prior to issuance of a permit. Additionally, the Water Utilities Department has stipulated that no meters will be permitted on the private side (inside) the fence.

9. The Fire and Inspections Departments have reviewed this application and have no objections.
10. Section 15-17(b) of the Land Development Code allows for variances to the height and setback regulations for fences. Section 15-17(c) states that, 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.
11. On their letter of justification, the applicant noted they are requesting this variance to install a fence in the front yard to protect the neighborhood and access to the private common areas by the lake.
12. Staff review finds that a six-foot tall fence is **not** typically necessary in the front yard, and that access to the common area could be individually fenced for private access. (This proposal does provide a 4 ft. gate for access from the street.) An approximately 840-foot long, six-foot tall fence along the front property line of all seven lots in the subdivision does not meet the intent of the fence ordinance and would detract from the appearance as viewed from the public right of way.

Staff does not believe all the requirements for approval of a variance have been met. As the private open space could be separately fenced, Staff does not see any special conditions that are unique to this applicant or property that would necessitate such a fence within the front yard.

13. A total of 36 public notices were mailed. Staff has not received any responses in support or in opposition.

Staff Finding

No undue hardship is evident, and the requested proposal does not comply with the development standards and variance criteria set forth in Sections 15-10 and 15-17 of the Fence Ordinance.

45 Ordinance - CP23-0010 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Compact Neighborhood" to "Manufacturing/Warehouse" - Approximately 2.702 Acres Located at 3915 W. Walnut Hill Lane (Postponed Indefinitely on August 31, 2023)

Administrative Comments

1. The Planning and Zoning Commission recommended **Denial** on August 7, 2023 by a vote of 8-0.

Commissioners in support of recommending denial: Joy, Skinner, Haacke, Spurlock, Prichard, Vigliante, Collins, Myrick

Commissioners in opposition to recommending denial: None

Commissioner absent: Burns

2. **Owner:** Walnut-161 Properties, LLC

Applicant: JDJR Engineers & Consultants, Inc.

3. The subject property is a 0.967-acre vacant tract. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Compact Neighborhood** uses for the subject property.

4. The applicant seeks to change the future land use to **Manufacturing/Warehouse** being described as an *“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. Likely Compatible Zoning: FWY, CW, ML-20, ML-20a, CP.”*

5. The subject property was rezoned in November of 2020 as part of a case that also included the adjacent property to the east. The request was to change the zoning from M-FW (Freeway) to S-P-2 (Generalized Site Plan) District for R-ZLa (Zero Lot Line) on the property to the east and C-N (Neighborhood Commercial) on the subject property. In conjunction with the rezoning, the Future Land Use was also amended to *Compact Neighborhood*.
6. The **Compact Neighborhood** category 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. Some mix of neighborhood-serving non-residential uses at intersections and collector or arterial corners. Net units per acre: 8-20 Likely Compatible Zoning: R-ZLa, R-PH, R-ZL, R-SFA, R-3.5, R-2.5, R-TH (at selected intersections P-O, C-N)*”. The *Compact Neighborhood* category was selected because it could accommodate both the R-ZLa and the C-N zoning categories. **It was determined that the low intensity uses that are permitted in the C-N district would be appropriate** at the intersection, as well as a being a compatible transition between the residential zoning and State Highway 161.
7. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 2017 Imagine Irving Comprehensive Plan requires that, **if an area that is designated and/or developed as residential desires to transition to a non-residential use, the City of Irving should require the following:**
 - a. The area is **physically appropriate** (i.e., size, shape, etc.) for non-residential use.
 - b. The area is **adjacent to nonresidential zoning and not separated** from other nonresidential zoning by a major thoroughfare (or larger) or the nonresidential use is part of a mixed-use development.
 - c. The rezoning does **not allow non-residential traffic** to negatively impact established and proposed future neighborhoods, schools, and/or parks.
 - d. The rezoning does **not leave any residual tracts** of residentially zoned property or an area designated for residential uses on the generalized Future Land Use Map that cannot be developed in residential uses.
 - e. The rezoning provides for an **appropriate transition** between non-residential and residential uses through separation by distance, screening, or land use, if positive integration of residential and non-residential land uses cannot be accomplished.
 - f. The non-residential use is the **same intensity or is compatible** in density and intensity with the existing or adjacent/surrounding land uses.
8. Staff’s analysis of the policies provide that **four of the five policies have not been met** to justify the change to nonresidential uses:

- a. Item (a): While the lot may be physically appropriate for certain non-residential uses, **Manufacturing/Warehouse** uses are not appropriate given the proximity to single-family homes.
 - b. Item (b): The area is **not adjacent to other non-residential zoning** and, in fact, directly abuts an existing single-family neighborhood. It was anticipated that a low intensity non-residential use would be developed on the site. The request is not part of a mixed-use development.
 - c. Item (c): Non-residential traffic **would likely have a negative impact** on surrounding neighborhoods, including increased truck traffic along W. Walnut Hill Lane.
 - d. Item (e): The subdivision's screening wall is not an appropriate transition from **Compact Neighborhood** to **Manufacturing/Warehouse** uses.
9. Staff believes **Manufacturing/Warehouse** uses are too intense for such a small tract of land, especially directly adjacent to a new single-family neighborhood.
 10. Due to the incompatibilities listed above, **staff does not support the requested change** in the future land use.
 11. This case was previously postponed at the applicant's request on August 31, 2023. No changes have been made to the Comprehensive Plan Future Land Use Map amendment request.
 12. A total of five (5) public notices were mailed. Staff has not received any responses in support or in opposition to this request.

Staff Recommendation

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

46 Ordinance - ZC23-0032 - Considering a Zoning Change from C-N "Neighborhood Commercial" and State Highway 161 Overlay District to S-P-2 (C-W) "Generalized Site Plan - Commercial Warehouse" and State Highway 161 Overlay District - Approximately 2.702 Acres Located at 3915 W. Walnut Hill Lane (Postponed Indefinitely on August 31, 2023)

Administrative Comments

1. The Planning and Zoning Commission recommended **Denial** on August 7, 2023 by a vote of 8-0.

Commissioners in support of recommending denial: Joy, Skinner, Haacke, Spurlock, Prichard, Vigilante, Collins, Myrick

Commissioners in opposition to recommending denial: None

Commissioner absent: Burns

2. **Owner:** Walnut-161 Properties, LLC

Applicant: JDJR Engineers & Consultants, Inc.

3. The subject property is a vacant 2.702-acre site. **The applicant requests a zoning change to S-P-2 (C-W) “Generalized Site Plan – Commercial Warehouse” to allow Warehousing as a permitted use in the SH 161 Overlay district.** The property is within Segment 2-C of the overlay which does not allow Warehouse or Wholesale Distribution by right.
4. The subject property, along with the property to the east, was rezoned from M-FW “Freeway” in November 2020. The eastern portion of the site was zoned S-P-2 (R-ZLa) “Generalized Site Plan - Single-family Residential ZLa”, while the western portion was zoned C-N “Neighborhood Commercial” (without a site plan) to reflect the need for appropriate lower-intensity commercial uses adjacent to the new residential subdivision currently under construction.
5. The rezoning was accompanied by a request to amend the Comprehensive Plan Future Land Use Map to “Compact Neighborhood” for both tracts.
6. The **Compact Neighborhood** category 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. Some mix of neighborhood-serving non-residential uses at intersections and collector or arterial corners.”*
7. The land use category of *Compact Neighborhood* was chosen purposely because it could accommodate both the zero lot line residential zoning of the property to the east as well as the neighborhood commercial zoning for the subject site. It was agreed that the C-N zoning would be an appropriate transition between the residential zoning and SH 161.
8. A companion case, CP23-0010, is being processed requesting to change the future land use from “Compact Neighborhood” to “Manufacturing/Warehouse”.
9. The SH 161 Overlay District divides the State Highway 161 corridor into distinct segments. The ordinance provides that the **uses permitted by the use chart in Sect. 2.3.3 b)3) take precedence over any uses permitted or not permitted by the base zoning** of any particular property (unless zoned S-P-1, S-P-2 or with an approved DP development plan).
10. As stated in the History section above, the C-N “Neighborhood Commercial” zoning district was purposely chosen for the subject property because the lower intensity commercial uses would provide an appropriate transition between the zero lot line residential zoning and State Highway 161.

11. The requested variance is summarized below:

| Requirement | Current Ordinance | Request |
|---|--|--|
| State Highway 161 Overlay District Sec. 2.3.3 b)3)d Table of Permitted Uses | Warehousing and Distribution not permitted in Segment 2C | Add Warehousing as a permitted use in the 161 Overlay with the C-W base district |

12. The C-N “Neighborhood Commercial” district is intended for smaller scale retail stores and businesses that serve adjacent neighborhoods, which is appropriate in this location. A warehousing use, as permitted by the proposed C-W district, would not be compatible with the adjacent new single-family neighborhood due to the amount of truck traffic and noise that would be generated. Moreover, the property is in the State Highway 161 Overlay district, which does not allow warehousing as permitted use in this area.

13. The adjacent zero lot line single family neighborhood is currently under construction. No residents are currently living in the area; therefore, notice was not provided to any potential new purchasers.

14. Staff is not supporting the companion Comprehensive Plan amendment to “Manufacturing/Warehouse” for the warehouse use. As such, staff cannot support this request.

15. This case was previously postponed at the applicant’s request on August 31, 2023. The applicant subsequently asked to be placed on this agenda. No changes have been made to the proposed request.

16. A total of five (5) public notices were mailed. Staff has not received any responses in support or in opposition to this request.

Staff Recommendation

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

47 Ordinance - ZC23-0057 - 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 Allow a Carport to Encroach into the Established Front Yard Setback - Approximately 0.16 Acres Located at 1914 Rusdell Drive

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.
2. **Owner/Applicant:** Michael Hicks
3. The subject property is a 0.17-acre lot with an existing single-family house. **The applicant is requesting a zoning change to allow a front carport to encroach 14 feet into the established 30-foot front yard setback.**
4. The proposed carport is 15 feet tall and measures 20 ft. x 21 ft. in size. The carport has not been built.
5. Per Section 8.4.2 “Established Front Yard”, the front yard setback shall be the same as the average front yard line of the street if thirty (30) percent or more of the street’s frontage has an observed front yard line. While the R-6 district currently requires a minimum 25-foot front yard setback, **the houses fronting this side of Anderson Street were built following a 30-foot front yard setback**, as was required in the R-6 district at the time.
6. The following variance is being requested:

| Standard | Required | Provided |
|--|----------|---|
| Established Front Yard Setback (Sec. 8.4.2) | 30 feet | 16 feet <i>(14-foot variance)</i> |

7. The applicant noted in their letter of intent that in the future, they want to convert their current two-car garage into additional living space. The carport would protect their cars and provide two covered parking spaces.
8. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.
9. A total of 38 public notices were mailed. Staff has not received any responses in support of or 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 8.4.2 (Established Front Yard) of the Unified Development Code.

48 Ordinance - CP23-0019 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Industrial" to "Regional Commercial" - Approximately 0.98 Acres Located at 1319 S. Belt Line Road

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission's recommendation prior to the City Council meeting.
2. **Owner:** Aspen Square Homes, LLC
Applicant: JDJR Engineers & Consultants, Inc.
3. The subject property is a 0.98-acre vacant tract. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Industrial** uses for this property. This land use category is described as "Flexible use area for retail, office and commercial uses. Multi-story structures with a mix of surface and structured parking. Uses are primarily office oriented with some supportive services. Likely Compatible Zoning: P-O, C-O, C-N, C-C, FWY".
4. The applicant seeks to change the future land use to **Regional Commercial**, being 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. Likely Compatible Zoning: P-O, C-O, C-N, C-C, C-OU-1, C-OU-2, C-OU-3."
5. This tract has been vacant for a number of years but would be ideal for commercial or retail uses since it is at the intersection of two major roadways providing access to nearby residential neighborhoods.
6. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 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.
7. Staff believes the proposed change meets the criteria listed above.
8. A total of 12 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be adopted

49 Ordinance - ZC23-0058 - Considering a Zoning Change from M-FW "Freeway" to C-N "Neighborhood Commercial" - Approximately 0.98 Acres Located at 1319 S. Belt Line Road

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission's actions prior to the City Council meeting.
2. **Owner:** Aspen Square Homes, LLC
Applicant: JDJR Engineers & Consultants, Inc.
3. The subject property is a 0.98-acre undeveloped triangle shaped tract of land. **The applicant is requesting a zoning change to allow commercial development on the site.** The property is on the western border of Irving, adjacent to the City of Grand Prairie and a creek/floodplain.
4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Industrial** uses for this property. Case CP23-0019, was submitted as a companion to this zoning case to change the future land use to **Regional Commercial**. Staff is recommending approval for this comprehensive plan amendment in the companion case.
5. **The current M-FW "Freeway" zoning district allows several heavy commercial and light industrial uses**, including manufacturing, laboratory, warehousing, and motor freight terminal uses, along with more "commercial" uses such as restaurants or gasoline service stations. General retail uses are not permitted. The M-FW district also requires a 50-foot front yard setback.
6. Due to the property's small size and location at the intersection of two arterial roadways, the owner would like to develop the site with commercial uses that could serve the surrounding neighborhoods. **The C-N "Neighborhood Commercial" district** allows general retail uses as well as professional services like salons and medical offices, along with restaurants and gasoline service stations.
7. The C-N district requires a 25-foot "front" setback. However, Chapter 33A-2(a)(4) requires a 30-foot setback from the property line along S. Belt Line Road. Per Chapter 33A-5(a), no parking can be provided within this setback.
8. The applicant is requesting C-N "Neighborhood Commercial" zoning and is **not requesting any variances to setbacks, landscaping, parking or any other requirements at this time.** Therefore, no site plan zoning is necessary.
9. The properties on the other three corners of this intersection are zoned either C-N "Neighborhood Commercial" or S-P-1 (C-N) "Detailed Site Plan – Neighborhood Commercial", and a new townhouse development is under construction across Belt Line Road to the east. Given the surrounding zoning, land uses, and the size of the subject property, staff believes that the requested zoning is appropriate for the area and compatible with surrounding uses.

10. A total of 12 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be adopted

50 Ordinance - CP23-0020 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Business/Office" to "Manufacturing/Warehouse" - Approximately 8.62 Acres Located at 1505 N. Westridge Circle

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission's recommendation prior to the City Council meeting.
2. **Owner:** PDI Commercial Properties LTD
Applicant: JDJR Engineers & Consultants, Inc.
3. The *Imagine Irving Comprehensive Plan* Future Land Use Map recommends **Business/Office** uses for the subject property. This land use category is described as "a flexible use area for retail, office and commercial uses. Multi-story structures with a mix of surface and structured parking. Uses are primarily office oriented with some supportive services."
4. 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." A companion zoning case ZC23-0060 proposes to rezone the property to ML-20a for light industrial 20 uses.
5. In May 2023, the City Council approved an ordinance amending the Future Land Use Map and the Future Land Use Categories in the Comprehensive Plan. This update divided the "Business District" which used to allow a variety of both office and warehouse uses into new separate categories of "Business/Office" and a "Manufacturing/Warehouse". This update changed the compatible uses and zoning districts of the new categories which placed warehouse uses and the ML-20a "Light Industrial 20a" district into the new "Manufacturing/Warehouse" category.
6. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the *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 all three conditions as noted above have been met.

7. Since warehouse uses and ML-20a zoning surround the subject property, staff agrees that the proposed change meets all the criteria listed above.
8. A total of 14 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be adopted

51 Ordinance - ZC23-0060 - Considering a Zoning Change from C-O "Commercial Office" and ML-20A "Light Industrial 20A" to ML-20A "Light Industrial 20A" - Approximately 8.62 Acres Located at 1505 N. Westridge Circle

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission's recommendation prior to the City Council meeting.
2. **Owner:** PDI Commercial Properties LTD
Applicant: JDJR Engineers & Consultants, Inc.
3. The subject property is an 8.62-acre vacant tract. **The applicant is requesting a zoning change to allow ML-20a "Light Industrial 20a" uses for the construction of a new warehouse/office building.**
4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Business/Office** uses for this property. In conjunction with this zoning case, the applicant seeks to change the future land use to **Manufacturing/Warehouse** per CP23-0020. Staff is recommending approval for this comprehensive plan amendment in the companion case.
5. While most of the property is zoned C-O "Commercial Office", approximately 0.77 acres of the southern portion of this tract is already zoned ML-20a "Light Industrial 20a".

6. Since this request for straight ML-20a “Light Industrial 20a” zoning **does not include any variances to the minimum zoning requirements**, a site plan is not required. All development will comply with the ML-20a and any other applicable standards.
7. Two warehouses, one office/warehouse building, and one lot zoned for warehouse uses surround this property. Two of these properties were rezoned from C-O “Commercial Office” to ML-20a “Light Industrial 20a” uses in 2021 and 2022.
8. A companion case CP23-0020 was prepared with this rezoning request. In May 2023, the future land use designation for “Business District” which permitted office and warehouse uses was updated to “Business/Office”; a separate category was created for Manufacturing/Warehouse uses. This update limited the compatible uses and zoning districts under this category, and therefore neither the ML-20a district nor warehouse uses are appropriate for the current classification which necessitated the change in future land use category. As noted in the staff memo for CP23-0020, staff intends to re-evaluate the surrounding area for its appropriate future land uses in 2024.
9. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and made the following informational comment:
 - a. The **CIP Department** stated that detention would be required on this site, with details to be finalized at the time of platting.
10. As discussed in CP23-0020, **staff can support the corresponding amendment** to the Future Land Use Map, as the proposed uses meet the criteria for a change from a non-residential use to a different non-residential use set forth in the Comprehensive Plan. **Since the applicant is not requesting any variances from the ML-20a “Light Industrial” zoning district, and since several surrounding properties are also zoned ML-20a, staff can support this request.**
11. A total of 14 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be adopted

52 Ordinance - ZC23-0061 - Considering a Zoning Change from R-MF-2 “Multi-Family Residential 2” and S-P-2 (R-TH) “Generalized Site Plan – Townhouse Residential” to C-N “Neighborhood Commercial” - Approximately 0.735 Acres Located at 920 S. Belt Line Road

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner:** Aspen Square Homes, LLC and Tasacom Commercial Real Estate, LLC
Applicant: JDJR Engineers & Consultants, Inc.
3. The subject property is a 0.735-acre undeveloped tract of land. The applicant is requesting a zoning change to allow commercial development on the site.
4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Regional Commercial** and **Compact Neighborhood** uses for this property. The **Regional Commercial** land use category is described as an “auto-oriented district for larger scale retail, office and commercial uses that 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. Likely compatible zoning includes the C-N zoning district.” The **Compact Neighborhood** land use category is described as “appropriate for 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 with some mix of neighborhood-serving non-residential uses at intersections and collector or arterial corners. Likely compatible zoning includes the C-N zoning District at select intersections.” **The requested zoning is in conformance with the Comprehensive Plan.**
5. The property in this request consists of two separate lots with two different zoning categories. The lots were platted as “X” lots in 2021 as part of the redevelopment of the area, which signifies that they were not intended to be buildable lots.

Lot 2X, Block A, of Aspen Square Addition is a remnant from the dedication of right-of-way for W. Shady Grove Road and is zoned for multi-family uses. It was subsequently platted into the Aspen Square Addition. Due to its configuration and size, the lot was deemed as unbuildable, so it was designated as an “X” open space lot.

Lot 19X, Block G, of Aspen Square Townhomes Amended is directly to the south and is zoned for townhome uses. It was also platted and designated as an open space lot for the adjacent townhome development. Only a portion of Lot 19X is being rezoned; the remainder of the lot along the north and west side of the Aspen Square subdivision will remain as an “X” open space lot.
6. The lots are now owned by two LLCs with the same owner. The owner has stated that, due to the properties’ sizes and adjacency to the developed commercial lot to the west, they would like to combine the two lots and develop the site with additional commercial uses that could serve the surrounding neighborhoods.
7. The requested C-N “Neighborhood Commercial district would allow such uses as restaurants, gasoline service stations, retail stores, as well as professional services like salons and medical offices.
8. **The applicant is not requesting any variances at this time.** Therefore, no site plan zoning is necessary. If variances are necessary as the property is designed, a new Site Plan Zoning case would be necessary.
9. If the rezoning is approved, the owner would have to replat the property into a single lot prior to development and remove the “X” (non-buildable) designation. There is an alley behind the property that would serve as a buffer to the adjacent townhomes. The commercial developer will also be required to provide a minimum

7-foot tall blind fence on the common property line adjacent to the residential townhome development.

10. The CIP, Water Utilities, Inspections, Traffic and Transportation, and Fire departments have reviewed the application and indicated no objections.
11. Staff believes that the requested zoning is appropriate for the area and compatible with surrounding uses.
12. A total of 13 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be adopted

- 53 Ordinance - ZC23-0062 - Considering a Zoning Change from 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 Hotel and Related Uses to S-P-2 (C-O) “Generalized Site Plan – Commercial Office” and Hotel and Related Uses for Office and Hotel Uses with Variances to the Minimum Number of Guest Rooms and the Minimum Meeting Space Requirements - Approximately 2.49 Acres Located at 1320 Greenway Drive**

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.
2. **Owner:** NB Greenway, LLC
Applicant: Type-Six
3. The subject property is an approximately 2.49-acre vacant site that has never been developed. The applicant is requesting a zoning change to **allow Commercial Office and hotel uses with variances to the hotel development standards for room count and meeting space.**
4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Business/Office** uses for this property. This land use category is described as a “Flexible use area for retail, office, and commercial uses. Multi-story structures with a mix of surface and structured parking. Uses are primarily office oriented with some supportive services.” The requested zoning is in conformance with the Comprehensive Plan.
5. In March 2022, zoning case ZC22-0004 changed the zoning from C-O “Commercial Office” 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 Hotel and Related Uses. No variances were requested for this case, and the hotel was to be developed per the C-O zoning standards. The existing zoning was proposed to be a 24-story, 200-room extended-stay hotel with a restaurant, café, two bars, an outdoor pool, and a 6,000-square-foot meeting space.

6. The applicant intends to build a **5-story, 135-room “Home 2” extended-stay hotel with a fitness center, outdoor pool, and “grab-and-go” style breakfast** on the western section of the lot. **A two-story, 7,000-square-foot office building** is proposed on the eastern section of the lot.
7. The applicant requests the following variances to Section 3.10 “Hotel Development Standards” of the UDC as noted in the following table:

| | Required | Proposed |
|--|--------------------------------|--|
| Room Count Sec. 3.10.2 (d)(7) | Min. 200 rooms | 135 rooms Variance of 65 rooms (-32.5%) |
| Meeting Space Sec 3.10.2 (d)(5) | Combined min. of 5,000 sq. ft. | 3,000 sq. ft. Variance of 2,000 sq. ft. (-40%) |

8. The applicant provided a letter of intent with their justifications for the meeting space variance. The applicant did not provide a justification for the minimum room count variance.
9. The existing zoning provides for a hotel with R-AB for alcohol service. **The proposed hotel will not include a restaurant or have alcoholic beverage sales.** The hotel will be required to provide a continental breakfast and a convenience retail market or pantry section including refrigerated and frozen food options as required per Section 3.10.2 (d)(8).
10. Since no variances have been requested, all landscaping and parking requirements along with all the other Hotel Development Standards and the C-O “Commercial Office” standards will be met.
11. Staff supports the zoning change to C-O “Commercial Office” as this was the previous zoning for this property before its recent zoning change, and as it is appropriate with the surrounding zoning and land uses. However, the Hotel Development Standards were reaffirmed in 2022 by the City Council to ensure high-quality hotel development. While staff can support the proposed hotel and office uses, staff cannot support the proposed variances. Accordingly, staff cannot support the request as presented.
12. A total of nine (9) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Staff Recommendation

The ordinance be **denied**

54 Ordinance - ZC23-0063 - Considering a Zoning Change from S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” and Entertainment Uses to S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” and Entertainment Uses to Increase the Movie Theater Capacity and Revise the Alcoholic Beverage Service Area - Approximately 12.42 Acres Located at 8505 Walton Boulevard

Administrative Comments

1. The Planning and Zoning Commission made its final report on November 6, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.
2. **Owner:** PASMAA Theater Investment, LLC
Applicant: Nirguna Investment, LLC
3. The subject property is a 12.42-acre lot that is developed with an existing stand-alone movie theater. **The applicant is requesting to revise the site plan to increase the movie theater capacity and revise the alcoholic beverages serving area.**
4. History
 - a. In July 2019, the owner rezoned the property to redesign the lobby area of the movie theater to accommodate a bar, alcohol serving area, and a future entertainment area. Plans were to refurbish several of the theaters to include food and beverage service; however, that plan was approved by the City Council but was never completed.
 - b. In April 2021, the owner had a prospective buyer for the property who wanted to further remodel the facility to eliminate nine (9) of the 16 theaters and convert that space to an indoor amusement zone that would include an indoor race car track and pit, a bowling alley, laser tag, axe throwing, private party rooms, a food court area, and an arcade. Approximately 50,559 square feet of the 77,682 square foot building was proposed to be re-modeled. The exterior of the structure did not expand, and all activities were proposed to be inside the enclosed building.
5. The previous request was approved with an interior floor plan that established boundaries for the alcohol serving area. Since floor plans are no longer required for S-P-1 (R-AB) zoning, the applicant is revising the detailed site plan to eliminate the

interior floor plan and establish the alcoholic beverage serving area as the entire building. **Additionally, the previous plan showed a “future Lot 2” to be created on the southern portion of the site. This has been eliminated and is no longer shown.**

6. As in the original plan, the interior of the building is proposed to have a variety of indoor entertainment activities, including movie theaters, bowling lanes, axe throwing, go-karting, arcade games, virtual reality games, private party and event rooms, and restaurant and bar areas. The number of movie theaters has been reduced but a second mezzanine level is proposed with additional event and lounge space. While a floor plan is no longer required, the applicant has provided a floor plan for illustrative purposes.
7. The previous site plan had shown a total of 464 parking spaces required with 509 being provided. The applicant has also revised the parking calculations based on the different uses in the various areas of the building. The revised total required parking is 627 spaces, and the site has an existing total of 909 spaces. If the applicant does want to subdivide the property in the future, they will need to do so in a way that will not create a shortage of parking.
8. The applicant is not requesting any variances.
9. Staff believes that the requested zoning is a minor change from the previously approved zoning, is appropriate for the area, and is compatible with surrounding uses
10. A total of 64 public notices were mailed. Staff has received two (2) responses in support and one (1) response in opposition to this request. The opposition represents 0.85% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is **not** required for approval.

Staff Recommendation

The ordinance be adopted

APPOINTMENTS AND REPORTS

55 Resolution - Confirming the Reappointment by the City Manager of a Commissioner to Serve on the Fire Fighters' and Police Officers' Civil Service Commission to a Term Expiring November 2026

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:** The 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. City Manager Chris Hillman reappoints and recommends confirmation of Saeed Purcell to the Civil Service Board to a three-year term expiring November 2026. This is a three-member board.

Recommendation

The resolution be approved.

56 Resolution - Annual Appointments to Boards, Commissions, and Committees, to Fill Two-Year Terms and Various Unexpired Terms

Administrative Comments

1. This item is recommended by the City Secretary's Office.
2. **Impact:** Appointment of Irving residents to boards, commissions, and committees assures that our residents have a voice in city government.
3. Council conducted interviews for various vacancies on September 25, 26, 27, October 2 and 3.
4. The terms for most of these appointments expire in November 2025.

Recommendation

The resolution be approved.

57 Mayor's Report

Adjournment