

AGENDA
Irving City Council Regular Meeting
Thursday, October 13, 2022 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

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

Organizational Service Announcements

Invocation

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 46

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving Special Meeting Minutes for Thursday, September 08, 2022

3 Approving Work Session Minutes for Thursday, September 15, 2022

4 Approving Regular Meeting Minutes for Thursday, September 15, 2022

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

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

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

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

5 Resolution - Approving the FY2022-23 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for the Public Improvements for the Bridges of Las Colinas Public Improvement District in Accordance with Chapter 372, Texas Local Government Code, as Amended and Providing an Effective Date

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** The assessments will be updated to reflect the 2022-2023 levy against property within the Bridges PID to pay for the annual debt service of bonds issued for the public improvements plus collection costs of the Bridges of Las Colinas PID.
3. The Bridges of Las Colinas is a single family residential development consisting of approximately 122 acres located near the northeast corner of SH114 and Belt Line Road. The development consists of 401 residential lots. The 2022 taxable assessed value of the Bridges development is \$220,120,372.
4. In 2013, the City issued Series 2013A City of Irving Combination Tax and Revenue Certificates of Obligation in the aggregate principal amount of \$8,984,348.75 to finance the public improvements within the development. This debt is serviced through the allocation of a Tax Increment Reinvestment Zone payment of 50% of the Maintenance and Operation portion of the city's tax rate on the incremental value created by the development and any shortfall in the debt service is covered by an assessment on the benefited properties within the district on a square footage basis.
5. This year, each benefitted property (residential lot) will be assessed \$0.113386 per square foot. The development offers various lot sizes. The largest lot size is 19,715 square feet and would be assessed at \$2,235.40 while the smallest lot size is 5,693 and would be assessed at \$645.50. Each lot is assessed individually based on the square footage of the lot.
6. The Annual Service Plan Update has been prepared setting forth the budget and the 2022-2023 Annual Installment for assessed properties in the Bridges PID.

Recommendation

The resolution be approved.

6 Resolution - Approving the FY2022-23 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for the Public Improvement for the Ranchview Public Improvement District in Accordance with Chapter 372, Texas Local Government Code, as Amended and Providing an Effective Date

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** Assessments will be updated to reflect the 2022-2023 levy against property within the Ranchview PID to pay for the annual debt service of bonds issued for the public improvements plus collection costs of the Ranchview PID.
3. The Ranchview Development (Campion Hollows) is a single family residential development consisting of approximately 37 acres located at the intersection of IH635 and Valley Ranch Parkway East. The development consists of 121 single family residential lots. The 2022 taxable value is \$57,774,864.
4. In 2013, the City issued Series 2013B City of Irving Combination Tax and Revenue Certificates of Obligation in the aggregate principal amount of \$3,293,426.55 to finance the public improvements within the development. This debt is serviced through the allocation of a Tax Increment Reinvestment Zone payment of 50% of the Maintenance and Operation portion of the city's tax rate on the incremental value created by the development and any shortfall in the debt service is covered by an assessment on the benefited properties within the district on a square footage basis.
5. This year, each benefitted property (residential lot) will be assessed \$0.166749 per square foot. The development offers various lot sizes. The largest lot size is 11,868 square feet and will be assessed \$1,978.98 while the smallest lot size is 5,707 and will be assessed \$951.64. Each lot is assessed individually based on the square footage of the lot.
6. The Annual Service Plan Update has been prepared setting forth the budget and the 2022-2023 Annual Installment for assessed properties in the Ranchview PID.

Recommendation

The resolution be approved.

7 Resolution - Approving the FY 2022-23 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Parkside Public Improvement District in Accordance with Chapter 372, Texas Local Government Code, as Amended and Providing an Effective Date

Administrative Comments

1. This item is recommended by the Financial Services Department.
2. **Impact:** Assessments will be updated to reflect the 2022-2023 levy against property within the Parkside PID to pay for the annual debt service of bonds issued for the public improvements plus collection costs of the Parkside PID.
3. The Parkside Development is a single family residential development consisting of approximately 275 acres located at the along the south side of SH114 at the intersection of Belt Line Road. Parkside consists of 888 residential lots to be developed with single family residences. The 2022 taxable value of the Parkside development is \$446,007,361.
4. In 2014, the City issued Series 2014 City of Irving Combination Tax and Revenue Certificates of Obligation in the aggregate principal amount of \$22,211,340.30 to finance the public improvements within the development. This debt is serviced through the allocation of a Tax Increment Reinvestment Zone payment of 50% of the Maintenance and Operation portion of the city's tax rate on the incremental value created by the development and any shortfall in the debt service is covered by an assessment on the benefitted properties within the district on a square footage basis.
5. This year, each benefitted property (residential lot) will be assessed \$0.148014 per square foot. The development offers various lot sizes. The largest lot size is 16,255 square feet and would be assessed at \$2,405.97 while the smallest lot size is 3,571 and would be assessed at \$528.56. Each lot is assessed individually based on the square footage of the lot.
6. The Annual Service Plan Update has been prepared setting forth the budget and the 2022-2023 Annual Installment for assessed properties in the Parkside PID.

Recommendation

The resolution be approved.

8 Resolution - Approving Addendum No. 2 to Agreement for Legal Services with Boyle & Lowry, L.L.P.

Administrative Comments

1. This item is recommended by the City Attorney's Office.
2. **Impact:** This addendum will allow the City to continue its engagement of the Boyle & Lowry, L.L.P., law firm in several critical areas, including representation of Building and Standards Commission, the Housing and Human Services Board and Department, and the Construction Board of Appeals.
3. This addendum adopts a new rate schedule for legal services: \$225.00 per hour for general municipal work, \$250.00 per hour for litigation, \$165.00 per hour for municipal court prosecution, and \$90.00 per hour for paralegal work.
4. The addendum also updates the 2012 engagement agreement with the City's most current Legal Management Guidelines.

Recommendation

The resolution be approved.

9 Resolution - Approving an Interlocal Cooperation Agreement Amendment Between the North Central Texas Council of Governments and the City of Irving for the Implementation of the Traffic Incident Management Program

Administrative Comments

1. This item is recommended by the Police Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** This first amendment to the interlocal cooperation agreement between the North Central Texas Council of Governments (NCTCOG) and the City of Irving provides for the implementation of the Traffic Incident Management (TIM) program. The amendment extends the performance period end date from August 31, 2022 to February 28, 2023.
3. The funding amount of \$103,969.00 has not changed.

Recommendation

The resolution be approved.

10 Resolution - Approving an Interlocal Agreement Between the City of Irving and the Dallas County Utility Reclamation District (DCURD) in the Amount of \$520,000.00 for the Desiltation and Maintenance Related to District Waterways

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and stormwater systems.
2. **Impact:** This Interlocal Agreement between the City of Irving and DCURD provides funding assistance for the dredging of District canals, lakes and waterways to maintain proper depths and water quality as well as to provide adequate cross sections for water conveyance and for the maintenance of the levee, waterway slopes and structures.
3. This Interlocal Agreement meets a requirement of the Texas Commission on Environmental Quality (TCEQ) for the city’s Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit to preserve the water quality of the city’s waterways.
4. Funding in FY 22-23 will provide for dredging and waterway maintenance for the Cottonwood Creek System, Hackberry Creek System, Lake Sitatunga, Loch Kilpatrick, Lake Fugahwee, Quail Creek @ 114, Las Colinas Blvd Lakes, Royal Lane Lakes, Beaver Creek, Southfork Hackberry, Lake Carolyn, Dredge Basin Maintenance – Locations Vary, Pump Station outfall – Elm Fork, Rochelle Lakes and DCURD Levee.
5. Funding for this annual expenditure was approved by the adoption of the FY 2022-23 Municipal Drainage Utility budget.
6. Funding in the amount of \$520,000.00 is available in the Municipal Drainage Utility Fund.

Recommendation

The resolution be approved.

11 Resolution - Approving an Interlocal Agreement Between the City of Irving and the Irving Flood Control District I (IFCDI) in the Amount of \$21,600.00 for the Desiltation and Maintenance Related to District Waterways

Administrative Comments

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

supports Strategic Objective 2.4 - Maintain and extend water, wastewater and stormwater systems.

2. **Impact:** This Interlocal Agreement meets a requirement of the Texas Commission on Environmental Quality (TCEQ) for the city's Texas Pollutant Elimination System (TPDES) Stormwater Permit to preserve the water quality of the city's waterways.
3. FY 22-23 funding will provide for improvement and repairs to District levees, maintenance and improvements to the District's stormwater and flood control sumps and pumping stations, erosion control projects and engineering improvements and maintenance required by FEMA and US Army Corp of Engineers.
4. Funding for this annual expenditure was approved by the adoption of the FY 2022-23 Municipal Drainage Utility (MDU) budget and is the city's annual assistance to the District.
5. Funding in the amount of \$21,600.00 is available in the Municipal Drainage Utility Fund.

Recommendation

The resolution be approved.

12 Resolution - Approving an Expenditure with Mart, Inc., in the Amount of \$395,000.00 for the Irving Golf Club Veranda and Deck Project through The Interlocal Purchasing System (TIPS)

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department, and the Parks and Recreation Department. It supports Strategic Objective 4.5 - Implement enhancements to cultural and recreational facilities.
2. **Impact:** This project located at the Irving Golf Club, will create outdoor seating and dining space through the installation of a veranda to include a raised fire pit and seating, a deck that will provide outdoor dining space, and replacement of a cart path near the club house and pavilion.
3. This item was presented to the Parks and Recreation Advisory Board on October 10, 2022.
4. Irving Golf Club is an 18-hole golf course with a clubhouse and dining facility located in Southeast Irving. The 2019 Parks, Recreation, and Open Space Master Plan; listed the development of Irving Golf Club as a top priority.
5. This contract will provide approximately 1,664 SF of architectural surfaced concrete for a veranda to include a stone façade, raised fire pit, stone façade benches, a 658

SF architectural surfaced concrete deck to include an accessible ramp, and the replacement of approximately 8,070 SF of steel reinforced concrete cart path complete and in place, together with all associated appurtenances to complete this project.

6. This project utilizes the Vendor/Member Contract between the City of Irving and Mart, Inc., supported by The Interlocal Purchasing System (TIPS) contract #200201 for Trades, Labor & Materials (JOC), which expires on April 30, 2023.
7. Funding in the amount of \$395,000.00 is available within the General Fund Non-Bond CIP Fund.

Recommendation

The resolution be approved.

13 Resolution - Awarding a Contract to Mart, Inc. in the Amount of \$57,625.00 for the King Square Arbor Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department, and the Parks and Recreation Department. It supports Strategic Objective 4.5 - Implement Enhancements to Cultural and Recreational Facilities.
2. **Impact:** The installation of the metal arbor on the existing masonry columns will complete the architectural phase at the King Square Park.
3. This item was presented to the Parks and Recreation Advisory Board at their February 10, 2020 meeting, the Housing and Human Services Board at their February 19, 2020 meeting, and the Community Services Committee at their February 27, 2020 meeting.
4. King Square Park is a 1/4-acre neighborhood park in southwest Irving. Before converting to a park, the site was once a residential property acquired to build an affordable single-family home. Construction of the single-family home was not feasible due to sanitary sewer issues. Due to exceeding costs of the repairs, a park was created as an alternative to the construction of a new home.
5. Construction of King Square Park has been ongoing since 2020. Construction and improvements were delayed due to the COVID-19 pandemic.
6. This contract will construct a 48 linear-foot x 5 foot-wide metal arbor on the existing masonry columns at King Square Park.
7. Bids were received from 2 bidders. Mart, Inc., submitted the lowest responsive

responsible base bid of \$57,625.00.

8. This project is being funded with Community Development Block Grant Funds (CDBG) provided by the U.S. Department of Housing and Urban Development (HUD).
9. Funding in the amount of \$57,625.00 is available in the Community Development Block Grant Fund.

Recommendation

The resolution be approved.

14 Resolution - Approving Addendum No. 1 to the Agreement Between the City of Irving and Elements of Architecture, Inc., in the Amount of \$20,730.00 for an Enhanced Level of Design for the Valley View Municipal Complex Pipe Warehouse

Administrative Comments

1. This item is recommended by the Capital Improvement Program and Water Utilities Departments. It supports Strategic Objective: 2.5 – Support strategic investments in city facilities.
2. **Impact:** This addendum will provide for the enhanced level of design that will allow for conventional construction of the warehouse rather than the use of a pre-engineered metal building shell. This will result in a building that more closely resembles the existing facilities at the Valley View Municipal Complex.
3. This item will provide increased fees for Schematic Design, Design Development, Construction Documents, and for the Construction Administration of a conventional building designed specifically for this project site.
4. Funding for this project, in the amount of \$20,730.00 is available through the Water & Sewer System Non-Bond CIP Fund.

Recommendation

The resolution be approved.

15 Resolution - Approving Addendum No. 3 to the Professional Services Agreement Between the City of Irving and Komatsu/Rangel Architecture, in the Not-To-Exceed Amount of \$60,000.00, for the Preparation of Design/Construction Documentation for the Backfill of Office Space Vacated by the Parks and Recreation Department Relocation to the Jack D. Huffman Building Second Floor

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.5 – Support strategic investments in city facilities.
2. **Impact:** This addendum provides design services to accommodate the relocation of the Housing and Redevelopment Division on the first floor of City Hall.
3. The relocation of the Housing and Redevelopment Division is necessary to accommodate expansion of the department.
4. The scope of work includes developing design concepts, construction documentation for future build-out of the office space, and mechanical, electrical, and plumbing design.
5. Funding in the amount of \$60,000.00 is available within the General Fund Non-Bond CIP Fund.

Recommendation

The resolution be approved.

16 Resolution - Approving the Attached Local Transportation Project Advance Funding Agreement for a Surface Transportation Block Grant Program (STBGP) Project Between the City of Irving and the Texas Department of Transportation (TXDOT) for the Design and Construction of the Conflans Road Extension Project (SH 161 to Valley View Lane)

Administrative Comments

1. This item is recommended by the Traffic and Transportation Department. It supports Strategic Objective 2.3 – Expand, extend and maintain the major thoroughfare network.
2. **Impact:** This 2ND revision of the Local Project Advanced Funding Agreement (LPAFA) for the Conflans Road Extension Project (SH 161 to Valley View Lane) replaces the 1ST revision of same in its entirety. The 2ND revision addresses updates from the Texas Department of Transportation (TXDOT) that include but are not limited to budget adjustments for the project that increased construction and construction engineering funding and decreased local contribution for Right-Of-

Way. The participation amount remains unchanged at 80% federal and 20% local.

3. On April 23, 2021 the City submitted a Transportation Improvement Program (TIP) modification request to the North Central Texas Council Of Governments (NCTCOG) that was approved by the Regional Transportation Council and the Texas Department of Transportation (TXDOT) on June 1, 2022. The purpose of City's TIP modification request was to increase the construction and construction engineering funding and to decrease the local contribution for the Right-Of-Way phase. Accordingly, the approved TIP modifications are partially responsible for the 2ND Revision to the LPAFA for the Conflans Road Extension Project.
4. Funding in the amount of \$6,294,353.00 is available in the Traffic and Transportation Department budget within the Street Improvement Bond and Non-Bond Fund.

Recommendation

The resolution be approved.

17 Resolution - Approving an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) in the Amount of \$27,198.42 to Provide 2023 Digital Orthophotography and LiDAR

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact: This item support the city's Investing in our Future initiative.** Purchasing the 2023 digital orthophotography and LiDAR will replace outdated aerial imagery and LiDAR used extensively by several city departments. Updates are essential to show the latest development on the ground to generate maps used for operations, project design, economic development, presentations and investigations.
3. The digital orthophotography and LiDAR are heavily used in the CIP planning and design process for water, sewer, drainage and street projects. It provides elevation and location information related to features such as sidewalks, buildings, parking lots, driveways, fences, lakes, streams, and tree canopy that are factored into engineering decisions.
4. The updated digital orthophotography and LiDAR also provide field employees a better spatial reference when trying to locate city assets that may be difficult to see or find such as sewer manholes and water system valves.
5. The total cost for 2023 is \$27,198.42 and the funding breakdown is as follows:

Water and Sewer System Fund: \$13,599.21 (50%)

Municipal Drainage Utility Fund: \$13,599.21 (50%)

6. Funding in the amount of \$27,198.42 is available within the Water and Sewer System Fund and the Municipal Drainage Utility Fund.

Recommendation

The resolution be approved.

18 Resolution - Awarding a Contract to Hunter Demolition & Wrecking Corporation in the Amount of \$269,350.00 for the Kroger Elevated Storage Tank Decommissioning Project

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This project will demolish and remove the 50-year old Kroger Elevated Storage Tank. This tank no longer provides much benefit to the distribution system due to the shallow bowl depth and close proximity to the Northgate Pump Station.
3. This tank decommission project was recommended by the 2020 Water Master Plan Update.
4. Bids were received from one (1) bidder. Hunter Demolition & Wrecking Corporation submitted the lowest responsive responsible bid of \$269,350.00. This is \$412,050.00 (60%) below the project estimate.
5. Minority and/or Women-owned Business (M/WBE) participation in this award is 100%.
6. Funding in the amount of \$269,350.00 is available within the Water Utilities budget within the Water & Sewer Non-Bond CIP Fund.

Recommendation

The resolution be approved.

19 Resolution - Ratifying the Payment Made to SYB Construction Co., Inc., in the Total Amount of \$195,574.00 for Emergency Repairs to the 24-Inch Water Main Located Near State Highway 161 and the DART Orange Line

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Emergency repairs were necessary to repair a leak in the 24-inch concrete cylinder water main northwest of SH161 and south of the DART Orange Line, which was discovered on Thursday, August 18, 2022. This is a critical line in the water distribution system that impacts water supply and fire protection for many customers; therefore, the repair was declared an emergency in order to preserve and protect public property and the public health and safety of the city's residents.
3. Water Utilities located a leak in the 24-inch water main at this location, and city crews were able to excavate the line and determine that the leak was at the connection of the 24-inch concrete to 24-inch PVC pipe which was installed during the DART Orange Line construction project.
4. The complexity of the permanent repair work and the need to address a similar issue at the connection north of the railroad track exceeded the current capacity of city staff. An emergency was declared by the Water Utilities Department Director on August 24, 2022, after which SYB Construction Company, Inc. was contacted. They assessed the situation, confirmed that they were able to mobilize immediately to complete the repair, and provided a proposal to perform the work which was completed on September 9, 2022.
5. Funding in the amount of \$195,574.00 was available in the Water and Sewer Non-Bond CIP Fund.

Recommendation

The resolution be approved.

20 Resolution - Approving Single Source Contract with Metro Fire Apparatus Specialist Inc., in the Total Estimated Amount of \$300,000.00 for As-Needed Fire Apparatus Repairs and Optional Parts for a Two-Year Term

Administrative Comments

1. This item is recommended by the Fleet Services Division.
2. **Impact:** Approval of this Single Source contract 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. Fleet Services recommends spending in the estimated amount of \$200,000.00 for

FY22-23 and \$100,000.00 in FY23-24. This is a two-year contract with two renewals consisting of a two-year term. The contract will run from October 13, 2022, through September 30, 2024.

4. Funding for Fiscal Year 2022-23 is in the amount \$200,000.00 which will be used for as needed parts and the repair of unit# 05153, a 2008 Spartan Gladiator Pumper which suffered ladder damage during the winter storm in February of 2022. The repair for this equipment was recently approved and will be funded utilizing the Risk Fund.
5. Funding for Fiscal Year 2022-23 is available in the Garage Fund and Risk Fund, while funding for Fiscal Years 2023-2024 is subject to budget appropriation.

Vendor	Spending Term	Total Estimated Amount	Fiscal Year(s)
Metro Fire Apparatus Specialist Inc.	10/13/22- 09/30/24	\$ 200,000.00	2022-23
		\$ 100,000.00	2023-24
Total		\$300,000.00	

Recommendation

The resolution be approved.

21 Resolution - Approving the Purchase from ESRI in the Total Estimated Amount of \$95,425.00 for the Annual Renewal of Geographic Information System (GIS) Software Maintenance and Support

Administrative Comments

1. This item is recommended by Water Utilities and the Information Technology Departments.
2. **Impact:** The maintenance agreement keeps the city’s GIS software running efficiently. GIS is the software currently used to produce maps, deliver information to the public, and solve issues through geographical analysis.
3. This system is utilized by several departments to document the location and details of city assets including the water distribution system, wastewater collection system, storm water collection system and traffic signage. It is the document of record for the city’s zoning information. It provides roads and addressing for the 911 system and is used to generate detailed maps used by many departments including Water Utilities, Traffic and Transportation, CIP, Police, Fire, Planning and Community Development, and Solid Waste Services Departments.

4. Funding is available in the Technology Fund and within the Water and Sewer System Fund.

Vendor	Contract Term	Total Amount	Fiscal Year
ESRI	10/31/22 – 10/30/23	\$95,425.00	2022-23

Recommendation

The resolution be approved.

22 Resolution - Approving the Purchase from Trittech Software Systems, a CentralSquare Technologies Company, in the Total Amount of \$165,819.97 for Trittech Public Safety System Software Support and Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department and the Police Department.
2. **Impact:** This support renewal keeps the Police Department’s Trittech public safety administration system comprised of computer aided dispatching (CAD) and mobile police vehicle software operating efficiently and legally licensed.
3. This software facilitates rapid, accurate communication to the field and promotes safety of personnel, as well as enabling communication with other agencies in a crisis situation. Trittech CAD and mobile is designed as an integrated, modular solution, providing the foundation to fully automate law enforcement operations from incident tracking to crime analysis and case management to state reporting. The Trittech system supports the entry of an event from dispatch through closing and assignment of a final disposition.
4. Funding is available in the Technology Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Trittech Software Systems	10/25/22 – 10/24/23	\$165,819.97	2022-23

Recommendation

The resolution be approved.

23 Resolution - Approving the Purchase from Tyler Technologies, Inc., in the Total Estimated Amount of \$161,895.45 for Incode Court Case Management, Tyler Content Manager, and Brazos System Hardware and Software Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department and Municipal Court.
2. **Impact:** Renewal of this support keeps the City's Municipal Court Management software and the Brazos Electronic Ticket Writer system legally licensed and under support by Tyler Technologies, Inc.
3. The Tyler Technologies Incode court case management software is used for Municipal Court case management functions, the current system allows for automated document indexing, multiple document review, removal of closed cases from the electronic database, and automated email correspondence. The Police Department also uses this system to clear warrants and interface with their electronic ticket writers. This system is critical to the functioning of the City.
4. The Brazos Ticket Writer system is used by the Police Department to enter traffic tickets into mobile ticket writing devices and download them into a central data repository. Municipal Court then imports the ticket data into the Court Case Management system.
5. Funding is available in the Technology Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Tyler Technologies, Inc.	11/01/22 – 10/31/23	\$161,895.45	2022-23

Recommendation

The resolution be approved.

24 Resolution - Approving a Single Source Agreement Between the City of Irving and HOV Services, Inc. in the Total Amount of \$119,966.51 for Renewal of Hyland OnBase Support and Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** Renewal of this support agreement keeps the city's Hyland OnBase document imaging/management software legally licensed and under support by HOV Services on behalf of Hyland.
3. The Hyland OnBase document imaging/management software is used for the electronic management of city contract, financial, legal, and other documents

maintained by the city and includes the scanning functionality to transfer documents of record from physical paper format to electronic files. This system is used by most city departments and is critical to the functioning of the city.

4. Funding is available in the Technology Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
HOV Services, Inc.	11/01/22 – 10/31/23	\$119,966.51	2022-23

Recommendation

The resolution be approved.

**Bids & Purchasing Items
Items 25-34**

25 Resolution - Authorizing As-Needed Expenditures with Cintas Corporation No. 2 in the Total Estimated Amount of \$150,000.00 for the Purchase of Field Employee Uniforms through a Master Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners

Administrative Comments

1. This item is recommended by the Financial Services Department – Purchasing Division.
2. **Impact:** Approval of this item supports purchases of standardized uniforms which improve employees’ overall appearance, make them more recognizable to residents, and ensure consistency among departments.
3. A Vendor/Member contract between the City of Irving and Cintas Corporation No. 2, which expires on October 31, 2023, was approved on July 18, 2019 by RES-2019-260. This contract supports the utilization of OMNIA Partners Contract No. R-BB-19002 for Facilities Management Products and Solutions.
4. Funding for Fiscal Year 2022-23 is available in various departmental budgets within various funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

Vendor	Spending Term	Total Estimated Amount	Fiscal Year(s)
Cintas Corporation No. 2	11/1/22- 10/31/23	\$130,000.00	2022-23
		\$ 20,000.00	2023-24
TOTAL		\$150,000.00	

Recommendation

The resolution be approved.

26 Resolution - Awarding a Contract to BCAC Underground LLC, in an Amount Not to Exceed \$500,000.00 for Storm & Wastewater Systems Cleaning, Inspection & Reporting

Administrative Comments

1. This item is recommended by the Capital Improvement Program (CIP) Department.
2. **Impact: This contract supports Drainage Solutions for a Better Tomorrow.** The contract will provide services that support the city's stormwater and wastewater condition assessment programs by inspecting, evaluating and prioritizing repairs of the systems.
3. Cleaning, inspection and reporting of existing storm and wastewater mains provide condition assessments which will help the CIP and Water Utilities departments determine if existing storm and/or wastewater systems are in good working order, can be rehabilitated, or should be replaced.
4. Utilization of these services will also help to determine if newly installed mains meet specification requirements or have deficiencies such as joint separation or pipeline sags, as well as helping to ensure longevity of the City's storm sewer and wastewater infrastructure.
5. A Request for Proposals (RFP) was issued on August 12, 2022 for Storm & Wastewater Cleaning, Maintenance, and Inspection services. Three responses were received and evaluated by an evaluation team from the CIP Department. CIP recommends awarding services to BCAC Underground LLC as the respondent scoring the highest points based on evaluation criteria established in the RFP.
6. This award establishes a one-year contract for the purpose of storm and wastewater cleaning, monitoring, and reporting. It includes two, two-year renewal options. The current contract expired on July 31, 2022.
7. Funding for Fiscal Year 2022-23 is available in various departmental budgets within various funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

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

Vendor	Contract Term	Total Estimated Expenditures	Fiscal Year
BCAC Underground LLC	11/1/22 – 10/31/23	\$400,000.00	2022-23
		\$100,000.00	2023-24
AMOUNT NOT TO EXCEED		\$500,000.00	

Recommendation

The resolution be approved.

27 Resolution - Rejecting Any and All Bids Relative to ITB No. 166J-22F for the Lively Pointe Youth Center Renovation Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** This renovation project will provide improved visibility of the welcome lobby and sitting areas for staff and an additional staff office. It will also improve storage space and expand the kitchen and cantina area, allowing staff to provide cooking classes for teens and large scale food preparation for annual events hosted by staff.
3. All responsive, responsible bids submitted were significantly above the engineer’s estimate and over budget.
4. The project will be restructured so it can be awarded within the budget.

Recommendation

The resolution be approved.

28 Resolution - Renewing the Annual Contract with Martin Marietta Materials, Inc., in the Total Estimated Amount of \$112,500.00 for Ice Control Sand for City of Irving

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department.
2. **Impact:** This contract provides ice control sand necessary for crews to prepare roads and bridges for travel during icy winter weather and to maintain the safety of the transportation network within the City of Irving.
3. In order to accommodate the price increase submitted by the vendor which has been reviewed and accepted by Traffic & Transportation 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.
4. This renewal establishes the continuation of an annual contract to provide ice control sand. This is the first of two, one-year renewal options. The current contract expires October 31, 2022.
5. Funding for Fiscal Year 2022-23 is available in the Traffic & Transportation Department budget within the General Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year
Martin Marietta Materials, Inc.	11/1/22– 10/31/23	\$103,000.00	2022-23
		\$ 9,500.00	2023-24
TOTAL		\$112,500.00	

Recommendation

The resolution be approved.

29 Resolution - Approving and Accepting the Bid of Integra Chemical Co., in the Total Estimated Amount of \$105,000.00 for Vita-D-Chlor Tablet Supply

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Vita-D-Chlor dechlorinating tablets are used during the flushing of fire hydrants and dead-end water mains to ensure the chlorine is removed from the water as it is discharged from the system. This is required by the TCEQ to prevent

any harm to fish and other aquatic life if this water reaches a nearby stream or pond.

3. This award establishes an annual contract for the continuation of providing dechlorinating tablets to be used by the Water Utilities Department. This contract is for one year with two, one-year renewal options. The current contract expired September 30, 2022.
4. Funding for Fiscal Year 2022-23 is available in the Water and Sewer System Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Integra Chemical Co.	10/14/22 - 9/30/23	\$105,000.00	2022-23

Recommendation

The resolution be approved.

30 Resolution - Approving the Purchase from Siddons-Martin Emergency Group, LLC, for a 2023 or Newer Pierce Custom 107' Arrow XT Aerial Tiller Truck in the Total Estimated Amount of \$1,820,381.00 through the Houston-Galveston Area Council of Governments (H-GAC) Interlocal Cooperative Purchasing Program

Administrative Comments

1. This item is recommended by the Fire Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of the supplemental tiller truck will allow the Fire Department to maintain uniformity with most of their front-line equipment which ensures familiarity for our members and the shop personnel required to service fire apparatus.
3. A Vendor-Member contract between the City of Irving and Siddons-Martin Emergency Group, LLC was approved on November 12, 2020, by Resolution No. 2020-439. These purchases are supported by H-GAC Contract No. FS12-19 which has been renewed through May 31, 2023 by H-GAC.
4. Siddons-Martin Emergency Group is applying chassis, aerial, and full pre-payment discounts in the total amount of \$78,884.00.
5. Funding in the amount of \$1,820,381.00 is available in the Vehicle & Equipment Replacement Fund.

Vendor	Item Description	Total Expenditure
Siddons-Martin Emergency Group, LLC	2023 Pierce Custom 107' Arrow XT Aerial Tiller	\$1,899,265.00
	Chassis Prepay Discount	(\$ 14,243.00)
	Aerial Prepay Discount	(\$ 7,225.00)
	Full Prepay Discount	(\$ 57,416.00)
Total		\$1,820,381.00

Recommendation

The resolution be approved.

31 Resolution - Approving the Purchase from Sam Pack's Five Star Ford of Seven 2022 or Newer Ford Escape S SUVs and Three 2022 or Newer Ford Explorers in the Total Estimated Amount of \$270,685.20 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Code Enforcement and Inspections departments and approved by the Fleet Services Division.
2. **Impact:** This purchase will also allow for replacement of older vehicles to reduce vehicle downtime to conduct field inspections, training, and site assessments.
3. A Vendor/Member contract between the City of Irving and Sam Pack's Five Star Ford was approved on July 8, 2021, by Administrative Award No. 7274. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which has been renewed through November 30, 2022.
4. The budgeted replacements shown below are in accordance with the City's Vehicle and Equipment Replacement policy for City Tag Nos. 28008 and 28011, both 2003 Ford F-150 trucks, Nos. 28019 and 28020, both 2006 Ford Rangers, Nos. 28027 and 11101, both 2008 Ford Ranger trucks, No. 28032, a 2008 Ford F150, Nos. 28038 and 28040, both 2010 Ford Rangers, and No. 22006, a 2010 Ford F-150.
5. Funding is available in the Vehicle & Equipment Replacement Fund.
6. Budgeted replacements are as follows:

Department	Item Description (Quantity)	Replacing City Tag#	Total Est. Expenditure
Code Enforcement	2022 or Newer Ford Escape S (6)	28011, 28019 28020, 28027 28032, 28008	\$152,978.82
	2022 or Newer Ford Explorer (3)	28038, 28040 22006	\$ 91,809.91
Inspections	2022 or Newer Ford Escape S (1)	11101	\$ 25,896.47
TOTAL			\$270,685.20

Recommendation

The resolution be approved.

32 Resolution - Approving and Accepting the Bid of Industrial Power, LLC, in the Total Estimated Amount of \$60,000.00 for Repair & Service of Class 6, 7, and 8 Trucks Including Cummins On-Road Engines

Administrative Comments

1. This item is recommended by the Fleet Services Division.
2. **Impact:** The city’s public safety equipment will continue to be repaired and maintained with minimum downtime to keep service levels high.
3. This award establishes an annual contract for the continuation of providing repair and service of Class 6, 7, and 8 trucks including Cummins on-road engines on an as-needed basis. The contract is eligible for two, one year renewal options.
4. Funding for Fiscal Year 2022-23 is available in the Garage Fund.

Vendor	Contract Term	Total Estimated Amount
Industrial Power, LLC	10/14/22 - 8/31/23	\$ 60,000.00

Recommendation

The resolution be approved.

33 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Cellco Partnership dba Verizon Wireless and Authorizing Expenditures in the Total Estimated Amount of \$3,900,000.00 for a Three Year Period for Communications Technology Services through the State of Texas Department of Information Resources (DIR)

Administrative Comments

1. This item is recommended by the Information Technology Department and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member contract between the City of Irving and Cellco Partnership dba Verizon Wireless for utilization of Contract No. DIR-TELE-CTSA-003, which expires on November 5, 2025, will allow the city to procure wireless/cellular services.
3. Cellular and wireless services enable communication for Police, Fire and General Government field employees through the information they are able to send and receive in the field on their computers, tablets, and cellular devices.
4. Utilization of this DIR contract provides for the continuation of cellular and wireless services which are billed on a monthly basis for approximately 1,500 devices, including smart phones, tablets, and internet air cards. It also provides a primary Push to Talk service integrated with the Land Mobile Radio Network for General Government and Public Safety Command Staff users, eliminating the need for more expensive Land Mobile Radio devices for these users.
5. Funding for Fiscal Year 2022-23 is available in various departmental budgets within various funds, while funding for Fiscal Years 2023-24, 2024-25, and 2025-26 is subject to budget appropriation.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
Cellco Partnership dba Verizon Wireless	10/14/22 - 11/05/25	\$1,200,000.00	2022-23
		\$1,200,000.00	2023-24
		\$1,300,000.00	2024-25
		\$ 200,000.00	2025-26
TOTAL		\$3,900,000.00	

Recommendation

The resolution be approved.

34 Resolution - Approving and Accepting the Bid from Diverse Construction, Inc., in an Amount Not to Exceed \$80,000.00 for Tower Services

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** This contract will provide support for the City of Irving's critical communications network infrastructure to include, but not limited to, the Public Safety Land Mobile Radio Network, Advanced Metering Infrastructure, Traffic Management System, and the Parks & Recreation Department's wireless network.
3. The contract will be used to support, maintain, and expand the various wireless network systems used by Information Technology, Water Utilities, Traffic & Transportation, and the Parks departments. These services will be utilized on an as-needed basis.
4. This award establishes an annual contract to provide tower services. The contract includes four, one-year renewal options.
5. Minority- and/or Woman-Owned Business Enterprise participation in this contract is 100%.
6. Funding for Fiscal Year 2022-23 is available in various departmental budgets within various funds.

Vendor	Contract Term	Total Amount Not to Exceed
Diverse Construction, Inc.	10/14/22 – 8/31/23	\$80,000.00

Recommendation

The resolution be approved.

End of Bids

35 Ordinance - Amending Chapter 38 Entitled "Boards, Commissions and Committees" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Relating to Terms of the Office, Attendance, and Training Requirements

Administrative Comments

1. This item is recommended by the City Secretary's Office
2. **Impact:** The general boards ordinance provides criteria and guidelines for the city boards, commissions, and committees. This amendment to the ordinance will modify attendance requirements, provide for removal, and specify training

requirements.

3. The City Council approved the creation of Chapter 38 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, on February 23, 2012, providing for uniform guidelines for all boards, commissions, and committees appointed by the City Council.
4. The proposed amendments to modify the General boards ordinance include:
 - a. Board members submitting a board application for another board position, immediately forfeit their current board position.
 - b. The City Council may remove a board member whose service is found in conflict with article I of the Irving Ethics Code, entitled "Ethics Code of Conduct."
 - c. A board member shall attend seventy-five (75) percent of board meetings within a twelve-month period or immediately forfeits their position. The current ordinance states if a board member is absent from three (3) consecutive meetings or seventy (70) percent of meetings, the board member forfeits the board position.
 - d. Training requirements of board members include completion of the Texas Open Meetings Act training and Texas Public Information Act within ninety (90) days after taking the oath of office for new appointments and for reappointments.
5. The amendments to the general board ordinance were discussed during the June 30, 2022, August 4, 2022, and September 1, 2022 City Council Work Session meetings.
6. If approved, the ordinance will become effective on December 1, 2022.

Recommendation

The ordinance be adopted.

36 Ordinance - Third and Final Reading -- Granting a Franchise to Bubba Tugs Corporation, for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Bubba Tugs Corporation to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

37 Ordinance - Third and Final Reading -- Granting a Franchise to Champion Waste & Recycling Services, LLC for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Champion Waste & Recycling Services, LLC to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and

ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

38 Ordinance - Third and Final Reading -- Granting a Franchise to Waste Connections Lone Star, Inc. for Solid Waste Collection Services Beginning on October 13, 2022 and Ending on October 12, 2025 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Waste Connections Lone Star, Inc. to provide waste hauling services to various business throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 13, 2022 and ending on October 12, 2025. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

39 Ordinance - Amending the Development Agreement with Generation Housing Partners, LLC for the Sale of Property at 400 S. MacArthur Boulevard to Extend the Closing Date

Administrative Comments

1. This item is recommended by the Housing and Redevelopment Division.
2. **Impact:** Amending this Development Agreement with Generation Housing Partners, LLC will extend the closing date from October 22, 2022 to November 30, 2022 for the sale of city-owned property at 400 S. MacArthur Blvd. for the construction of mixed-income affordable housing.
3. On January 7, 2021, City Council approved a Development Agreement with Generation Housing Partners, on behalf of Generation Housing Development (GHD) for the sale and development of city-owned property at 400 S MacArthur.
4. At the time of the Development Agreement, the sale price of the city-owned land was \$3,025,000. The Development Agreement continues to include certain criteria that must be satisfied prior to closing. The criteria includes the demonstration of financial capacity, the issuance of a building permit, and a Project Tax Credit Approval Award letter.
5. In July 2021, Council approved an addendum to the Development Agreement to extend the period to assess development feasibility (the "Feasibility Period") due to the timeline in which an award of the Low-Income Tax Credits from the Texas Department of Housing and Community Affairs (TDHCA) would take place.
6. GHD received its Housing Tax Credit Program Commitment Letter from the Texas Department of Housing and Community Affairs (TDHCA) on November 16, 2021.
7. On September 1, 2022, Council approved the First Amended and Restated Development Agreement reducing the purchase price to \$2,655,000 as a result of the current economic conditions in order to complete the development of new affordable housing units for Irving residents and to avoid failure of the project; and
8. The Agreement provided the Purchaser two (2) options to extend the Feasibility Period by 60 days with a deposit of \$10,000 for each extension. GHD exercised both of these extensions, which resulted in the \$75,000 Earnest Money and the \$10,000 deposits for each extension to become non-refundable.
9. The Agreement further provided the Purchaser two (2) options to extend the Closing Date by 60 days with a deposit of \$10,000 for each extension. The Closing Date was originally scheduled on or before 90 days after the applicable Feasibility Period, or October 22, 2022. GHD exercised both of these extensions, which resulted in the \$10,000 deposits for each extension to become non-refundable.
10. On September 15, 2022 the Purchaser received a firm commitment letter from the U.S. Department of Housing and Urban Development (HUD) providing the construction loan for the project which included a closing term of 60 days which surpasses the Agreement closing date.
11. GHD took meaningful steps to push HUD to schedule a closing by the current Agreement's Closing Date; however, HUD scheduled a Closing Date for the construction loan for November 23, 2022.

12. In exchange for extending the Closing Date to December 30, GHD will provide an additional consideration of \$100,000 non-refundable deposit.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

40 Resolution - Sign Variance 2022-05-2932 - Considering a Sign Variance to Allow an Existing Pole Sign to be Re-Faced and Remain at the Current Height of 43 Feet - Property Located at 1615 West Airport Freeway - Plymouth Park United Methodist Church, Applicant/Owner

Administrative Comments

1. The applicant is seeking approval of a Sign Variance to allow the existing pole sign to be re-faced and remain at a height of 43 feet.
2. The property is located at 1615 W. Airport Freeway. The original sign was installed in 2007 and will remain at the same location.
3. The maximum height of a pole sign is 35 feet. Per Section 7-5 “Nonconforming Signs” of the Sign Ordinance, when a new face is being constructed on a pole sign that exceeds 35 feet, the sign shall comply immediately with the height requirement.
4. The property is located at 1615 W. Airport Freeway.
5. The sign meets the minimum 30-foot setback from the property line and is not located in an easement.
6. Since the applicant is not expanding the total sign face, is not increasing the height, and was legally constructed in 2007, staff has no objection to this request.

Recommendation

The resolution be approved.

41 Resolution - Sign Variance 2022-08-5440 - Considering a Sign Variance to Allow a 40 Square Foot Sign Cabinet to be Replaced with a 40 Square Foot Two-Sided Digital Cabinet on an Existing Pole Sign, and to Allow the Total Sign Face to be 161 Square Feet - Property Located at 1650 West Irving Boulevard - Joe M. Roland DDS, Applicant/Owner

Administrative Comments

1. The applicant is seeking approval of a Sign Variance and a Special Sign Permit to allow a 40 square foot sign cabinet to be replaced with a 40 square foot double-sided digital cabinet, and to exceed the maximum total sign face size of 150 square feet by 11 square feet to 161 total square feet.
2. The property is located at 1650 W. Irving Boulevard. The sign was installed in July 1972 and will remain in the same location.
3. The sign is in a utility easement. Additionally, while the pole is on the subject property, the sign itself is over the property line into the City's right-of-way. If a license to encroach does not already exist, one will need to be obtained from the City prior to approval of any new sign permit.
4. The total existing sign area is just under 35 feet tall and is approximately 161 square feet and would not be expanded. However, since a portion of the sign is being replaced, an exception to Section 7.3 to allow the maximum total sign area to exceed 150 square feet is required.
5. Likewise, a Sign Variance and Special Sign Permit allowing a 40 square foot double-sided digital sign on an existing pole sign requires a variance to Section 7-3, which does not permit a digital sign on a pole sign, and to Section 7-3.1(b)(3), which limits digital signs to being visible from only one direction of traffic.
6. The site plan states that the digital sign must comply with all other portions of Section 7-3.1(b), which set requirements for display motion, brightness, and other features.
7. The applicant's letter states that a digital monument sign would not have adequate visibility due to the topography of the land, existing trees and bus stops, and the width of Irving Boulevard.
8. Since the applicant is not expanding the total sign face, is not increasing the height, is not altering the location or width, and is limiting the digital component to 40 square feet, staff can support this request.

Recommendation

The resolution be approved.

42 Ordinance - ZC22-0044 - Considering a Zoning Change from C-O “Commercial Office” to S-P-1 (C-O) “Detailed Site Plan - Commercial Office” and Hotel and Related Uses - Approximately 1.226 Acres Located at 460 East John West Carpenter Freeway – Las Colinas Hospitality LP, Applicant; 460 E. John Carpenter Fwy., LLC, Owner

Administrative Comments

1. The Planning and Zoning Commission recommended **denial** on September 6, 2022 by a **vote of 6-1**.

Commissioners in support: Cronenwett, Burns, Spurlock, Haacke, Prichard, Patel

Commissioners in opposition: McPhail

Commissioners absent: Joy, Collins

2. This case was postponed from the September 15, 2022 City Council meeting per the applicant’s request.

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

4. The subject property is an approximately 1.226-acre site that has an existing building. The applicant is requesting a zoning change to **allow hotel uses with variances to the meeting room and minimum room count requirements.**

5. The applicant is proposing to demolish the existing motor bank building and replace it with a **6-story, 140-room hotel with a lobby, lounge, fitness center, and a pool.**

6. The property meets the requirements of Section 2.5.5 “Commercial Office (C-O)” in the Unified Development Code (UDC).

7. On April 21, 2022, revisions to Section 3.10 “Hotel Development Standards” of the UDC were adopted by the City Council. The applicant is requesting the following variances to Section 3.10 as noted in the following table:

	Required	Proposed
Meeting Space (Sec. 3.10.2 (d)(5))	Combined min. of 5,000 sq. ft.	934 sq. ft. Variance of 4,066 sq. ft. (81%)
Room Count (Sec. 3.10.2 (d)(7))	200 rooms	140 rooms Variance of 60 rooms (30%)

8. The applicant’s justification letter states that “they will receive peak performance with a lower room count”.

9. The proposed development 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 including refrigerated and frozen food options as required per Section 3.10.2 (d)(8).

10. All landscaping and parking requirements, along with all the other Hotel Development Standards will be met.
11. **An update to the Hotel Development Standards, approved earlier this year, was made in an effort to correspond to current market trends and eliminate a need for variances from new hotel developments. Consequently, because the two variances being requested derive from the newly adopted standards, staff cannot support this request.**
12. A total of 12 public notices were mailed. Staff has received one (1) letter in support and no responses in opposition to this request.
13. The case was postponed from the September 15, 2022 City Council meeting at the applicant's request. No revisions or further information has been provided from the applicant during this time.

Recommendation

The ordinance be **denied** in conformance with the recommendation of the Planning and Zoning Commission

43 Ordinance - Consider an Ordinance Amending the City of Irving Unified Development Code (“UDC”) Section 2.4.16 “R-Th Townhouse District Regulations” to Add Additional Allowed Principal Uses and Update the Regulations for Development of Townhomes

Administrative Comments

1. This item has been recommended by the Planning Department.
2. The Planning and Zoning Commission recommended Approval on October 3, 2022 by a vote of 4-3; Spurlock, Collins, Haack, Joy approval; Burns, Cronenwett and Prichard opposed
3. The TH Townhouse district is an existing district created in 1970. Updates are being proposed to the TH district standards to reflect and be consistent with zoning cases with numerous approved variances to meet the apparent demands of the market. Approximately 50 SP cases have been processed requesting variances to the TH standards since the 1970's.
4. The amendments will match what has been approved in past cases and allow a development to build by right if they meet all the standards. Discussions have been

held with internal staff, especially Fire and Traffic to make sure proposed standards are consistent with their requirements. This will decrease the time and provide predictability to construct residential units which are needed to provide housing in Irving.

5. Proposed amendments:

- 1) Add duplex, single family attached, and zero lot line homes as allowed uses
- 2) Adjust lot size and coverage and setbacks to that approved in past SP cases and acknowledging established block setbacks.

	Current	Proposed
Front Setback	25 ft.	15 ft. With 20 ft. setback within certain blocks with established setbacks
Rear Setback	25 ft. (approx. 60% are front entry)	3 ft. if no rear entry garage 20 ft. if rear entry garage Rear entry preferred
Side Setback • between all interior structures • corner lot to public or private street • Adjacent to other districts	12 ft. 15 ft. 6 ft. to any other than R-TH	based on fire code 10 ft. to local street, 15 ft. to collector or larger. 25 ft. if side entry garage 6 ft. to single or two family district
Lot width	22 ft. if rear or side entry; 30 ft. if front entry	Unchanged 22 ft. if rear or side entry 30 ft. if front entry
Lot depth	80 ft.	70 ft.
Lot area	2420 sq. ft.	2100 sq. ft.
Height	30 ft.	3 stories or 40 ft.
Lot coverage	70 %	80 %
Parking spaces	4 (2 garage, 2 driveway)	4 (2 garage, 2 driveway) 0.5 (1/2) space per unit within 600 feet for front entry lots
Width of single structure/ building row	300 ft.	Maximum 6 units

- 3) Clarify that townhouses will provide a minimum of four parking spaces per unit, with driveway setback of 25 ft., with front loaded units providing guest parking within the development.
- 4) Set a maximum building size of 6 units to provide easier and direct access to all sides of a structure for Fire service.

6. A discussion was held at the June 20 Planning and Zoning Commission work session with concerns about the reduced parking. The City Council Planning and Development Committee also discussed the proposal on July 14 and gave consensus direction to move forward with the amendment with a change to continue to require four (4) parking spaces per unit.
7. In addition to the parking spaces, recent changes to the proposal since the last hearing include a 15 foot front setback, requiring guest parking in developments with front entry garages, and a maximum of 6 units in a single structure. These changes will provide shared parking areas when on-street parking is not available and for improved access around the buildings for Fire service.

Recommendation

The ordinance be adopted.

44 Ordinance - Consider an Ordinance Amending the City of Irving Unified Development Code (“UDC”) Section 3.18 “Outside Storage” to Distinguish Between Residential and Nonresidential Outside Storage Regulations and Amending 9.3 “Definitions” to Add Definitions

Administrative Comments

1. This item has been recommended by the Planning Department.
2. The Planning and Zoning Commission recommended Approval on October 3, 2022 by a vote of 6-1; Spurlock, Collins, Haack, Joy, Burns, Cronenwett approval; Prichard opposed
3. Updates are being proposed to the Outside Storage regulations to reorganize the section for ease of use and to make a reference to the new Auto Repair standards.
4. As written, the existing regulations are difficult to understand and interpret as to what is allowed and disallowed. The ordinance is written as “affirmative defenses” which apply after something as been done and not what is or is not permitted. The regulations for residential and non residential storage are mixed and it is confusing to determine which applies to different situations.
5. The proposed amendments are generally a reorganization of existing regulations:
 - 1) Reorganize the section to clearly describe what is allowed in General. Reword, but no substantive changes:
 - Generally reword to be clear about allowed or disallowed types of storage

- Provide concise wording to allow the building permit to regulate ability to have outside storage related only to construction activity
- 2) Reorganize the section to clearly describe what is allowed to be stored outside in Residential areas. Reword, but no substantive changes:
- RV, boat storage allowed with a driveway, not hanging into right of way (sidewalk)
 - RV or trailer cannot be used for residential living for greater than 3 days
 - No vehicle storage that is inoperative, unregistered, and damaged or dismantled
 - No parking of commercial vehicles; sizes of box trucks and trailers **removed** to allow for enforcement flexibility (does not include pick up trucks or vans)
 - Maximum six (6) motor vehicles on the lot; greater than ½ acre may store no more than ten (10) vehicles, to the side or rear of the primary structure and on a paved surface; **changed** from a maximum of 6 with consideration of licensed drivers
 - Parking in side or rear yard permitted if screened with solid fence
 - Vehicles may be repaired by owner/tenant with time limitations
- 3) Reorganize the section to clearly describe what is allowed to be stored outside in Nonresidential areas. Reword, but no substantive changes:
- Merchandise for retail sale such as plant and outdoor items
 - Provides limits on display locations near primary building and surfaces
 - Add section for commercial auto and truck repair:
 - Refer to new section 3.2 for auto repair (passenger cars)
 - Clarify that repair of large commercial vehicles is considered an industrial use
6. The City Council requested that staff address concerns about the Outside Storage regulations in Fall 2021, and a presentation was brought to the City Council in October 2021 discussing the issues and possible remedies. Proposed amendments were provided at the August 4 City Council work session.
7. The P&Z held two work sessions to further discuss the maximum number of vehicles that may be parked on a lot. The current regulations allow a maximum of 6 vehicles per lot with a consideration of the number of licensed drivers plus two vehicles which is very difficult to enforce. On September 19, P&Z supported changing the regulation to simply allow a **maximum of 6 vehicles** on a private lot or property (on street parking is not counted nor regulated through zoning), with a consideration for **lots ½ acre or larger to have a maximum of 10 vehicles**, provided they are on the side or rear of the primary structure and on a paved

surface. This amendment was recommended for approval by the P&Z.

Recommendation

The ordinance be adopted.

45 Ordinance - Consider an Ordinance Amending the City of Irving Unified Development Code (“UDC”) to Replace and Rename Section 2.3.5 “Reserved” to Create a New Section 2.3.5 “Conditional Use Permit Overlay” and Add Regulations for the Creation and Operation of a Conditional Use

Administrative Comments

1. This item has been recommended by the Planning Department.
2. The Planning and Zoning Commission recommended Approval on October 3, 2022 by a vote of 7-0.
3. A Conditional Use Permit (CUP) is a zoning tool that allows an owner to use property in a way not otherwise allowed within the current zoning district without changing the permanent zoning district. It provides another option for the city to regulate the use and operation of property. A Conditional Use Permit (CUP) functions the same as a Special Use Permit (SUP) often utilized by other cities. The term “Conditional” was selected in order to avoid confusion with the “Special Exception” provided by state law.
4. The Conditional Use Permit is similar to a S-P Site Plan zoning district in that that it requires approval from the City Council through the same public notification and public hearing zoning process, allows for site by site consideration of a request and provides detailed control by requiring a site plan. No change will occur to the S-P Site Plan zoning district which will continue to be used.
5. The Conditional Use Permit allows for the City Council to set a time period (set number of years) and revisit the operation of a business within a set time, or to set an indefinite time period for operation if preferred. The CUP also provides a process for revocation of the permit for poor behavior or operation, inaction, or discontinuance of use.
6. The Conditional Use Permit was proposed and discussed multiple times from October 2021 into 2022. The Planning and Zoning Commission requested to receive a presentation on the CUP as a zoning tool on June 20, 2022 and recommended to proceed with its creation. A presentation was provided to the Planning and Development Committee on September 1 and consensus direction was provided to bring the ordinance forward for consideration.

Recommendation

The ordinance be adopted.

APPOINTMENTS AND REPORTS

46 Mayor's Report

Adjournment