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
Pastor Ben Dailey, Calvary Church
Pledge of Allegiance
Proclamations and Special Recognitions
Citizens' Forum
Citizens are invited to speak for three (3) minutes on matters relating to City government and on items not listed on the regular agenda.

Public Hearing: Items 1 through 66

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving the Work Session Agenda for Thursday, November 09, 2023

3 Approving the Regular Meeting Agenda for Thursday, November 09, 2023
4 Resolution - Authorizing Additional Expenditures to Bickerstaff Heath Delgado Acosta, LLP., in an Amount Not to Exceed $50,000.00 for Litigation in Regard to 1501 Valley View Road (Conflans Road Extension Project)

Administrative Comments

1. This item is recommended by the Traffic and Transportation Department and City Attorney’s Office. It supports Future in Focus – Government Sustainability: Protect the city’s financial integrity and credibility.

2. **Impact:** This item would allow payment of any additional invoices for attorney fees and legal costs associated with the ongoing litigation styled City of Irving v. Shiraz Enterprises, Ltd., et al.

3. An Addendum to Legal Services Agreement with Bickerstaff Heath Delgado Acosta, LLP was executed via Administrative Award #7062 on December 3, 2020 to engage outside counsel, Charles Kimbrough and Philip Arnold, in this matter.

4. On May 6, 2021, by Resolution No. RES-2021-169, the City Council authorized the City’s attorneys to file, initiate, and complete condemnation proceedings on behalf of the City, pursuant to Chapter 21 of the Texas Property Code and other authority, for the City to exercise the right of eminent domain and acquire property at 1501 Valley View Lane (the “Property”) for the Conflans Road Extension Project. The property owners have appealed the Commissioner’s Award in the eminent domain proceeding and the litigation is pending.

5. By prior resolutions (RES-2021-192 and RES-2023-196), the City Council authorized an additional $275,000.00 in funding to Bickerstaff Heath Delgado Acosta, LLP to continue handling the lawsuit.

6. This matter is currently set for trial on January 30, 2024. Additional legal expenses are anticipated to be incurred in preparing this matter for trial, including pre-trial hearings.

7. Funding in the amount of $50,000.00 is available in the General Non-Bond CIP Fund.

Recommendation

The resolution be approved.
5 Resolution - Approving a Master Services Agreement and Addendums with Flock Group, Inc. for a Subscription Software and Hardware Situational Awareness Solution in the Total Amount of $486,800 for a Five-Year Term

Administrative Comments
1. This item is recommended by the Police Department. It supports Future in Focus: Safeguard public safety, security and health.

2. Impact: This master services agreement provides a five-year subscription service for a software and hardware situational awareness solution through a technology platform which is capable of capturing audio, video, image, and recording data to provide updates and organized intelligence in the interest of public safety.

3. The annual subscription amount is $95,000.00 per year, and additional one-time professional services fees during the first year of the agreement, of $11,800.00. The total for the first year of the agreement is $106,800.00.

4. During FY23/24, the first year of the agreement, multiple funding sources are being used. $30,000 from the Police Department budget in the General Fund, $58,400 in Homeland Security UASI grant funds, and $18,400 in Federal Treasury seized funds for a total of $106,800.00.

5. Funding for this annual subscription service for a five-year term beginning in FY23/24, for a grand total of $486,800.00, subject to funds being available in the Police Department Budget in the General Fund.

Recommendation
The resolution be approved.

6 Resolution - Approving an Agreement with Single Source Provider Stryker Corporation in the Amount of $81,918.50 for the Service and Repair of LifePak Defibrillator Units and Associated Components for Fiscal Year 2023-2024.

Administrative Comments
1. This item is recommended by the Fire Department. It supports Future in Focus: Safe and Beautiful City – Safeguard public safety, security and health.

2. Impact: This service ensures that equipment is properly maintained, receives software updates, and is serviced by certified technicians so that we can provide outstanding emergency service for citizens.

3. Thirty-eight LifePak 15 units and fourteen AED 1000 units will be coved by the
Service Plan providing inspections, preventative maintenance, updates, repairs, and supplies.

4. Funding in the amount of $81,918.50 is available in the FY 2023-24 Fire Department budget within the General Fund.

**Recommendation**

The resolution be approved.

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7. **Resolution - Approving a First Amendment to the Interlocal Agreement Between the City of Irving and Irving Independent School District for Emergency Medical Services at Football Games**

**Administrative Comments**

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

2. **Impact**: The Amendment to this Interlocal Agreement will change the cost of the services for which IISD shall pay from August 1, 2023 through July 31, 2024 to increase from $55 to $60 per hour per paramedic and remove the $60 per game fee for use of an ambulance.

3. The Fire Department will provide two paramedics for a minimum of three hours during the high school football games. Additional hours will be worked as needed.

4. IISD will pay the City of Irving a fee of $60 per hour per paramedic for emergency medical services.

**Recommendation**

The resolution be approved.
Resolution - Approving a Temporary Construction License with Estate of Kevin McNeely Located at 2517 Fairbrook Street, for the Embassy Channel Project

Administrative Comments

1. This item has been recommended by the Capital Improvement Program Department and supports Future in Focus Infrastructure Investment - Maintain water, wastewater, and drainage infrastructure.

2. Impact: This item supports Drainage Solutions for a Better Tomorrow and is necessary for the access to the said property for the ongoing Embassy Channel Improvement Project.

3. The temporary construction license consists of approximately 1,400 +/- square feet of workspace at 2517 Fairbrook Street, owned by Estate of Kevin McNeely. Any transactions of a property in an Estate must be presented to council for approval.

4. The Temporary Construction License does not require funding.

Recommendation

The resolution be approved.

Resolution - Approving an Expenditure with Cousin's Waterproofing LLC, dba Next Gen Construction, in the Amount of $359,000.00 for the Roofing Replacement at Valley Ranch Library 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 replacement of the roof at the Valley Ranch Library.

3. A Vendor/Member contract between the City of Irving and Cousin's Waterproofing LLC, dba Next Gen Construction, was approved on June 8, 2023, by RES-2023-221. The contract supports utilization of TIPS Contract No. 23010402 for Trades, Labor, and Materials (JOC), which expires on April 30, 2025.

4. Funding for this project, in the amount of $359,000.00 is available through the
Building Repair and Replacement Fund.

Recommendation
The resolution be approved.

10 Resolution - Approving a Professional Services Agreement Between the City of Irving and Freese and Nichols, Inc., in the Amount of $2,500,000.00, for the Development of the Stormwater Master Plan

Administrative Comments
1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

2. Impact: This contract supports the Drainage Solutions for a Better Tomorrow. The Stormwater Master Plan for the City of Irving will provide a roadmap that identifies the current flood hazards, identifies areas of hydraulic and structural deficiencies, incorporates stakeholder ideas and concerns, and outlines practical flood mitigation alternatives for future conditions.

3. This scope area is the entire City and will incorporate The Heritage District Master Drainage Plan, and existing drainage studies on City creeks.

4. Request for qualifications were solicited for these services. Qualifications were received from seven (7) firms. Freese and Nichols, Inc., was determined to be the highest scoring and best qualified firm based on the evaluation criteria set forth in the RFQ.

5. Minority- and/or Women-owned Business (M/WBE) participation in this award is 6%.

6. Funding in the amount of $2,500,000.00 is available in the Municipal Drainage Utility Non Bond CIP Fund.

Recommendation
The resolution be approved.
11 Resolution - Awarding a Contract to RNDI Companies, Inc. in the Amount of $83,276.00 for the Demolition of 226 Falcon Drive

Administrative Comments
1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Safe and Beautiful City - Improve property conditions and overall appearance of the City.
2. **Impact:** This project will remove all existing structures and parking from 226 Falcon Drive, salvage existing trees, and repair with a properly prepared grass lot.
3. The facility at this location is vacant and the City has no intention of repurposing the existing structure.
4. Bids were received from four (4) bidders. RNDI Companies, Inc. submitted the lowest responsive responsible bid of $83,276.00.
5. A budget adjustment will be requested at a future date to replenish the funds used for this expense.
6. Funding in the amount of $83,276.00 is available in the Economic Development Fund.

Recommendation
The resolution be approved.

12 Resolution - Awarding a Contract to McMahon Contracting LP, in the Amount of $17,008,748.25 for the Esters Road Pavement and Utilities Improvements Phase I & II 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 ROAD TO THE FUTURE Program. The work to be performed under this contract includes pavement replacement and widening, water line and waste-water line additions and replacements, and storm sewer improvements. Project will include sidewalks on both sides of roadway and barrier free ramps.
3. This project is part of the Road to the Future Program, and is needed to enhance safety, rideability, and have a better-quality street. This is $591,701.80 (3.3%) below the project estimate.
4. Bids were received from five (5) bidders. McMahon Contracting LP submitted the
lowest responsive responsible bid of $17,008,748.25.

5. Minority and/or Women-owned Business (M/WBE) participation goal is 30%.

6. To expedite the work and in the interest of the public health, safety, and welfare, and to endure limited disruption to traffic and local businesses impacted by construction, the contract includes incentive pay for early project completion prior to allowed construction duration of 545 days. The incentive payment is $1,000.00 per day, not to exceed $200,000.00.

7. Funding in the amount of $13,771,911.75 is available in the Street Improvement Bond Fund, and funding in the amount of $2,358,771.10 is available in the Water Improvement Bond Fund, and funding in the amount of $878,065.40 is available in the Sanitary Sewer Bond Fund.

**Recommendation**

The resolution be approved.

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### Resolution - Approving an Interlocal Agreement Between the City of Irving and the North Central Texas Council of Governments in the Amount of $8,898.00 for the Regional Stormwater Management Program

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Future in Focus: Maintain water, wastewater and drainage infrastructure.

2. **Impact:** Participation in this program meets the Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) permit requirements for municipal stormwater discharges.

3. The Interlocal Agreement for the Stormwater Management Program has been Amended to extend the original Agreement Term (effective October 1, 2017 through September 30, 2024), by (1) year. The amended term will expire on September 30, 2024. The Interlocal Agreement requires an annual Letter of Authorization to provide the following:
   - Fiscal Year 2024 funding in the amount of $8,898.00 for the Regional Stormwater Management Program, which provides for administrative and implementation assistance.

4. Funding for this annual expenditure was approved by the adoption of the FY 23-24 Municipal Drainage Utility (MDU) budget.

5. Funding in the amount of $8,898.00 is available in the Municipal Drainage Utility
**Recommendation**

The resolution be approved.

**Resolution - Approving Addendum No. 2 to the Professional Services Agreement Between the City of Irving and Freese and Nichols, Inc., in the Amount of $2,857,100.00 for Additional Services for the West Irving Creek Channel Improvements Project for Phase-A from Alan-A-Dale to Wyche Park and Phase-D from Oakdale Road to Rogers Road**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment - Maintain water, wastewater and drainage infrastructure.

2. **Impact:** This contract supports the Drainage Solutions for a Better Tomorrow initiative. This addendum provides funding for engineering design to improve the capacity of the West Irving Creek Channel in containing the 100-year flood event inside the improved channel from Alan-A-Dale to Wyche Park and from Oakdale Road to Rogers Road.

3. This addendum will add funding to the contract for these additional items:
   
   a. Wyche Detention area lighting/electrical design, irrigation design, and concrete screening fence.

   b. Drainage improvements consisting of concrete lined and natural channel running from S. Rogers Road through W. Oakdale Road.

   c. Improvements in drainage and pond at Markwood Park.

   d. Bridges at Oakdale Road and MacArthur Blvd will be reconstructed.

   e. Improvements will be made to the crossing at W. Vilbig Street to improve its flood carrying capacity.


   g. Descriptive Instruments & Right-Of-Way/Real Estate Services.

   h. Bid and Construction phase assistance.

4. Funding in the amount of $2,857,100.00 is available within the Municipal Drainage Utility C.O. Fund.
**Recommendation**

The resolution be approved.

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**Resolution - Approving Addendum No. 7 to the Professional Services Agreement Between the City of Irving and Freese and Nichols, Inc., in the Amount of $92,000.00 for Additional Services for the Delaware Creek Channel Improvements Project for Jaycee Park Spillway Retrofit**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment – Maintain and extend water, wastewater and storm water systems.

2. **Impact:** This contract supports the Drainage Solutions for a Better Tomorrow initiative. This addendum provides funding for additional design services to retrofit the Jaycee Park Spillway.

3. This addendum will add funding to the contract for these additional items:
   
   a. Reviewing the original design plans and specifications, coordinating a site visit with City staff, documenting defects with GPS points and photo, preparing a document summarizing the defects, coordination after the inspection.

   b. Design including plans and specifications, bid and construction phase services for retrofits to reduce or eliminate underflow of the spillway in Jaycee Park to improve water retention of the pond.

   c. Additional effort towards finalizing the FEMA Letter of Map Revision (LOMR) for all the Delaware Creek projects to reflect the reduced flood risk due to the projects.

4. Funding in the amount of $92,000.00 is available within the Municipal Drainage Utility C.O. Fund.

**Recommendation**

The resolution be approved.
Resolution - Adopt a Resolution Setting a Public Hearing to Discuss the Imposition of Impact Fees for Water, Wastewater, Roadways, and Drainage Improvements

Administrative Comments

1. This item has been recommended by the Water Utilities, Traffic and Transportation, Capital Improvement Program, and Planning Departments and support Future in Focus: Infrastructure Investment; Support strategic investment in city facilities.

2. The Capital Improvements Advisory Committee (CIAC) received a presentation and reviewed the Land Use Assumptions (LUA) on January 10, 2023, and received a presentation and reviewed the water, wastewater, roads, and storm water Capital Improvements Plans (CIPs) on June 13, 2023. The CIAC voted to recommend approval of the plans as presented on June 13.

3. The first public hearing was held on August 3, 2023, with action by the City Council to adopt the LUAs and CIPs in preparation for the consideration of the final step of calculation of impact fees.

4. The CIAC received a detailed discussion regarding the impact fee calculations on November 7, 2023. The Committee forwarded a recommendation that the City Council adopt the Technical Calculations by a vote of 6-0. The final impact fee report will be provided to city staff by the consultant and will be available for review in the Planning Department and posted on the city’s webpage.

5. An additional public hearing is required for imposition of impact fees. Section 395.047 of the Local Government Code requires that the public hearing shall be ordered after adoption of the Land Use Assumptions and Capital Improvements Plans. The required 30-day notice of the public hearing will be published on December 9, 2023. The public hearing will be scheduled for January 11, 2024. A report will be provided from the CIAC to the City Council before January 3, 2024, as required per state statute. The City Council must approve or deny the implementation of impact fees within 30 days from the public hearing date. City Council will be asked to approve a maximum impact fee per service unit and a collection rate for impact fees.

Recommendation

The resolution be approved.
Resolution - Approving the Agreement with Madden Media for Campaigns Targeting Meeting Planners and the Meetings Market in the Amount of $250,007.00

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:** This contract will positively impact City of Irving residents, visitors and businesses and enhance the community’s economy and quality of life by delivering a comprehensive meetings-focused campaign that will directly support the efforts of the ICVB to promote the city as a destination for highly valued conventions and meetings.

3. Madden Media will utilize its expertise in meetings and conventions marketing to develop a five-year strategic plan, based on the target markets for the Irving Convention and Visitors Bureau and Irving Convention Center’s sales teams’, as well as the economic development plan strategic markets as they are to be defined and sales team goals, to increase meetings and conventions RFPs and thus increase conversion rates.

4. Madden Media will align the activities of ICVB’s public relations agency, advertising agency, and internal departments around cohesive meetings and conventions messaging. They will develop a comprehensive meetings campaign that includes creative development, production, and media buying with ongoing creative updates to optimize advertising performance.

5. Meetings campaign deliverables include: paid search – both remarketing (RLSA) and regular paid search (SEM); MobileFuse geofencing to track device IDs and retarget meeting planners following select industry tradeshows; LinkedIn sponsored posts and Meta retargeting.

6. A real-time reporting dashboard for campaign performance reporting will also be generated, allowing the team to refine messaging as needed to drive greater results and thus greater conversion rates.

7. The Irving Convention & Visitors Bureau represents a $3.04 billion-per-year hospitality industry, which welcomes 4.01 million visitors and generates $64.7 million in taxes annually, saving every Irving household $776 annually.

8. This contract shall be from January 1, 2024, to December 31, 2024.

9. Funding in the amount of $250,007.00 for Fiscal year 2023-24 is available.
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**Recommendation**

The resolution be approved.

**18 Resolution - Approving the Agreement with Tourism Economics for SYMPHONY Market Intelligence Platform with Modules for the Irving Convention and Visitors Bureau in the Amount of $94,250.00 Annually**

**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**: This contract will positively impact City of Irving residents, visitors and businesses and enhance the community’s economy and quality of life by providing data sets to that will provide further data-based support for the ICVB in promoting the city as a destination for visitors, conventions, and meetings, by refining messaging and opportunity, therefore driving additional revenues for Irving’s residents and visitor economy.

3. Symphony is a business analytics/intelligence platform for the travel and tourism sector, integrating Tourism Economics’ extensive global databanks, the ICVB’s proprietary data, and a wide range of third-party data sources in to an efficient, integrated platform.

4. These data sources include global travel datasets of country, city, and state coverage, travel forecasts that are linked directly to the economic and demographic outlook, economic impact analysis focusing on the value of visitors, events, developments, and industry segments, policy analysis and market assessments that define market allocation.

5. The key benefit of this service is a centralized database to increase productivity from which the ICVB teams can access important insight and assessment for decisions around marketing and budget. The platform will integrate our Customer Relationship Management System data, Irving-specific and out-of-region STR/CoStar data, hotel industry forecast, economic impact data, plus include campaign attribution and consumer behavior data.
6. The Irving Convention & Visitors Bureau represents a $3.04 billion-per-year hospitality industry, which welcomes 4.01 million visitors and generates $64.7 million in taxes annually, saving every Irving household $766 annually.

7. This contract shall be from January 1, 2024, to December 31, 2026, subject to funds being available during FY24-25 and FY25-26.

8. Funding in the amount of $94,250.00 for Fiscal year 2023-24 is available.

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**Recommendation**

The resolution be approved.

19 Resolution - Authorizing Expenditures with Single Source Provider CLS Equipment Co., Inc., in the Total Amount of $305,848.00 for the Purchase of a Cues Portable Video Inspection Base Station and Preventative Maintenance and Repairs for Cues CCTV Equipment

**Administrative Comments**

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

2. **Impact:** Sewer cleaning and televising is an important part of preventing backups and overflows in the sewer collection system.

3. The Cues Portable Video Base Station allows the televising of sewer lines with robotic cameras in areas where camera trucks are unable to access. This televising determines the structural integrity inside the pipes and provides data for future pipe replacements.

4. The Cues Portable Video Base Station includes the required software, hardware and cabling and components to interface with the current video system in the amount of $245,848.00.
5. Additional expenditures are needed in the amount of $60,000.00 for preventative maintenance and repairs on an as-needed basis.

6. Funding in the amount of $305,848.00 is available in the Water Utilities budget within the Water & Sewer Operating Fund.

**Recommendation**

The resolution be approved.

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**Resolution - Approving and Accepting the Bid of SYB Construction Company, Inc., in the Amount of $88,570.00 for the Valley Ranch Lift Station Pump Discharge Replacement Project**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department. It Support Future in Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

2. **Impact:** This project will replace the damaged pump discharge pipes at the lift stations. The repair will allow the station to operate at full capacity and protect the wastewater system from sanitary sewer overflows.

3. This project will consist of excavating and replace two 6-inch ductile iron pump discharge pipes that penetrate the lift station wet well. Portions of the lift station driveway will be replaced as part of the work. Bypass pumping will not be required to complete the work.

4. Two bids were received from SYB Construction Company, Inc., and Urban Infraconstruction, LLC. SYB Construction Company, Inc., submitted the lowest responsive, responsible bid of $88,570.00

5. Funding in the amount of $88,570.00 is available in the Water Utilities budget within the Water and Sewer System Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.
Resolution - Authorizing Expenditures with Metro Fire Apparatus Specialists, Inc. in the Estimated Amount of $100,000.00 for As-Needed Fire Apparatus Repairs and Optional Parts

Administrative Comments

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

2. **Impact**: Approval of this item will provide the Fire Department with adequate vehicle repairs allowing the Fire Department to be able to serve the citizens of Irving in the most efficient means possible.

3. The single source agreement was approved under RES-2022-422. The original amount was $300,000.00 for a two-year term for as needed service and parts. The additional spending requested is in the amount of $100,000.00. The expenditure term is from December 8, 2023, through September 30, 2024.

4. Funding for Fiscal Year 2023-24 in the amount of $100,000.00 is available in the Garage Fund and Risk Fund.

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Recommendation

The resolution be approved.

Resolution - Approving Additional Expenditures with Benevate, Inc., the producer of Neighborly Software, in the Total Amount of $2,500.00 for Software implementation of Community Housing Development Organizations (CHDO) module.

Administrative Comments

1. This item is recommended by the Information Technology (IT) Department and the Housing and Redevelopment Department. This supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.
2. **Impact:** The Housing and Redevelopment division purchased Neighborly Software, a new cloud-based online case management software, in January 2023 to replace the outdated software. This software contains a more robust comprehensive solution in one system – Grant Management, Case Management, Loan Processing, Construction, and asset monitoring. The Housing and Redevelopment division is in Phase 2 out of 3 phases on the current implementation.

3. Benevate, Inc., the producer of Neighborly Software, is the sole source vendor of this product and certifies that no other hosted software is available for purchase that can address all the modules mentioned above in one solution.

4. Housing and Redevelopment would like to purchase an additional module. The module will assist with transition of old outdated paper applications for the Community Housing Development Organizations (CHDO). It will also allow staff to track project progress and payment more efficiently. Due to the additional module being added to the subscription would result in a total cost being over $50,000.

5. Funding for Fiscal Year 2023-24 is available in Community Development Block Grant (CDBG).

**Recommendation**

The resolution be approved.

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23 Resolution - Approving an Interlocal Agreement between the City of Irving and North Texas Council of Government (COG) in relation to the SERI (Statewide Emergency Radio Infrastructure) grant.

**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 Interlocal Agreement between the City of Irving and North Texas Council of Government (COG) in relation to the SERI (Statewide Emergency Radio Infrastructure) grant. This agreement provides an avenue for the COG to transfer the equipment and reimburse the city for the purchase of the equipment related to the SERI grant.

3. This grant will give the City of Irving a portable tower and infrastructure that will be used to back up the present Public Safety P25 LMR network and create a mixed infrastructure environment in the regional system. Approval of this item will help
ensure the reliability of the Public Safety LMR Network for the region with better interoperability and resiliency for our First Responders.

**Recommendation**

The resolution be approved.

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**Resolution - Approving Sole Source Purchases in the Amount of $890,058.60 with E.F. Johnson Company (“EFJohnson”) for ATLAS P25 Phase 2 Radio System.**

**Administrative Comments**

1. This item is recommended by the Information Technology. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.

2. **Impact:** This purchase will provide the city with a backup and expansion to it's P25 Phase II radio infrastructure. This purchase will provide a fully functional system that operates the same as the primary system and when fully implemented will be seamless to the end user. It will also provide extended coverage of the existing system once fully implemented this will be seamless to the end user. This capability to provide more resiliency in these networks the provide life saving services that we don't have today.

3. This is being purchase as part of the Statewide Emergency Radio Infrastructure (SERI) grant award that the city of Irving and Grand Prairie received. **This is a reimbursement grant and the city will be reimbursed for this purchase by the North Texas Council of Government (COG).** It is associated with an inter-local agreement with the COG that is being placed on the agenda as well. This project will also create a mixed infrastructure environment in the region to help reduce cost and create better resiliency.

4. Funding in the amount of $890,058.60 is available in the Miscellaneous Grant Fund.

**Recommendation**

The resolution be approved.
Resolution - Approving a Consulting Agreement Between the City of Irving and Holmes Murphy and Associates, LLC, in the Total Estimated Amount of $315,000.00 for an Employee Healthcare Consultant for a Three Year Term

Administrative Comments

1. This item is recommended by the Human Resources Department. It supports Future in Focus: Government Sustainability – Recruit, retain and develop a qualified, competent and diverse workforce.

2. **Impact:** The Healthcare Consultant provides support to the Benefits Team as they seek to continue to provide competitive benefits to employees in an effort to recruit and retain a qualified, competent workforce. The consultant's scope of work will include providing support as the City administers the Employee Health Plan, reviewing voluntary coverages that the workforce requests (i.e. dental, vision, life, etc.), obtaining ancillary services needed to properly service employee benefits through use of sub-consultant Avant Benefits (i.e. stop loss coverage, FSA administration, Benefits Administration System, ACA services, etc.), retiree insurance benchmarking, and providing suggestions and recommendations for additional services that the city may find beneficial.

3. A Request for Proposals (RFP) was issued for these services for which five responses were received, two of which were non-responsive. Holmes Murphy and Associates, LLC, whose responsive proposal received the highest points based on the evaluation criteria established in the RFP, is recommended for award.

4. This award establishes a three-year contract for the continuation of providing employee healthcare consulting services. The contract includes five, one-year renewal options.

5. Funding for Fiscal Year 2023-24 is available in the Health Self-Insurance Fund, while funding for Fiscal Years 2024-25 through 2026-27 is subject to budget appropriation.
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<th>Vendor</th>
<th>Contract Term</th>
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<tr>
<td>Holmes Murphy &amp; Associates, Inc.</td>
<td>1/1/24 – 12/31/26</td>
<td>$ 78,750.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$105,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$105,000.00</td>
<td>2025-26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 26,250.00</td>
<td>2026-27</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$315,000.00</strong></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.


**Administrative Comments**

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

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

3. This renewal establishes the continuation of an annual contract to supply bunker clothing. This is the second and final, one-year renewal option.

4. In order to accommodate the price increase submitted by the vendors, which has been reviewed and accepted by the Fire Department, the contract amount has been increased by 25% over the initial award amount, which is in accordance with the maximum percentage increase allowed by State Law.

5. Funding for Fiscal Year 2023-24 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

6. Because this annual contract runs from January 2024 through December 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.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Items(s)</th>
<th>Contract Term</th>
<th>2023-24 Estimated Expenditure</th>
<th>2024-25 Estimated Expenditure</th>
<th>Total Amt. Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North America Fire Equipment Co. Inc. (NAFECO)</td>
<td>1, 3 &amp; 4</td>
<td>1/1/24 - 12/31/24</td>
<td>$350,000.00</td>
<td>$87,500.00</td>
<td>$437,500.00</td>
</tr>
<tr>
<td>Relitorin International, Inc.</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delta Industrial Service &amp; Supply</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Con10gency Consulting, LLC</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metro Fire Apparatus Specialists, Inc.</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

**Resolution - Approving As-Needed Expenditures with Bound Tree Medical, LLC, and Life-Assist, Inc., in an Amount Not to Exceed $468,000.00 for EMS Fire Dept. Medical Supplies through an Interlocal Cooperation Agreement for Cooperative Purchasing with the City of Midlothian**

**Administrative Comments**

1. This item is recommended by the Fire Department. It supports Future In Focus: Safe and Beautiful City – Safeguard public safety, security and health.

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

3. These purchases are supported by Vendor/Member contracts between the City of Irving and Bound Tree Medical, LLC, and Life-Assist, Inc., which were approved by Administrative Award 8167 and 8190 respectively on November 18, 2022. These contracts utilize City of Midlothian Contract No. 2020-28 for EMS Fire Dept. Medical Supplies which has been renewed through December 31, 2024.

4. Funding for Fiscal Year 2023-24 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

5. Because this contract runs from January 2024 through December 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.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bound Tree Medical, LLC</td>
<td>1/1/24 – 12/31/24</td>
<td>$374,400.00</td>
<td>$93,600.00</td>
<td>$468,000.00</td>
</tr>
<tr>
<td>Life-Assist, Inc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**
The resolution be approved.

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

**Administrative Comments**

1. This item is recommended by the Parks & Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.

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

3. This renewal establishes the continuation of an annual contract to provide swimming pool chemicals. This is the second of three, one-year renewal options. The current contract expires on December 31, 2023.

4. Funding for Fiscal Year 2023-24 is available in the Parks & Recreation Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Item(s)</th>
<th>Contract Term</th>
<th>Est. Exp. FY 2023-24</th>
<th>Est. Exp. FY 2024-25</th>
<th>Total Est. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leslie’s Poolmart, Inc.</td>
<td>1</td>
<td>1/1/24 – 12/31/24</td>
<td>$19,000.00</td>
<td>$7,000.00</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>DPC Industries, Inc. dba Petra Chemical Acquisition Company, LLC</td>
<td>2 &amp; 3</td>
<td></td>
<td>$75,000.00</td>
<td>$25,000.00</td>
<td>$100,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$94,000.00</strong></td>
<td><strong>$32,000.00</strong></td>
<td><strong>$126,000.00</strong></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

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

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) and Parks & Recreation departments. It supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.

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

3. A Vendor/Member contract between the City of Irving and Peruna Glass, Inc., dba Glass Doctor of North Texas was approved on January 13, 2022, by RES-2022-8. The contract supports utilization of BuyBoard Contract No. 657-21 for Building Maintenance, Repair, & Operations (MRO) Supplies & Equipment, which has been renewed by BuyBoard through November 30, 2024.

4. Funding is available in various departmental budgets within various funds.
### Vendor Contract Summary

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Amount</th>
<th>Fiscal Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peruna Glass, Inc., dba Glass Doctor of North Texas</td>
<td>12/1/23-11/30/24</td>
<td>$100,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 75,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$175,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

---

### Resolution - Approving Amendment No. 1 to the Engineering Services Agreement Between the City of Irving and Criado & Associates, Inc., in an Amount Not to Exceed $500,000.00 for Annual Sub-Surface Utility Exploration (Potholing)

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Future In Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

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

3. This renewal establishes the continuation of an annual contract to provide sub-surface utility exploration (potholing) services. The original contract was awarded as the result of a negotiated agreement with the respondent receiving the highest evaluation criteria score through a Request for Qualifications Process. This is the first of two, one-year renewal options. The current contract expires December 7, 2023.

4. Funding for Fiscal Year 2023-24 is available within various project budgets, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

5. Because this annual contract runs from December 2023 through December 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.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criado &amp; Associates, Inc.</td>
<td>12/8/2023 – 12/7/2024</td>
<td>$ 400,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 100,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td>TOTAL NOT TO EXCEED AMOUNT</td>
<td></td>
<td>$ 500,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

31 Resolution - Rejecting Any and All Bids Relative to ITB No. 013LR-24F for Flex Base for City of Irving

**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.** Flex base is utilized by Street Operations underneath concrete during street repairs, in alley ways to improve the riding surfaces, and to aid in the drainage of water to maintain and enhance the city’s transportation network for the safe and effective transit of motorists. Flex base is also used by Solid Waste Services to maintain roadways at Hunter Ferrell Landfill.

3. Five bids were received in response to 013LR-24F, all of which were determined by the Department to be over budget; therefore, staff recommends rejecting any and all bids.

**Recommendation**

The resolution be approved.
Resolution - Renewing the Annual Contracts with Core & Main LP and Ferguson Waterworks in the Total Estimated Amount of $420,000.00 for Iron Fittings

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Infrastructure Investment – Maintain water, wastewater, and drainage infrastructure.

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

3. This renewal establishes the continuation of a contract to provide iron fittings. This is the second and final, one-year renewal option. The current contract expires on December 31, 2023.

4. Funding for Fiscal Year 2023-24 is available in the Water-Sewer Operating and Water-Sewer Non-Bond CIP funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Core &amp; Main LP</td>
<td>I-II, IV-VIII</td>
<td>1/1/24-12/31/24</td>
<td>$305,000.00</td>
<td>$115,000.00</td>
<td>$420,000.00</td>
</tr>
<tr>
<td>Ferguson Waterworks</td>
<td>III, IX-XIII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.

Resolution - Approving Amendment No. 1 to the Professional Services Agreement Between the City of Irving and Leetex Group, LLC, in an Amount Not to Exceed $900,000.00 for Davis Bacon Compliance Monitoring for a Two-Year Term

Administrative Comments

1. This item is recommended by the Housing & Redevelopment, Traffic & Transportation, and Capital Improvement Program (CIP) departments. It supports Future in Focus: Government Sustainability – Ensure government transparency.

2. Impact: Approval of this item will provide the City with continued professional services that will ensure compliance with the Davis-Bacon and Related Acts
3. The DBRA requires that all federally-funded or assisted contracts in excess of $2,000, for construction, alterations, and/or repair of public buildings or public works contain provisions stating that Contractors and Subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. Minimum wages are based on the wages the Secretary of Labor determines prevailing for the classes of laborers and mechanics, type of project, and geographic location the work is being performed.

4. The DBRA includes but is not limited to the following provisions: (1) requires the Contractor or Subcontractor to pay all mechanics and laborers no less often than once a week; (2) prohibits deductions or rebates from wages earned by laborers and mechanics; (3) requires the Contractor or Subcontractor to pay DBRA wages to all laborers and mechanics employed on the site of the work regardless of any contractual relationship alleged to exist between the laborers and mechanics and the Contractor or Subcontractor; and (4) requires that the scale of wages to be paid be posted in a prominent and accessible place at the work site.

5. Approval of this item establishes the continuation of a contract to provide Davis Bacon compliance monitoring services. This is the first of two, two-year renewal options.

6. Funding for Fiscal Year 2023-24 is available in various project budgets, while funding for Fiscal Years 2024-25 and 2025-26 is subject to budget appropriation.

7. Because this annual contract runs from November 2023 through November 2025, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year’s additional purchases and the total contract award amount is not exceeded.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leetex Group, LLC</td>
<td>11/10/23 – 11/9/25</td>
<td>$374,500.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$450,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$75,500.00</td>
<td>2025-26</td>
</tr>
<tr>
<td><strong>TOTAL AMOUNT NOT TO EXCEED</strong></td>
<td></td>
<td><strong>$900,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.
Resolution - Approving the Purchase from Retail Motorcycle Ventures Inc. dba BMW Motorcycles North Dallas for Fourteen R 1250 RTP Police Motorcycles in the Total Estimated Amount of $473,355.88 through an Interlocal Cooperation Agreement with the City of Fort Worth

Administrative Comments

1. This item is recommended by the Police Department and approved by the Fleet Services Division. It supports Future in Focus: Safe and Secure City – Safeguard public safety, security, and health.

2. Impact: Purchase of fourteen new BMW Police Motorcycles will be utilized by the Irving Police Department. Replacement of the aging motorcycles and adding the supplemental motorcycle will reduce downtime and provide the department with critical resources to maintain optimal services for the Irving community.

3. A Vendor/Member contract between the City of Irving and Retail Motorcycle Ventures, Inc., dba BMW Motorcycles North Dallas was approved on September 20, 2022, by Administrative Award No. 8068. This contract supports the utilization of City of Fort Worth Contract No.19-0129 for Motorcycles, which has been renewed through June 25, 2024.

4. The noted budgeted replacements are in accordance with the City’s Vehicle & Equipment Replacement Policy for City Tag No. 04509, a 2019 Harley Davidson and City Tag Nos. 20064, 20065, 20066, 20067, 20068, 20069, 20072, 20073, 20074, 20075, 20076, 20116, which are all 2021 Harley Davidsions and will be retired.

5. Funding in the total estimated amount of $473,355.88 is available in the Vehicle & Equipment Replacement Fund.

6. Budgeted replacements are as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Item Description</th>
<th>Total Est. Expenditure</th>
<th>Fund(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Motorcycle Ventures, Inc., dba BMW Motorcycles North Dallas</td>
<td>BMW R1250 RT-P Motorcycle (13)</td>
<td>$439,544.69</td>
<td>Vehicle &amp; Equipment Replacement</td>
</tr>
</tbody>
</table>

7. Supplemental purchase is as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Item Description</th>
<th>Total Est. Expenditure</th>
<th>Fund(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Motorcycle Ventures, Inc., dba BMW Motorcycles North Dallas</td>
<td>BMW R1250 RT-P Motorcycle (1)</td>
<td>$33,811.13</td>
<td>Vehicle &amp; Equipment Replacement</td>
</tr>
</tbody>
</table>
Recommendation
The resolution be approved.

35 Resolution - Authorizing As-Needed Expenditures with B D Holt Co., in the Total Estimated Amount of $500,000.00 for Heavy Equipment Repairs with Optional Parts Purchases for Caterpillar Equipment through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments
1. This item is recommended by the Fleet Services Division. It supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.

2. Impact: Approval of this item will allow city equipment to be repaired and maintained with minimum downtime, keeping service levels high and enhancing Fleet Services Operations.

3. This contract will provide heavy equipment repair and as-needed parts purchases for Caterpillar equipment used by the Solid Waste Services, Traffic & Transportation, and Water Utilities departments.

4. A Vendor/Member contract was approved on February 6, 2023 by Administrative Award No. 8346. This contract supports utilization of BuyBoard Contract No. 685-22 for Construction, Road & Bridge, and Other Related Equipment, Service & Parts, which has been renewed through November 30, 2024.

5. Funding for Fiscal Year 2023-24 is available in the Garage Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Est. Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B D Holt Co.</td>
<td>12/1/2023 – 11/30/24</td>
<td>$400,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$500,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
The resolution be approved.
Resolution - Approving the Purchase from Holt Texas, Ltd., dba Holt CAT for a 2024 Caterpillar DGXE-GR Track Type Tractor in the Total Estimated Amount of $778,432.00 through Sourcewell

Administrative Comments

1. This item is recommended by the Solid Waste Services Department and approved by the Fleet Services Division. It Supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks, and transportation infrastructure.

2. Impact: Purchase of the tractor dozer from Holt Texas Ltd., dba Holt CAT will allow the Solid Waste Services Department to maintain a high level of customer service for the residents of Irving.

3. A Vendor/Member Contract between the City of Irving and Holt Texas, Ltd., dba Holt CAT was approved on December 10, 2020, by Resolution No. 2020-489. This contract supports the utilizing of Sourcewell Contract No. 032119 New & Used Construction and paving equipment, parts, service and rental, which has been renewed through May 13, 2024.

4. This budgeted replacement is in accordance with City’s Vehicle & Equipment Replacement Policy for City Tag No. 06249, a 2017 CAT Truck Loader.

5. Funding is available in the Solid Waste Non-Bond CIP Fund.

6. Budgeted replacement is as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Item Description</th>
<th>Replaces City Tag #</th>
<th>Total Est. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holt Texas, Ltd. dba Holt CAT</td>
<td>2024 Cat DGXE-GR Track Type Tractor</td>
<td>06249</td>
<td>$778,432.00</td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.

Resolution - Authorizing As-Needed Expenditures with Clifford Power Systems, Inc., in the Total Estimated Amount of $200,000.00 for Generator Repairs and Load Bank Testing through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Fleet Services Division. It supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.
2. **Impact:** Approval of this item will provide as-needed repair services for city generators including annual load bank testing. City equipment will continue to be repaired and maintained with minimum downtime, keeping service levels high and enhancing Fleet Services Operations.

3. A Vendor/Member contract between the City of Irving and Clifford Power Systems, Inc., was approved on February 7, 2023 by Administrative Award No. 8367. This contract supports the utilization of BuyBoard Contract No. 657-21 for Building Maintenance, Repair & Operation Supplies and Equipment, which has been renewed through November 30, 2024.

4. Funding for Fiscal Year 2023-24 is available in the Garage Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Est. Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clifford Power Systems, Inc.</td>
<td>12/8/23 – 11/30/24</td>
<td>$170,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 30,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$200,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

38 Resolution - Approving the Purchase from Associated Supply Company, Inc., of a 2024 Case TV370B Skid Steer Loader in the Total Estimated Amount of $94,640.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

**Administrative Comments**

1. This item is recommended by the Parks and Recreation Department and approved by the Fleet Services Division. It supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.

2. **Impact:** The listed equipment replacement will be utilized by the Parks & Recreation Department to maintain critical infrastructure. Replacement of aging equipment will reduce downtime and provide the department with critical resources to maintain optimal services for the Irving community.

3. This budgeted replacement is in accordance with City’s Vehicle & Equipment Replacement policy for City Tag No. 07086-3, a 1997 Ford Multi-Wing Mower which will be retired.
4. A Vendor/Member contract between the City of Irving and Associated Supply Company, Inc., was approved on March 2, 2023, by Administrative Award No. 8390. This contract supports utilization of BuyBoard Contract No. 685-22 for Construction, Road, Bridge, Ditching, Trenching, Utility and Other Equipment, which has been renewed through November 30, 2024.

5. Funding in the total estimated amount of $94,640.00 is available in the Vehicle & Equipment Replacement Fund.

<table>
<thead>
<tr>
<th>Department</th>
<th>Item Description</th>
<th>Replaces City Tag No.</th>
<th>Total Est. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Recreation</td>
<td>2024 Case TV370B Skid Steer Loader</td>
<td>07086-3</td>
<td>$94,640.00</td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

**Resolution - Approving and Accepting the Bid of AutoNation Chevrolet in an Amount Not to Exceed $375,000.00 for GM/Chevrolet Parts**

**Administrative Comments**

1. This item is recommended by the Fleet Services Division. It Supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks, and transportation infrastructure.

2. **Impact**: The city’s public safety vehicles will continue to be repaired and maintained with minimum downtime, keeping service levels high and enhancing Fleet Services Operations.

3. This award establishes an annual contract for the continuation of providing GM/Chevrolet OEM (Original Equipment Manufacturer) parts for public safety vehicles on an as-needed basis. The contract is eligible for two renewals each for a two-year period of time.

4. Funding for Fiscal Year 2023-24 is available in the Garage Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

5. Because this contract runs from December 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 total contract award amount is not exceeded.
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AutoNation Chevrolet</td>
<td>12/8/23 – 11/30/24</td>
<td>$280,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 95,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL AMOUNT NOT TO EXCEED</strong></td>
<td></td>
<td><strong>$375,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

40 **Resolution - Approving Change Order No. 4 to the Supplemental Managed Services Agreement Between the City of Irving and Motorola Solutions, Inc., to add Critical Connect Services and Subscriptions Related to the Citywide Communications System Maintenance Agreement and Infrastructure Project.**

**Administrative Comments**

1. This item is recommended by the Information Technology. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.

2. **Impact:** The Citywide Communication System agreement provides hardware, software, maintenance and technical support necessary to maintain the city’s radio communications network.

3. The original maintenance agreement was approved by Council on December, 8, 2011 for a ten-year term beginning in 2015.

4. This change order is to add our existing Critical Connect solutions managed services to the existing managed services contract. The original Critical Connect purchase allowed for connection to the carrier networks creating better interoperability and extended operational use of our P25 radio system using carrier devices. This change order will also be adding an additional connection capability to the Land Mobile System to our north. This is to help support Irving Fire department and create better interoperability between us and City of Coppell Fire Department on mutual aid responses. There is also a monetary savings benefit in rolling these all into our existing contract with Motorola Solutions Inc.

5. The yearly contract cost after change order No. 4 breaks down as follows. The Change Order Additional Cost would be the added cost each year through the remainder of the contract. The requested budget number would be our total Motorola maintenance budget request each year with the addition.
<table>
<thead>
<tr>
<th>Motorola Contract Year &amp; FY</th>
<th>2023 FY 2024</th>
<th>2024 FY 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change Order Additional Cost</td>
<td>$192,766.69</td>
<td>$216,359.92</td>
</tr>
<tr>
<td>Requested Budget</td>
<td>$1,302,269.69</td>
<td>$1,383,714.72</td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

**Resolution - Authorizing the Expenditure with Presidio Networked Solutions Group, LLC, in the Total Estimated Amount of $264,209.78 for Renewal of CISCO Smartnet Network Equipment Hardware Maintenance through the State of Texas Department of Information Resources (DIR)**

**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:** The renewal of the SmartNet agreement for the City of Irving is imperative to ensure the continuous operational integrity and security of our Cisco network and data security infrastructure. SmartNet provides us with essential access to expert technical support, hardware replacements, and ongoing software updates, which are critical to maintaining the resilience and reliability of our city’s network systems. Without this support, we risk extended downtimes and potential security vulnerabilities, which could result in significant disruptions to municipal services and compromise sensitive data. The investment in renewing SmartNet is not only necessary for the upkeep of our current systems but also serves as a proactive measure against the escalating threats in today’s cyber landscape, safeguarding the city’s digital assets and the trust of our citizens.

3. The City of Irving operates across 45 sites, encompassing approximately 500 pieces of network equipment that form the backbone of our municipal
communications and data management capabilities. SmartNet renewal is essential to support this extensive infrastructure, providing the necessary technical support and maintenance services to manage these assets effectively. The breadth of our network demands a robust support system that can address issues swiftly, minimize downtime, and ensure all sites remain interconnected and secure. Maintaining the SmartNet service is a strategic decision to protect our widespread technological investments and to ensure seamless operation across all city functions.

4. This purchase is supported by a Vendor/Member contract between the City of Irving and Presidio Networked Solutions Group, LLC, which was approved by RES-2018-482 on December 13, 2018. This contract supports utilization of DIR-TSO-4167 which has been extended through March 29, 2024.

5. Funding in the amount of $264,209.78 is available in the Technology Fund.

Recommendation

The resolution be approved.

42 Resolution - Approving As-Needed Expenditures with SHI Government Solutions, Inc., in the Total Estimated Amount of $700,000.00 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. It supports Future In Focus: Government Sustainability – Improve efficiency through data, technology and thoughtful, innovative approaches.

2. Impact: Approval of this item 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. 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, 2024.

4. 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
Recommendation

The resolution be approved.

43 Resolution - Approving the Expenditure with SHI Government Solutions, Inc., in the Total Estimated Amount of $73,773.60 for Veeam Software Annual License Renewal through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

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:** The Veeam backup and recovery software suite serves as an all-encompassing shield for our complete Information Technology ecosystem. This includes not just physical and virtual server environments, but also file storage systems, email services, and mission-critical enterprise applications. Leveraging cutting-edge features like immutable backups, Veeam goes beyond traditional security measures to offer fortified protection against ransomware and emerging cybersecurity threats.

3. The city operates three major data center environments, each serving as a vital nerve center for our municipal operations. Veeam's backup software seamlessly integrates with these centers, facilitating automated backups to our designated backup data facility. In the face of major disruptions or catastrophic failures, this setup empowers us to swiftly restore system functionality by reverting to secure backups, thereby minimizing downtime and maintaining the continuity of essential services.

4. This purchase is supported by a Vendor/Member contract between the City of Irving and SHI Government Solutions, Inc., which was approved by RES-2022-86 on February 24, 2022 for utilization of BuyBoard Contract No. 661-22 for Technology appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHI Government Solutions, Inc.</td>
<td>1/1/24 – 12/31/24</td>
<td>$350,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$350,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$700,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>
5. Funding in the amount of $73,773.60 is available in the Technology Fund.

**Recommendation**
The resolution be approved.

---

44. **Resolution - Approving and Accepting the Bid of Solaris Technologies Services, LLC, in the Total Amount of $108,195.00 for a Portable Tower Trailer and Maintenance Services**

**Administrative Comments**

1. This item is recommended by the Information Technology Department. It supports Future in Focus: Safe and Beautiful City - Safeguard public safety, security and health.

2. **Impact:** This purchase will provide the city with a portable tower that will be used as a backup tower in case we were to lose a communications tower due to manmade or natural disaster. It will provide the city with a capability it doesn't have today, allowing us to quickly recover if we were to lose one of our communications sites that support the Public Safety P25 Radio network.

3. This tower purchase is part of the Statewide Emergency Radio Infrastructure grant award that the city of Irving and Grand Prairie received. This is a reimbursement grant and the city will be reimbursed for this purchase by the North Texas Council of Governments (NCTCOG). It is associated with an inter-local agreement with the NCTCOG that appears as the previous item on this agenda.

4. The contract also includes a one-year service agreement for annual inspections and ongoing maintenance of the portable tower trailer.

5. Two responses were received for ITB No. 141L-23F on June 30, 2023. Solaris Technologies Services, LLC, received the highest points for this best value bid and is recommended for award.

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

7. Funding in the total amount of $100,165.00 for the trailer purchase is available in the Miscellaneous Grant Fund, and funding in the total estimated amount of $7,500.00 for inspections and ongoing maintenance is available in the Technology Fund.
Recommendation
The resolution be approved.

End of Bids

Ordinance - Authorizing the Abandonment and Vacation of Certain Portions of a 15’ Sight & Utility Easement and a 15’ Sight, Utility & Landscape Easement Along a Portion of Property Located at 3800 State Highway 161 and 3803 Esters Road, Part of the John Armstrong Survey, Abstract 22, and Being a Portion of Lots 1 & 3, Block A, of Westgate Village No. 3 Addition, Owned by Suleyman Hamzah, Inc.

Administrative Comments
1. This item is recommended by the Capital Improvement Program Department, Traffic and Transportation Department and the Water Utilities Department. It supports Future in Focus: Vibrant Economy – Effectively plan and manage land use.

2. Impact: The abandonment of a 15’ Sight & Utility Easement and a 15’ Sight, Utility & Landscape Easement is requested to allow for the redevelopment of the property.

3. The existing 15’ (4,266 S.F.) Sight & Utility Easement and the 15’ (3,878 S.F.) Sight, Utility & Landscape Easement bisect the property which limits the redevelopment. The easements are no longer necessary and property owner is proposing to construct buildings on this area.

4. The Capital Improvement Program Department, Traffic and Transportation Department and Water Utilities Department support the requested abandonment of the Easements.

Recommendation
The ordinance be adopted.
Ordinance - Authorizing the Abandonment and Vacation of Certain Portions of a 15' Drainage Easement Along a Portion of Property Located at 1606 W. Shady Grove Road, Part of the J.C. Read Survey, Abstract 1181, Owned by Bong Ye Lee, a Single Woman, and Maria Delcarmen Salazar and Danny K. Lee, Husband and Wife

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.

2. **Impact**: The abandonment of the 15’ Drainage Easement is requested to allow for the redevelopment of the site.

3. The existing 15’ (3,457 S.F.) Drainage Easement currently runs through a building and is not centered on the existing storm drain pipe. A new drainage easement will be conveyed via the replating process to be centered over the storm pipe.

4. The Capital Improvement Program Department supports the requested abandonment of the Drainage Easement.

**Recommendation**

The ordinance be adopted.

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**ZONING CASES AND COMPANION ITEMS**

Resolution - Sign Variance 2022-08-5255 - Considering a Sign Variance to Allow a Multi-Tenant Monument Sign Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 2975 Regent Boulevard

Administrative Comments

Owner: Royal Tech, LLC

Applicant: Artografx, Inc.

1. The applicant is seeking approval of a Sign Variance to allow a new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.

2. The property is located at 2975 Regent Boulevard. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:
4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:
   a. The requested variance does not violate the intent of the Sign Ordinance;
   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.
5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.
6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a “special condition” unique to this applicant exists.

Staff Finding
Staff finds the request meets the criteria for a variance.

48 Resolution - Sign Variance 2022-08-5257 - Considering a Sign Variance to Allow a Multi-Tenant Monument Sign Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 8150 Springwood Drive

Administrative Comments
Owner: Royal Tech, LLC
Applicant: Artografx, Inc.

1. The applicant is seeking approval of a Sign Variance to allow a new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.
2. The property is located at 8150 Springwood Drive. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:

<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 7-3 (7)e</td>
<td>Brick, stone, or similar materials shall surround the sign area so no part of the metal &quot;can&quot; is left exposed</td>
<td>Allow a new sign without an enclosure made of brick, stone, or similar materials</td>
</tr>
</tbody>
</table>

4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:
   a. The requested variance does not violate the intent of the Sign Ordinance;
   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.

5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.

6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a "special condition" unique to this applicant exists.

**Staff Finding**

Staff finds the request meets the criteria for a variance.

49 Resolution - Sign Variance 2022-08-5260 - Considering a Sign Variance to Allow a Multi-Tenant Monument Signs Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 8200 Springwood Drive

**Administrative Comments**

Owner: Royal Tech, LLC
Applicant: Artografx, Inc.
1. The applicant is seeking approval of a Sign Variance to allow a **new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.**

2. The property is located at 8200 Springwood Drive. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:

<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 7-3 (7)e</td>
<td>Brick, stone, or similar materials shall surround the sign area so no part of the metal “can” is left exposed</td>
<td>Allow a new sign without an enclosure made of brick, stone, or similar materials</td>
</tr>
</tbody>
</table>

4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:
   a. The requested variance does not violate the **intent** of the Sign Ordinance;
   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.

5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.

6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a “special condition” unique to this applicant exists.

**Staff Finding**

Staff finds the request meets the criteria for a variance.
Resolution - Sign Variance 2022-08-5265 - Considering a Sign Variance to Allow a Multi-Tenant Monument Sign Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 3050 Regent Boulevard

Administrative Comments

Owner: Royal Tech, LLC
Applicant: Artografx, Inc.

1. The applicant is seeking approval of a Sign Variance to allow a new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.

2. The property is located at 3050 Regent Blvd. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:

<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 7-3 (7)e</td>
<td>Brick, stone, or similar materials shall surround the sign area so no part of the metal “can” is left exposed</td>
<td>Allow a new sign without an enclosure made of brick, stone, or similar materials</td>
</tr>
</tbody>
</table>

4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:

a. The requested variance does not violate the intent of the Sign Ordinance;
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.

5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.

6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a “special condition” unique to this applicant exists.

Staff Finding

Staff finds the request meets the criteria for a variance.
Resolution - Sign Variance 2022-08-5618 - Considering a Sign Variance to Allow a Multi-Tenant Monument Sign Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 3232 W. Royal Lane

Administrative Comments

Owner: Royal Tech, LLC

Applicant: Artografx, Inc.

1. The applicant is seeking approval of a Sign Variance to allow a new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.

2. The property is located at 3232 W. Royal Lane. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:

<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 7-3 (7)e</td>
<td>Brick, stone, or similar materials shall surround the sign area so no part of the metal &quot;can&quot; is left exposed</td>
<td>Allow a new sign without an enclosure made of brick, stone, or similar materials</td>
</tr>
</tbody>
</table>

4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:
   a. The requested variance does not violate the intent of the Sign Ordinance;
   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.

5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.

6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a "special condition" unique to this applicant exists.

Staff Finding

Staff finds the request meets the criteria for a variance.
Resolution - Sign Variance 2022-08-5619 - Considering a Sign Variance to Allow a Multi-Tenant Monument Sign Without an Enclosure Made of Brick, Stone, or Similar Materials on Property Located at 7880 Bent Branch Drive

Administrative Comments

Owner: Royal Tech, LLC

Applicant: Artografx, Inc.

1. The applicant is seeking approval of a Sign Variance to allow a new multi-tenant monument sign without an enclosure made of brick, stone, or similar materials.

2. The property is located at 7880 Bent Branch Drive. The applicant is proposing the metal cabinet of the monument to be installed without the brick, stone or like materials encasing the metal cabinet.

3. The following variance is being requested from the Sign Ordinance:

<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 7-3 (7)e</td>
<td>Brick, stone, or similar materials shall surround the sign area so no part of the metal “can” is left exposed</td>
<td>Allow a new sign without an enclosure made of brick, stone, or similar materials</td>
</tr>
</tbody>
</table>

4. Section 7-21 (c) of the sign code sets forth the criteria. It states that the City Council must determine that:

   a. The requested variance does not violate the intent of the Sign Ordinance;
   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.

5. This is one of six similar sign variance cases that are on different lots but part of the same overall development.

6. Since the applicant is seeking to have a sign package that matches recent building renovations and presents a unified aesthetic across all properties, staff can support the finding that a “special condition” unique to this applicant exists.

Staff Finding

Staff finds the request meets the criteria for a variance.
Ordinance - ZC23-0006 - Considering a Zoning Change from PUD 2 (Planned Unit Development #2) for 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 PUD 2 (Planned Unit Development #2) for C-N “Neighborhood Commercial” Uses to PUD 2 (Planned Unit Development #2) for S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for on Premises Consumption” for an Expansion of the Restaurant and a Variance to the Required Parking Spaces - Approximately 0.11 Acres Located at 2234 W. Walnut Hill Lane

Administrative Comments

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner:** SAI Cottonwood Properties

   **Applicant:** Namaste Bar & Grill

3. The subject property is an existing 3,035 square foot restaurant in a multi-tenant shopping center. **The applicant is proposing to expand the restaurant by 1,760 square feet into an adjacent lease space** for a total of 4,795 square feet. A **variance to the required number of parking spaces is also necessary.**

4. In December 2020, zoning was approved for the *Namaste Bar & Grill* to sell alcoholic beverages for on-premises consumption (R-AB) for 96 seats, requiring 39 parking spaces. At that time, parking was available from the existing on-site parking.

5. Upon reviewing the new zoning request, staff found that parking spaces on an adjacent western lot were inadvertently being counted for new tenants. While it appears that the corner is one development, the property includes 2 lots that are separately owned. The western lot was once a Luby’s that was demolished around 2009. The lot was improved for parking spaces shortly after in the location where the building once stood, essentially creating parking as the primary use on the lot.

6. **As a result, the subject property’s shopping center on the eastern lot has a parking deficiency of nine (9) spaces.** The applicant attempted to contact the current property owner of the western adjacent lot to request a shared parking agreement, however, the owner was not responsive to their request. Therefore, they cannot count these as their required spaces. This leaves a variance request as the only option.
<table>
<thead>
<tr>
<th></th>
<th>Current Lease Space</th>
<th>Proposed Lease Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of Subject Tenant Space</td>
<td>3,035 sq. ft.</td>
<td>4,795 sq. ft.</td>
</tr>
<tr>
<td>Seating</td>
<td>96 seats</td>
<td>96 seats</td>
</tr>
<tr>
<td></td>
<td>(no additional seating proposed)</td>
<td></td>
</tr>
<tr>
<td>Required R-AB Parking</td>
<td>39 spaces</td>
<td>39 spaces</td>
</tr>
<tr>
<td>Provided R-AB Parking</td>
<td>39 spaces</td>
<td>30 spaces</td>
</tr>
<tr>
<td></td>
<td>(-9 space variance)</td>
<td></td>
</tr>
<tr>
<td>Shopping Center Parking Space Count (all tenants)</td>
<td>123 spaces</td>
<td>123 spaces</td>
</tr>
<tr>
<td>Shopping Center Available Parking (all tenants)</td>
<td>- 9 spaces (deficit)</td>
<td>- 9 spaces (deficit)</td>
</tr>
</tbody>
</table>

7. The applicant has explained that they plan to reallocate seating from the existing space into the new 1,760 sq. ft. area and keep the seating capacity (96). The applicant maintains that a majority of the new space will be used for storage. Any increase in restaurant seating or assembly use would require additional minimum parking spaces.

8. Due to the parking limitations, both the applicant and shopping center owner have been informed that new Certificates of Occupancy cannot not be issued for any currently vacant lease spaces, and additional parking variances would be necessary. As of November 21, 2023, units 2216, 2220, 2230, 2240, 2241 and 2242 were vacant.

9. The applicant has provided a parking study from an engineer who observed the center during peak noon and evening peak hours on Thursday, May 18, 2023. He reported that under 50 parking spaces were occupied and over 70 parking spaces were available. The engineer also noted that Namaste Bar & Grill experiences its peak activity during the evening hours and that most of the other businesses in the center are closed by that time. Existing tenants include a restaurant, pizzeria, driving school, laboratory, dentist, and hookah lounge.

10. If the seating capacity for the restaurant is not increased and therefore there is no need for additional parking, and since the largest demand for parking occurs in the evening hours and therefore the parking space can be shared, staff can support this request.

11. A total of 11 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
Recommendation
The ordinance be adopted.

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 on November 9, 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 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. A companion case, CP23-0010, was approved by the City Council on November 9, 2023 changing the future land use category from “Compact Neighborhood” to “Manufacturing/Warehouse”.

6. The State Highway 161 Overlay District divides the 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).

7. 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.

8. The requested variance is summarized below:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Current Ordinance</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway 161 Overlay District Sec. 2.3.3 b)3)d Table of Permitted Uses</td>
<td>Warehousing and Distribution not permitted in Segment 2C</td>
<td>Add Warehousing as a permitted use in the 161 Overlay with the C-W base district</td>
</tr>
</tbody>
</table>

9. 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. Warehousing uses, 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.

10. 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.

11. This case was previously postponed on November 9, 2023. The following notes have been added to the site plan received on November 28, 2023:

   a. No manufacturing uses will be allowed on the site.
   b. Site uses are limited to office, showroom, and storage allowed only as associated with on-site business.
   c. The maximum number of dock-high doors shall be two (2).

12. A total of five (5) public notices were mailed. Staff has received one (1) response in support and none in opposition to this request.

**Staff Recommendation**

The ordinance be **denied** per the recommendation of the Planning and Zoning Commission.
55 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 (Postponed Brom November 9, 2023)

Administrative Comments

1. The Planning and Zoning Commission recommended denial 7-0 on November 6, 2023.

   Commissioners in support of recommending denial: Michael Joy, Joshua Skinner, Debbi Haacke, Bruce Burns, Priscilla Vigliante, Terry Prichard, Jack Spurlock

   Commissioners in opposition to recommending denial: None

   Commissioners absent: April Myrick, Misaki Collins

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, 150-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 revised variances (fourth column) to Section 3.10 “Hotel Development Standards” of the UDC as noted in the following table:
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 other 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. **This zoning case was postponed on the November 9th City Council public hearing.** The applicant has since revised their requested variances, which include increasing the room count from 135 to 150 rooms and decreasing the meeting space area from 3,000 to 2,500 square feet.

13. 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

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<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Nov. 9 Proposal</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Room Count</strong></td>
<td></td>
<td>135 rooms</td>
<td>150 rooms</td>
</tr>
<tr>
<td>Sec. 3.10.2 (d)(7)</td>
<td>Min. 200 rooms</td>
<td>Variance of 65 rooms (-32.5%)</td>
<td>Variance of 50 rooms (-25%)</td>
</tr>
<tr>
<td><strong>Meeting Space</strong></td>
<td></td>
<td>3,000 sq. ft.</td>
<td>2,500 sq. ft.</td>
</tr>
<tr>
<td>Sec. 3.10.10 (d)(5)</td>
<td>Min. 5,000 sq. ft.</td>
<td>Variance of 2,000 sq. ft. (-40%)</td>
<td>Variance of 2,500 sq. ft. (-50%)</td>
</tr>
</tbody>
</table>
Ordinance - ZC23-0064 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" to Allow an Accessory Dwelling Unit with a Variance to the Minimum Side Yard Setback - Approximately 0.18 Acres Located at 915 Hadrian Street

Administrative Comments

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owners/Applicants:** Gavin and Rebekah Grubbs

3. The subject property is a 0.18-acre lot with a single-family home. **The applicant is requesting approval to build an accessory dwelling unit with a variance to the minimum side yard setback.**

4. The R-6 "Single-family Residential 6" district allows only one dwelling unit per lot. An “accessory dwelling unit” can only be approved through a site plan zoning case.

5. An accessory dwelling unit (or “dwelling accommodation”) is defined in the UDC as an accessory building with any of the following:
   a. A kitchen, being defined as an area that includes a dishwasher, oven, stove, or range;
   b. Indoor bathtub or shower facilities;
   c. Built-in HVAC, excluding window air conditioning units and space heaters;
   d. Natural gas service
   e. More than two (2) rooms, excluding a half-bath area (toilet and sink); or
   f. A built-in closet in any room.

6. The applicant is proposing to build an 18 ft. x 36 ft. (648 sq. ft.) accessory dwelling unit. The illustrative floor plan (not for Council approval) indicates the building will have two rooms, two closets, and a full bath.

7. The applicant is requesting a one-foot variance to the side yard setback to preserve an existing redbud tree. The building would be nine (9) feet tall on the side closest to the side property line.

8. The following use/variances are requested:
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Current Ordinance</th>
<th>Request (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling Unit</td>
<td>Not Permitted</td>
<td>One (1) accessory dwelling unit</td>
</tr>
<tr>
<td>Sec. 2.4.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>5 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(-1 foot variance)</td>
</tr>
</tbody>
</table>

9. The applicant’s letter of intent states that the accessory dwelling unit is to be used for his mother as a long-term residence.

10. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request. The Inspections Department has noted that, if approved, a 1-hour rated fire wall will be required since the structure is less than 5 feet from the property line.

11. Staff has no objections to the construction of the accessory dwelling unit, as it will provide needed housing for an elderly family member and provide for the shared caretaking of family members.

12. A total of 33 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.

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57 Ordinance - 2023-77-ZC - Considering a Zoning Change from S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with a Variance to Allow a House to Encroach into the Required Rear Yard Setback and to Allow a Maximum Lot Coverage for Buildings, Driveways and Parking to be 65% - Approximately 0.15 Acres Located at 4604 Biruni Street

**Administrative Comments**

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner/Applicant:** Syed Arifuddin

3. The subject property is a 0.15-acre lot with a single-family house. The applicant is requesting a variance to allow an addition to the house to encroach 14.1 feet into the established 25-foot rear building setback, and a variance to the
maximum lot coverage for buildings, driveways, and parking and to establish a maximum of 65%.

4. This property, along with rest of the subdivision, was rezoned in 2012 (ZC12-0006) to S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6” and State Highway 161 Overlay District with variances to the maximum height and minimum garage door setback. The subject property backs up to W. Rochelle Rd., a major collector in the city’s Thoroughfare Plan.

5. **On October 3, 2023, the applicant received a Notice of Violation from the Inspections Department for constructing a sunroom to the rear of the existing house without a permit.** When the applicant proceeded to file for a permit, he was informed that the addition encroached into the established rear yard setback.

6. The addition is 17 feet wide and 13.6 feet deep and is directly attached to the rear of the house. The applicant’s Justification Letter states that this addition serves as a sunroom and that they were not aware a permit was necessary for “such a small room”.

7. The R-6 zoning requires a 20-ft. rear yard setback and a maximum lot coverage (by the principal building) of 40%; however, **the approved 2012 Site Plan district established a 25-foot rear yard setback for the properties within this subdivision that back onto W. Rochelle Road, and established a maximum lot coverage by buildings, driveways, and parking of 60%**.

8. The following additional variances are being requested:

<table>
<thead>
<tr>
<th>Standards (Established by ZC12-0016)</th>
<th>Required</th>
<th>Provided (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>25 feet</td>
<td>10.9 feet (14.1-foot variance)</td>
</tr>
<tr>
<td>Maximum Lot Coverage by Buildings, Driveways, and Parking</td>
<td>60%</td>
<td>65% (5% additional coverage)</td>
</tr>
</tbody>
</table>

9. The plat for the subdivision provided a 10 ft. utility and screening wall maintenance easement. As provided on the site plan for this case, a solid masonry wall with columns has been constructed in the middle of this easement. The requested setback is measured from the property line which is the Rochelle Rd. right of way on the outside of the masonry wall, causing the new addition to be approximately 6 ft. from the screening wall.

10. **The current zoning site plan also includes variances allowing a maximum building height of three (3) stories or 35 feet, and a garage door setback of 22 feet. These variances are being carried over to the current case.**

11. **Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.**
12. A total of 28 public notices were mailed. Staff received one (1) response in support and no responses in opposition to this request.

**Staff Finding**

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

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58 **Ordinance - 2023-78-ZC - Considering a Zoning Change from R-ZL "Zero Lot Line" to S-P-2 (R-ZLa) "Generalized Site Plan - Single-Family Residential ZLa" with a Variance to Allow a Patio to Encroach Five (5) Feet into the Required 10-Foot Side Yard Setback - Approximately 0.10 Acres Located at 2430 Markland Street**

**Administrative Comments**

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner**: Emiliana Solis  
   **Applicants**: Emiliana Solis and Carlos Jaramillo

3. The subject property is a 0.10-acre lot with a single-family house built to zero lot line standards. The applicant is requesting a variance to R-ZLa “Single-family Residential ZLa” standards to allow a patio addition to encroach five (5) feet into the required 10-foot side yard setback.

4. In 1983, this property, along with the surrounding parcels, underwent a zoning change (ZC #2912) to R-ZL “Zero Lot Line” and was developed for zero lot line, detached single-family uses.

5. In 1986, the R-ZL zoning district was repealed and R-ZLa “Single-family Residential ZLa” was adopted in its place. Properties built under a “repealed” district may be developed and maintained in accordance with the repealed district standards, but no property may be rezoned to a repealed district. The districts are the same although R-ZLa added multiple public and nonprofit uses, a distance requirement from properties under a separate zoning district, and a rear-access requirement to a garage or carport for lots under 47 feet in width. The base zoning must be changed to R-ZLa “Zero Lot Line Residential” for the requested setback variance.
6. Per Section 52-12b “R-ZL Zero Lot Line”, the minimum side yard setback shall be eight (8) inches on one side and ten (10) feet on the opposite side. Therefore, one wall of the home is the side yard of the adjacent home, and the 5 ft. access easement is necessary for the owner to have access to perform maintenance on their home. The proposed addition would encroach into the side of the property with the 10-foot side yard setback.

7. The applicant is proposing to build a 14.88-foot-wide covered patio on the western side of the house. The house is currently 14 feet and 10 inches from the property line. The patio would encroach 5 feet into the required 10-foot side yard setback but would not be in the five-foot access easement.

8. The following variance is being requested:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard Setback</td>
<td>10 feet on one side; 8 inches on the opposite side</td>
<td>5 feet on one side; 8 inches on the opposite side (- 5-foot variance)</td>
</tr>
<tr>
<td>(Sec. 2.4.9)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. While one property within this block underwent a zoning change (ZC18-0057) for a rear yard carport encroachment variance, a total of 56 properties along this block were found to have an addition encroach onto the required 10-foot side yard setbacks. No zoning cases were found along the street specifically for a side yard encroachment.

10. All R-ZLa and other applicable standards will be met. The applicant has also been made aware that neither the structure nor the overhang/eave may be within the existing 5-foot access easement on the western side of the property.

11. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.

12. A total of 26 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.

**Staff Finding**

No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.9 (Single-family Residential ZLa) of the Unified Development Code.
Ordinance - 2023-79-ZC - Considering a Zoning Change from S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6” to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6” with Additional Variances to the Maximum Area and Minimum Side and Rear Setback of a Carport - Approximately 0.10 Acres Located at 5205 Wakefield Drive

Administrative Comments

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner/Applicant:** Jitan Patel

3. The subject property is a 0.1-acre lot that is developed with a single-family home. The applicant is requesting a zoning change to allow a carport on the rear of lot that cannot meet the requirements for the side yard setback or the maximum area.

4. In 2013, the subject property was rezoned to S-P-2 for R-6 to create the Dominion Estates subdivision with a site plan with the following variances:

<table>
<thead>
<tr>
<th>Standard (Sec. 2.4.8)</th>
<th>Required</th>
<th>Provided (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard setback</td>
<td>25 feet</td>
<td>20 feet (-5-foot variance)</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50 feet</td>
<td>40 feet (-10-foot variance)</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>20 feet for corner lots</td>
<td>10 feet for corner lots (-10-foot variance)</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>6,000 square feet</td>
<td>4,400 square feet (-1,600 square foot variance)</td>
</tr>
<tr>
<td>Minimum lot coverage</td>
<td>40% by principal building</td>
<td>75% excluding walks, patios, and drive aprons (+35% Variance)</td>
</tr>
<tr>
<td>Garage door setback</td>
<td>25 feet</td>
<td>22 feet (-3-foot variance)</td>
</tr>
</tbody>
</table>

5. The property has rear alley access, and the applicant is proposing a detached carport in their rear yard between the alley and the garage. The applicant’s letter of intent states that the main purpose of the carport is to have southern-facing solar panels on the top of it that will serve the main residence. Secondarily, the carport will also provide shelter for cars parked in the driveway.

6. The proposed carport is 17 feet long and 37.5 feet wide for a total of 637.5 square feet. The roof will be a shed-style and cantilevered to be higher in the back where it
is closest to the garage (9.3 feet) and lower adjacent to the alley (8.3 feet). There is a 5-foot utility easement along the rear property line, and the carport cannot be constructed within said easement.

The support posts of the carport will be located adjacent to the garage and will allow coverage for one or two vehicles, depending on how they are parked. The applicant has been informed that additional paving in accordance with City standards will be required underneath the carport.

7. The following variances are being requested:

<table>
<thead>
<tr>
<th>Standard (Sec. 3.1.8)</th>
<th>Required</th>
<th>Provided (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side yard setback</td>
<td>3 feet</td>
<td>1.5 feet for the carport (-2.5-foot variance)</td>
</tr>
<tr>
<td>Maximum area</td>
<td>400 square feet</td>
<td>638 square feet (+238 square foot variance)</td>
</tr>
</tbody>
</table>

8. The CIP, Water Utilities, Inspections, Traffic and Transportation, and Fire departments have reviewed the application and indicated no objections.

9. A total of 48 public notices were mailed. Staff received three (3) responses in support and none in opposition to this request.

**Staff Finding**

No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 3.1.8 Carports of the Unified Development Code

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**Ordinance - 2023-85-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Mid-Density Residential" to "Main Street/Downtown" - Approximately 0.20 Acres Located at 220 S. O'Connor 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:** Texas Taxes and Insurance Agency

   **Applicant:** DLR Legacy Properties, LLC

**Role of the Comprehensive Plan:**
3. Zoning decisions should always be guided by the Comprehensive Plan. While the Future Land Use Map is not a zoning map, it does serve as an underpinning for the Zoning Ordinance to guide how requested modifications to the zoning map are received.

Likewise, the Zoning Ordinance is a key tool for implementing the Comprehensive Plan goals and strategies.

Comprehensive Plan Analysis

4. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Mid-Density Residential** uses for the subject property. This category is described as "Medium density residential areas typically five stories or less. New structures should be high quality construction sited near public transportation nodes, arterial streets or in proximity to mixed use areas. Pedestrian-oriented buildings and streets are preferred." Net units per acre: 18-50. Likely Compatible Zoning: R-MF-1, R-MF-2, R-MF-O, R-XF.

5. The applicant seeks to change the future land use to **Main Street/Downtown**, being described as "Mixed-use walkable area with continuous building frontages, on-street and rear parking, oriented towards outdoor public spaces and activities. Uses should include retail, office, restaurant, entertainment with a focus on drawing visitors from other parts of the region and community to the site. Upper floor residential and/or office uses are encouraged." Net units per acre: 20-40. Likely Compatible Zoning: HCD.

6. The structures along this block of S. O'Connor Road, though residential in appearance, have generally transitioned to professional services. There are non-profit services on the adjacent lot to the east, and professional services to the north, west, and south.

7. In 1997, the subject property was rezoned with a site plan that permits a single-family home as the main use with office as an accessory use. At that time, the site was included in the Downtown Plan’s "Transition Area" of the Comprehensive Plan, which was already anticipating the mixed uses often seen in small downtowns.

8. 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 residential desires to transition non-residential use, the City of Irving should require the following:

   a. The area is physically appropriate (i.e., size, shape, etc.) for nonresidential use.
   
   b. The area is adjacent to non-residential zoning and not separated from other non-residential 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.

9. Staff believes that the request meets all the criteria listed above and will further the goals of the Main Street/Downtown future land use designation.

10. A total of 19 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Recommendation
The ordinance be adopted.

61 Ordinance - 2023-84-ZC - Considering a Zoning Change from S-P-1 (P-O) “Generalized Site Plan – Professional Office” and Residential Uses to HCD-CMU "Heritage Crossing District - Corridor Mixed Use Subdistrict" - Approximately 0.20 Acres Located at 220 S. O'Connor Road

Administrative Comments
1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner:** Texas Taxes and Insurance Agency
   **Applicant:** DLR Legacy Properties, LLC

3. The subject property is a 0.2-acre lot that is developed with a single-family home and detached accessory building that is used as a commercial office. **The applicant is requesting a zoning change to allow commercial development on the entire site.**

4. In 1997, the subject property was rezoned with a S-P-1 Site Plan district that permits a single-family home as the main use with office as an accessory use. At that time, the site was included in the Downtown Plan's "Transition Area" of the Comprehensive Plan, which anticipated the mixed uses often seen in small downtowns.

5. Many of the adjacent areas along S. O'Connor Road and W. 3rd Street, though residential in appearance, have transitioned to retail or commercial uses over the last several decades. Professional services are on the adjacent lot to the north,
west and south, and a non-profit use is adjacent to the east.

6. The block which includes subject property is zoned HCD-CMU “Heritage Crossing District – Corridor Mixed Use Subdistrict”, therefore the rezoning to the district is consistent with the adjacent zoning. The HCD-CMU permits a variety of retail and commercial uses, duplexes and townhomes, as well as more dense residential uses and includes additional locational and design criteria.

The Corridor Mixed-Use (CMU) Subdistrict is described as creating “a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as ‘context sensitive streets’ supporting multimodal traffic, linking other regional destinations, and promoting economic development. The Corridor Mixed-Use area will serve as the primary neighborhood for commercial activity in the local community.”

7. **The applicant is not requesting any variances;** therefore, no site plan zoning is necessary.

8. The CIP, Water Utilities, Inspections, Traffic and Transportation, and Fire departments have reviewed the application and indicated no objections.

9. Staff believes that the requested zoning is appropriate for the area and compatible with surrounding uses.

10. A total of 19 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.

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**Ordinance - 2023-88-ZC - Considering a Zoning Change from M-FW "Freeway" and State Highway 161 Overlay District to S-P-2 (P-O) "Generalized Site Plan - Professional Office" and State Highway 161 Overlay District for a Variance to the Maximum Parking Allowed - Approximately 8.04 Acres Located at the Southeast Corner of State Highway 161 and W. Story Road**

**Administrative Comments**

1. The Planning and Zoning Commission made its final report on December 4, 2023. Staff will provide the Commission’s recommendation prior to the City Council meeting.

2. **Owner:** Grant Appleton and Ryan Appleton

   **Applicant:** Great Hearts Academy
3. The subject property is an 8.04-acre vacant tract. The applicant is proposing to build a new charter school that would replace the existing Great Hearts Preparatory facility located at 3350 N. Story Road, and is requesting rezoning for a variance from Sec. 2.3.3 “State Highway 161 Overlay” of the Unified Development Code to increase the maximum allowed parking.

4. This property was zoned M-FW “Freeway” in 1971 as part of an area-wide zoning change. In 2012, the property was included in the State Highway 161 Overlay which includes regulations concerning site design and parking.

5. In 1983, the M-FW zoning district was repealed. Properties zoned under a “repealed” district may be developed and maintained in accordance with the repealed district standards, but no property may be rezoned to a repealed district. The public charter school use is allowed per state law in any zoning district; however, the applicant is requesting a variance to the maximum allowed parking through a site plan zoning case. Since a zoning case is required, the base zoning must be changed to an active district. The P-O district was chosen as the zoning and its uses are compatible under the Traditional Neighborhood future land use designation from the Comprehensive Plan Map.

6. Per Section 2.3.3(d)2, “State Highway 161 Overlay – Maximum Parking”, surplus parking may not exceed the minimum number required by this section by more than twenty (20) percent. Based on the estimated number of students, 32 parking spaces are required. Accordingly, the maximum number of parking spaces allowed is 39 spaces. Single family uses are located to the east.

7. The following variance is being requested:

<table>
<thead>
<tr>
<th>Standard (Parking)</th>
<th>Minimum Required</th>
<th>Maximum Allowed (Per State Highway 161 Overlay District)</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 parking space per 30 students and staff</td>
<td>960 students and staff = 32 spaces</td>
<td>39 spaces (+20% of minimum)</td>
<td>135 spaces (+322% variance)</td>
</tr>
</tbody>
</table>

8. All other requirements of the State Highway 161 Overlay, the P-O zoning district, and other applicable ordinances will be met. The applicant has also been made aware that no more than 25% of parking may be located between the building and State Highway 161, the minimum parking setback from the State Highway 161 right-of-way is 30 feet, and the minimum building setback from the State Highway 161 right-of-way is 40 feet.

9. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.

10. A total of 30 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.

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63 Ordinance - UDC 23-0008: Considering an Ordinance Amending Part II of the City of Irving Land Development Code, “Unified Development Code (UDC)” as Follows: Amending Section 2.1.3 “Zoning Districts Established” to Include the Conditional Use Permit (CUP) Overlay; Amending Sections 2.4.2 “Residential Land Use Table” and 2.5.2 “Non-Residential Land Use Table” to Identify Uses Eligible for a Conditional Use Permit in Certain Zoning Districts; Amending Sections: 2.5.4 “Professional Office (P-O)”; 2.5.6 “Neighborhood Commercial (C-N)”; 2.5.8 “Commercial Outdoor 1 (C-OU-1)”; 2.5.9 “Commercial Outdoor 2 (C-OU-2)”; 2.5.10 “Commercial Outdoor 3 (C-OU-3)”; 2.5.12 “Freeway (FWY)”; 2.6.6 “Heritage Crossing District (HCD)”; 2.3.3 “State Highway 161 Overlay”; and 2.3.4 “State Highway 183 Overlay” to Add Additional Permitted Principal Uses with a CUP; Amending Section 4.4 “Parking and Loading” to Establish a Minimum Parking Requirement for a Farmers Market; Amending Section 9.3 “Definitions” to Add and Amend Definitions for Various Uses

**Administrative Comments**

1. The Planning and Zoning Commission recommended Approval on October 16, 2023 by a vote of 7-0.

2. The Conditional Use Permit was created by the City Council on February 9, 2023 in order to provide an additional zoning tool that functions similarly to a S-P Site Plan zoning but provides additional abilities to set time limits on certain uses if preferred, and revoke the use in predetermined situations.

3. This next step is to define and set the uses for which a CUP may be requested.

4. Proposed Amendments include:
   a. Separate “Public or private storage garages, yards or lots” into categories for surface parking and permanent structured parking garages and determine where would be appropriate by CUP or by right
   b. Provide districts where Outside Storage might be requested as a CUP (not an option today)
   c. Provide districts where car washes might be requested as a CUP (not an option today)
   d. Add Farmers’ Market as a permanent use and determine where it would be allowed by right and by CUP
e. Add Farmers' Market as a temporary use and allow for up to 180 days with a temporary use permit

f. Provide for Community Homes and Assisted Living in a home by CUP

g. Provide that veterinarian clinics with outside runs would require a CUP

h. Provide that outdoor boarding kennels allowed by CUP only in certain districts

i. In the Heritage Crossing District (HCD), clarify where a CUP may be requested for surface parking lots, construction offices with storage yards, vehicle uses, manufacturing and warehouse, and outside storage. Allow farmers’ markets by right.

5. A proposal in the ordinance provides that certain industrial and outside storage uses east of Britain Rd. in the Heritage Crossing Zoning District would be permitted by CUP instead of by right, potentially causing any such uses which currently exist to become legal nonconforming. Legal nonconforming uses may continue to operate typically until such time as they are abandoned by the property owner.

6. Notices were mailed on October 4 in compliance with Texas Local Government Code §211.006 (Senate Bill 929 effective June 2023) which requires a city to send notice to affected property owners and occupants for any ordinance amendment that could result in the creation of non-conforming uses. Notice was sent to all property owners and property occupants in the Corridor Mixed-Use (CMU) and Transit Mixed-Use (TMU) subdistricts of the Heritage Crossing Zoning District to ensure all potentially affected properties received notice of the proposal.

Planning Staff received approximately eight phone calls and in-person inquiries from the mailed notifications. Most of these inquiries requested more information on the proposal and how it affected their properties. Several residents attended the October 16 P&Z hearing and two spoke with questions. One of the speakers questioned the timing of the mailed notification (the state statute allows home rule cities to clarify notification requirements differently than general law cities) and where the ability to set any time limitations is permitted by the City Council (Sect. 2.3.4 e)5) with the February 2023 creation of the CUP overlay district).

7. The City Council reviewed a draft ordinance on September 14, 2023, and the Planning and Zoning Commission reviewed the draft ordinance on October 2 and provide no additional comments.

8. The case was heard at the October 26 City Council meeting where two persons spoke with questions regarding the proposal. The case was postponed in order to provide time for staff to conduct outreach regarding the amendments.
Planning staff coordinated a public informational meeting at Joe’s Coffee Shop on Monday November 13. Flyers were distributed on November 6; staff went door to door, leaving 205 flyers and making 101 personal contacts. An email was sent to businesses on Irving Blvd. who signed up for updates on the Irving Blvd. construction project. Other emails were sent to interested parties as possible. Approximately 30 people attended the public meeting. No follow up questions regarding the CUP were asked to staff between the meeting and consideration of the amendment.

**Recommendation**

The ordinance be adopted.

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**APPOINTMENTS AND REPORTS**

64 Resolution - Casting City of Irving's Vote for the Fourth Member of the Board of Directors of the Dallas Central Appraisal District

**Administrative Comments**

1. This item is recommended by the City Council.

2. **Impact:** A Suburban Cities' Representative on the Board of Directors of the Dallas Central Appraisal District assures positive representation of the interest of the cities in Dallas County, other than Dallas.

3. Each city has the right to nominate, by resolution, one candidate. This item is for council to cast a vote for one of the six nominees.

4. The nominees are as follows: Brett Franks, nominated by the City of Sachse, Carrie F. Gordon, nominated by City of Balch Springs; Michael Hurtt, nominated by the City of Seagoville and City of Carrollton, Mark Jones, nominated by the City of Desoto, Terry Lynne, nominated by the City of Farmers Branch, and Steve Nichols, nominated by the City of Hutchins.

5. Councilmembers Brad LaMorgese and Kyle Taylor, Co-Chairs of the Boards and Committees Appointments, have recommended casting Irving City Council’s vote for Terry Lynne.

**Recommendation**

The resolution be approved.
Resolution - Appointments to the Irving Arts Board, Dallas County Utility & Reclamation District (DCURD), Irving Flood Control District (IFCD) Sec. I, and IFCD Sec. III

Administrative Comments

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

2. Impact: Appointment of Irving residents or qualified members to boards and commissions assures that our residents have a voice in city government.

3. The positions under consideration include appointments to the Irving Arts Board and Dallas County Utility and Reclamation District (DCURD), and reappointments to the Irving Flood Control District Section I (IFCD I), and Irving Flood Control District Section III (IFCD III).

4. The City Council conducted interviews for various vacancies on September 25, 26, 27 and October 2 and 3, 2023.

Recommendation

The resolution be approved.

Mayor's Report

Adjournment