

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, January 12, 2023 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](mailto:councilpubpres@cityofirving.org).

Organizational Service Announcements

Invocation

Reverend Harry Smith, Our Redeemer Lutheran 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 55

**CITY COUNCIL AGENDA**

**1 City Operations Update**

**CONSENT AGENDA**

**2 Approving Work Session Minutes for Thursday, December 08, 2022**

**3 Approving Regular Meeting Minutes for Thursday, December 08, 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.

**4 Resolution - Approving an Interim Amendment to the City of Irving 457(B) Plan as Required by the Coronavirus Aid, Relief, and Economic Security Act (CARES)**

**Administrative Comments**

1. This item is recommended by the Human Resources Department
2. **Impact:** The 457(b) Plan is required to be amended to reflect recent legal and regulatory changes made to employer-sponsored deferred compensation plans by the CARES Act.
3. This interim amendment ratifies CARES Act legislation which allows plan sponsors to 1) suspend Plan Year 2020 required minimum distributions, 2) allow CARES Act distributions and loans during Plan Year 2020, and 3) extend loan repayments for plan participants for Plan Year 2020.
4. The interim amendment also increases plan participant loan amounts during Plan Year 2020.

**Recommendation**

The resolution be approved.

**5 Resolution - Designating the Mayor as the Authorized Official and Authorizing the Mayor to Apply For, Accept, Reject, Alter or Terminate a Grant from the Criminal Justice Division of the Texas Governor's Office in the Amount of \$476,888.25 for the Bullet Resistant Shield Project**

**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:** The Criminal Justice Division of the Governor's Office has made funds available to the City of Irving Police Department for a Bullet-Resistant Shield grant. This will be for the purchase of 85 shields which will be assigned to Patrol and School Resource Officers. No match is required.
3. No funding is required.

**Recommendation**

The resolution be approved.

**6 Resolution - Approving a Motor Vehicle Data Service Contract for Accessing Texas Motor Vehicle Records Between the City of Irving and the State of Texas Acting by and through the Texas Department of Motor Vehicles**

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security, and health.
2. **Impact:** The State of Texas, Department of Motor Vehicles (TxDMV) administers and retains the Texas motor vehicle title and registration records. The TxDMV enters into this service agreement to provide electronic access to vehicle title and registration records to the City of Irving, Police Department.
3. This service agreement shall be effective from the date of execution by the TxDMV and shall remain in effect for a period of (5) years, unless the agreement is terminated by either party, or this agreement is replaced with a new agreement.
4. No funding is required.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving a Consulting Agreement with On-Duty Health - Texas PLLC for Comprehensive Labs, Physical Assessment, Fitness Assessment, and Ultrasound Enhanced Cancer Screenings for Fire Department Employees in the Amount Not to Exceed \$200,000.00**

**Administrative Comments**

1. This item is recommended by the Fire Department.
2. **Impact:** This service helps to diagnose potential health problems that might not be detected with standard screening and ensures that firefighters are healthy.
3. This Consulting Agreement establishes an annual contract to provide Comprehensive Labs, Physical Assessments, Fitness Assessments, and Ultrasound Enhanced Cancer Screenings for Fire Department employees in the not to exceed amount of \$200,000.00 for the Initial Term of January 1, 2023 through December 31, 2023.
4. Upon expiration of the Initial Term this Agreement may be extended for three additional twelve-month Renewal Terms.

5. Funding for Fiscal Year 2022-23 is available in the Fire Department budget within the General Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

**Recommendation**

The resolution be approved.

**8 Resolution - Approving an Agreement with Single Source Provider Stryker Corporation in the Amount of \$75,167.80 for the Service and Repair of LifePak Defibrillator Units and Associated Components for Fiscal Year 2022-2023.**

**Administrative Comments**

1. This item is recommended by the Fire Department.
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 covered by the Service Plan providing inspections, preventative maintenance, updates, repairs, and supplies.
4. Funding in the amount of \$75,167.80 is available in the FY 2022-23 Fire Department budget within the General Fund.

**Recommendation**

The resolution be approved.

**9 Resolution - Approving Fiscal Year 2022-2023 Amendment & Extension to the Fiscal Year 2021-2022 Agreement with Dallas Area Agency on Aging (DAAA) for Reimbursement of Expenses Related to the Congregate Meal Program Provided at Heritage Senior Center in an Amount Not to Exceed \$59,569.35.**

**Administrative Comments**

1. This item is recommended by the Parks and Recreation Department and supports the Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.
2. **Impact:** Approval of the attached FY2022-23 Amendment and Extension to the Contract with Dallas Area Agency on Aging (DAAA), Rate Setting Documents and Data Use Agreement, allows the City to request Title III State funding for the reimbursement of meals provided by the congregate meal program at Heritage Senior Center.
3. The City of Irving purchases congregate meals from Visiting Nurses Association of Texas (VNA) and DAAA provides reimbursement funds. The provision of these meals at no charge is vital for some senior residents and enhances their quality of life.
4. An estimated 13,201 meals are projected to be served in FY2022-2023.
5. The agreement with DAAA also provides seniors access to additional services and benefits including counseling, information and referrals, health screenings, nutritional education, and other resources.
6. This amendment extends the agreement with DAAA for the period of October 1, 2022 through September 30, 2023.

**Recommendation**

The resolution be approved.

**10 Resolution - Awarding a Contract to Mart, Inc. in the Amount of \$338,927.00 for the CDBG-Funded Senter Recreation Center Renovation Project, Phase V**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Department, Housing & Redevelopment and Parks & Recreation Department.

2. **Impact:** The project will add acoustical panels to the west gymnasium for sound attenuation and to cover the decaying gym ceiling insulation, replace drop-in ceiling tiles on the first and second floors, and replace aging fluorescent lights with energy efficient LED.
3. This work will be federally funded by Community Development Block Grant (C.D.B.G.) funds as administered by Housing & Redevelopment.
4. Proposals were received from two contractors through the Competitive Sealed Proposal process. Mart, Inc., submitted the most responsive responsible base proposal of \$308,750.00. This is 5% below the project estimate. It has been determined that Add Alternate items 2.2 Lighting and Ceiling Tiles in Rooms 108 and 109, 2.3 Acoustical Wall Panels on west wall of west Gym and 2.4 Acoustical Wall Panels on south wall of west Gym, will also be awarded, for a total bid amount of \$338,927.00, which totals 4.3% above the project estimate.
5. Funding in the amount of \$338,927.00 is available in the Community Development Block Grant Fund.

**Recommendation**

The resolution be approved.

**11 Resolution - Approving Change Order No. 1 to the Contract with Structural Technologies, LLC, in the Amount of \$75,500.00 for the Emergency Repairs to the City Hall Parking Garage**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** This project provides repairs to the City Hall Parking Garage to maintain the integrity of the structure at optimal conditions.
3. Based on a structural assessment of the City Hall parking garage performed by the city's structural engineering consultant that identified immediate repairs were needed to the structure, the repair work was declared an emergency on December 11, 2020 by Patrick Lamers, CIP Director.
4. Structural Technologies, LLC had the experience and expertise necessary to perform this work, and an emergency repair contract was approved by Council on December 17, 2020, by Resolution No. 2020-495.
5. The ratification of payments to Structural Technologies, LLC was approved on November 11, 2021, by Resolution No. 2021-431. An additional beam where electrical conduits hindered access to the end of the beam has been identified as

needing repair during a subsequent annual structural inspection of the parking garage structure.

6. This change order utilizes an alternate method of repair that consists of a concrete beam expansion.
7. Funding in the amount of \$75,500.00 is available in the City Building Improvement Bond Fund.

**Recommendation**

The resolution be approved.

**12 Resolution - Approving Addendum No. 1 to the Architectural Design Services Agreement Between the City of Irving and Elements of Architecture, Inc. to Increase the Fees in the Amount of \$70,000.00, for the Inclusion of LEED Design in the New Fleet Maintenance Facility Project**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and Fleet Services Department.
2. **Impact:** This addendum will provide for the inclusion of LEED design on the new Fleet Maintenance Facility building.
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 in the amount of \$70,000.00 is available within the City Building Improvement Bond Fund.

**Recommendation**

The resolution be approved.

**13 Resolution - Authorizing the Submittal of a Third Substantial Amendment to the City of Irving 2019-2024 Consolidated Plan and the 2019 -2020 Annual Action Plan to the U.S. Department of Housing and Urban Development for the Reallocation of Community Development Block Grant Funds COVID Funds.**

**Administrative Comments**

1. This item is recommended by the Housing and Redevelopment Division.
2. **Impact:** This substantial amendment, if approved by the U.S. Department of Housing and Urban Development (HUD), will allow the Housing and Redevelopment Division to expend Community Development Block Grant COVID-related funds and Emergency Solutions Grant COVID-related funds to prevent, prepare for, and respond to the Coronavirus (COVID-19).
3. On March 27, 2020, President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This act allocated additional Community Development Block Grant Funds (CDBG-CV) and Emergency Solutions Grant Funds (ESG-CV) to states, counties, and local governments to address a range of housing and community development activities that prevent, prepare for, and respond to the coronavirus (COVID-19).
4. The City of Irving as an entitlement city received funds from all three rounds of COVID funds through the CARES Act for a total of \$3,473,032 in CDBG-CV funds.
5. The City Council adopted the FY 2019-2024 Consolidated Plan and FY 2019-20 Planning and Community Development Annual Action Plan on August 1, 2019, which did not include the use of these COVID funds and the activities associated with them. A substantial amendment to these Plans was required for the City to be able to administer the funds.
6. On May 7, 2020 the City Council approved the first substantial amendment to be submitted to HUD when Irving received the first allocation of COVID funds. Then on January 28, 2021, City Council approved the second substantial amendment when Irving received the additional round of COVID funds.
7. Since receiving this funding, staff has had challenges to expend these funds. Therefore, staff is requesting to reallocate CDBG-CV funds to the following categories in order to expend these funds. This third substantial amendment does not include any amendment to ESG-CV funds.

Category	Description	Approved Amount	Proposed Amount
Administrative – up to 20%	Staffing, Supplies, training, legal	\$479,836	\$479,836
Mortgage and Rental Assistance In-house Programs	Provide rental and mortgage assistance to individuals or families through the City’s in-house programs	\$200,000	\$97,000
Small Business Assistance Program	Provide assistance to qualifying business	\$300,000	\$500,000
Broadband Study	Complete a study of all existing fiber and connectivity to identify the gaps in broadband capacity	\$0	\$400,000
Public Facilities	Miscellaneous Park & Recreation and Library Projects, such as, but not limited to: <ul style="list-style-type: none"> <li>- Wi-Fi extensions</li> <li>- Additional safety lighting</li> <li>- Digital signs</li> <li>- Technology Programs</li> <li>- COVID related equipment supplies</li> </ul>	\$1,143,196	\$1,646,196
Public Services	NOFA for outside partners to provide services, such as, but not limited to: <ul style="list-style-type: none"> <li>- Case management</li> <li>- Senior Meals Programs,</li> <li>- Job Training</li> <li>- Transportation Services</li> <li>- Medical Services</li> </ul>	\$1,350,000	\$350,000

8. Staff requests that the City Council authorize the changes within this substantial amendment be submitted to the U.S. Department of Housing and Urban Development for approval.

9. Once HUD approves the substantial amendment, the City will be able to begin spending the reallocated funds.

**10. The Housing and Human Services Board recommended approval of this item at its December 21, 2022, meeting.**

**Recommendation**

The resolution be approved.

**14 Resolution - Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and ASM Global, LLC in an Amount Not to Exceed \$82,500.00 for the Toyota Music Factory Venue Assessment & Maintenance Plan for 2023**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** The Second Amended and Restated Entertainment Center Lease Agreement provides the city with the right to inspect the facility annually in order to identify any deficiencies in the facility or any maintenance needs to be addressed in the annual maintenance and operations budget. This inspection is necessary to ensure that the Toyota Music Factory Entertainment Center (the “Entertainment Center”) is maintained in a good, safe, attractive, sanitary order, and that repairs are consistent with the industry standards and practices for a first-class, multi-use, multi-venue public entertainment center with restaurants.
3. Request for Proposal No. 062D-20F was issued on January 3, 2020 and closed on February 7, 2020 seeking proposals from qualified companies to perform a venue and facilities condition assessment. The proposal by ASM Global, LLC received the highest scores based on staff’s evaluation of the criteria as published in the Request for Proposals.
4. On March 19, 2020, the City Council approved RES-2020-108 awarding a contract with a one-year term to ASM Global, LLC to perform a venue and facilities condition assessment of the Entertainment Center for 2020.
5. In July 2020, ASM Global, LLC completed a Facility Condition Assessment Report (FCAR) identifying an estimated \$238,000 of deficiencies and maintenance needs to be completed within 18 months of the assessment.
6. On January 28, 2021, the City Council approved RES-2021-33 awarding a contract with two (2) optional one-year renewals to ASM Global, LLC to perform a venue and facilities condition assessment of the Entertainment Center for 2021.
7. In March 2021, ASM Global, LLC completed a FCAR identifying an estimated \$185,725 of deficiencies and maintenance needs to be completed within 18 months of the assessment.
8. On January 13, 2022, the City Council approved RES-2022-6 for Amendment No. 1 to ASM Global, LLC to perform a venue and facilities condition assessment of the Entertainment Center for 2022.
9. In March 2022, ASM Global, LLC completed a FCAR identifying an estimated \$182,210 of deficiencies and maintenance needs to be completed within 18 months of the assessment.
10. Based on their intellectual expertise, demonstrated ability and project experience, staff is recommending the approval of Amendment No. 2 for the second one-year renewal to ASM Global, LLC for the annual inspection and assessment for 2023.
11. The scope of work includes the following seven (7) deliverables:
  - An Executive Summary of the 2023 TMF Facility Condition Assessment Report

- An abbreviated narrative update of the 2022 conditions and the 2023 TMF FCAR of all current deficiencies and their associated costs, broken down by location and their main components (such as plumbing, mechanical, electrical, building envelope, interior space, parking area, landscaping, etc.) and prioritized by urgency or necessity. The estimated costs are to be probable construction estimates based on current construction standards and exclude any markup factor to cover "soft costs" (such as project management, permitting, drawings, etc.).
- An update to the TMF FCAR 20-year CAPEX forecast spreadsheets of recommended maintenance activities and their associated costs. This table summary will be updated with all current deficiencies, estimated costs and priorities. Also included will be recommendations of specific items (if needed) within the TMF FCAR 20-year CAPEX forecast that are most urgent and should be addressed within the next 18-months.
- An update to the Maintenance Record, Policy and Practice Review Matrix in the TMF FCAR by performing a current review of the lessee's and sub-lessee's maintenance records, and existing maintenance policies and practices, and any new recommendations for improving scheduled preventative and non-routine maintenance activities to reduce future capital costs.
- An update of all previously provided TMF FCAR Matrices and review for alignment with City of Irving's quarterly updates.
- An update to the TMF FCAR forecast spreadsheet that identifies the status of maintenance items that were to be completed within 18-months.
- In-depth review as part of the TMF FCAR of the property management firms current computerized maintenance management system (CMMS) implementation YTD with recommendations to ensure that the Entertainment Center is maintained to the industry standard and practice for a first-class, multi-use, multi-venue, public entertainment venue with restaurants.

12. Funding in an amount not to exceed \$82,500.00 is available in the Entertainment Venue Administrative Expense Fund.

**Recommendation**

The resolution be approved.

**15 Resolution - Approving an Agreement with Olea Networks Inc., in an Estimated Amount of \$230,000.00 for the Large Meter Evaluation Project**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** This project will utilize Olea's proprietary technology on large water meters within the city to ensure accurate metering and billing.

3. **This item supports Irving Connects, the city's smart city initiative.**
4. The project will use Olea's sole source technology to install new equipment analyzing an additional 28 large water meters. We will also continue to monitor 150 large water meters that were evaluated in previous projects.
5. The monitoring provides a verification of meter accuracy for our largest customers and helps prioritize the need for meter repairs and replacements.
6. It is currently estimated that over \$150,000.00 in revenue per year has been recovered due to this technology.
7. The project is being procured using a sole source purchasing method due to the patented meter evaluation technology utilized by Olea.
8. Funding in the amount of \$230,000.00 is available in the Water Utilities budget within the Water and Sewer System Fund.

### **Recommendation**

The resolution be approved.

## **16 Resolution - Approving and Accepting the Bid of Crescent Constructors, Inc., in the Amount of \$38,497,000.00 for the Carbon Pump Station Reconstruction Project**

### **Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** This project will replace the outdated pump station improving the reliability and increasing the water distribution capacity from 25 million gallons per day (MGD) to 33 MGD to serve west Irving.
3. The Carbon Pump Station was originally constructed in the 1970s. The existing station includes outdated pumping equipment that is located outside exposed to weather and does not have enough capacity to meet future demands. The pump building is in poor condition and too small to adequately house and maintain the equipment.
4. This project will consist of installing a 33 MGD pump station with sodium hypochlorite storage and injection system for water disinfection, as well as diesel generator back up power supply. There is also approximately 1,800 linear feet of 42-inch, 36-inch, and 24-inch diameter water pipeline to connect the new pump station to the on-site storage tanks and distribution system. The project includes demolition of the existing pump station, new fencing, and landscaping.

5. Crescent Constructors, Inc., submitted the lowest responsive, responsible bid of \$38,497,000.00. This is \$3,779,789.00 (9.8%) above the engineer's estimate of \$34,717,217.00 for this project. No other responsive, responsible bids were received.
6. Funding is available in the Water Utilities budget within the Water and Sewer System Non-Bond CIP Fund in the amount of \$21,097,000.00 and Water Improvement Bond Fund in the amount of \$17,400,000.00.

### **Recommendation**

The resolution be approved.

## **17 Resolution - Ratifying the Payment Made to Felix Construction Company in the Total Amount of \$194,817.00 for the Emergency Valve Replacement at Area 6 of the Jim Chapman Lake Raw Water Supply System**

### **Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** An emergency valve replacement was necessary at Area 6 of the Jim Chapman Lake raw water supply system to ensure an acceptable raw water supply for treatment was available to meet customer and fire protection needs in order to protect public health, safety and welfare.
3. Area 6 of the Chapman Lake raw water supply system includes a flow control sleeve valve which discharges water to Lewisville Lake. The valve is a critical piece of equipment which allows water to discharge at a desired flow rate while also reducing high pressure in the pipeline so it can flow safely into the lake. The sleeve valve had reached the end of its useful life and was failing. Although a permanent valve replacement is currently under design, the permanent replacement will not be complete and operational until 2024.
4. Due to the ongoing issues with the valve at Area 6 and the critical role it plays in the necessary raw water supply for Irving customers, the Water Utilities Director declared replacement of the failing valve an emergency on September 6, 2022.
5. The complexity of the valve replacement and the equipment necessary to complete the work exceeded the current capacity of city staff. Felix Construction was contacted to provide the materials, labor, and equipment to replace the sleeve valve. The contractor was able to order the materials which have a high lead time in order to have them delivered as quickly as possible and agreed to mobilize a crew to begin the work as soon as the materials arrived. The emergency replacement has now been completed.

6. Funding in the amount of \$194,817.00 was available in the Water and Sewer Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 18-29**

**18 Resolution - Authorizing As-Needed Expenditures with Plano Office Supply Co., in the Total Estimated Amount of \$200,000.00 for Office Furniture through the Collin County Community College District Interlocal Cooperative Purchasing Program**

**Administrative Comments**

1. This item is recommended by the Financial Services Department – Purchasing Division.
2. **Impact:** Use of this contract supports as-needed purchases and installation of office furniture manufactured by HON, Allsteel, Body Built and other manufacturers through utilization of Collin County Community College District Contract No. 4203.
3. A Vendor/Member contract between the City of Irving and Plano Office Supply Co., was approved by RES-2019-107 on March 21, 2019, for Office Furniture which expires on January 31, 2024.
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.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Estimated Amount</b>	<b>Fiscal Year(s)</b>
Plano Office Supply Co.	2/1/23 – 1/31/24	\$135,000.00	2022-23
		\$ 65,000.00	2023-24
<b>TOTAL</b>		<b>\$200,000.00</b>	

**Recommendation**

The resolution be approved.

**19 Resolution - Approving the Expenditure with Hoyt Breathing Air Products, a Division of Dival Safety Equipment, Inc., in an Amount Not to Exceed of \$1,500,000.00 for the Purchase of SCOTT Self-Contained Breathing Apparatus (SCBA) through the City of Frisco Interlocal Cooperative Purchasing Agreement and Authorizing the Mayor to Execute the Federal Funds Addendum**

**Administrative Comments**

1. This item is recommended by the Fire Department.
2. **Impact:** Self-Contained Breathing Apparatus (SBCA) are an integral part of personal protective ensembles for firefighting. This purchase allows firefighters to perform their duties in Immediately Dangerous to Life or Health (IDLH) environments, to include fire extinguishment and overhaul, hazardous materials response, and any other incident where necessary for the safety of firefighters.
3. This purchase will keep the Fire Department in compliance with the National Fire Protection Agency (NFPA) Standard 1981 SCBA for Emergency Services. Our SCBA are at the limit of compliance, and this will reset the clock on the Standard. Additionally, our SCBA are out of warranty and this purchase includes warranty for the lifetime of the SCBA units.
4. This purchase is supported by a Vendor/Member contract between the City of Irving and Hoyt Breathing Air Products, a Division of Dival Safety Equipment, Inc., which was approved by RES-2019-203 on June 6, 2019 for utilization of City of Frisco Contract No. 1901-036 for Self-Contained Breathing Apparatus (SBCA) which expires on March 4, 2023.
5. Funding in an amount not to exceed of \$1,500,000.00 for this item has been requested from the American Rescue Plan Act (ARPA) funds received by the city; the city's ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.

**Recommendation**

The resolution be approved.

**20 Resolution - Approving a Vendor-Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Trane U.S. Inc., and Authorizing As-Needed Expenditures in the Estimated Amount of \$250,000.00 through a Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with the National Intergovernmental Purchasing Alliance Company dba Omnia Partners, Public Sector (Omnia Partners)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Trane U.S. Inc., for utilization of Omnia Partners Contract No. 3341 which expires on August 31, 2027, will allow the city to obtain HVAC products, installation, labor based solutions, and related products and services.
3. This contract will allow for the timely repair, replacement, maintenance or installation of HVAC equipment in city-owned facilities at prices that are favorable to the city.
4. Funding is available in various departmental budgets within various funds.

Vendor	Contract Term	Total Est. Expenditure
Trane U.S. Inc.	1/13/22 – 8/31/23	\$250,000.00

**Recommendation**

The resolution be approved.

**21 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Blackmon Mooring of Texas, LLC, and Authorizing As-Needed Expenditures in the Total Estimated Amount of \$750,000.00 for General Disaster Recovery and Restoration Services through the The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Blackmon Mooring of Texas, LLC, for utilization of TIPS Contract No. 22050101

which expires on July 31, 2025, will provide services for disaster recovery at damaged facilities due to catastrophic events and natural disasters. Timely response to facility damage helps ensure the on-going vital operations of the City.

3. Approval of this contract provides the ability to respond quickly to city property damage caused by water, fire, wind, etc. A timely response is necessary to minimize on-going property damage, implement necessary safeguards, and begin recovery efforts.
4. Funding for Fiscal Year 2022-23 will generally be available in the Self-Insurance Fund, while funding for Fiscal Years 2023-24 and 2024-25 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Blackmon Mooring of Texas, LLC	1/13/23 – 7/31/25	\$150,000.00	2022-23
		\$375,000.00	2023-24
		\$225,000.00	2024-25
<b>TOTAL</b>		<b>\$750,000.00</b>	

**Recommendation**

The resolution be approved.

**22 Resolution - Approving Additional Expenditures with Mart, Inc., in the Total Estimated Amount of \$400,000.00 for Minor Construction, Repair, and Renovation Services through the Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) and Parks & Recreation departments.
2. **Impact:** Approval of this item will allow the city to continue to address infrastructure issues that necessitate minor construction projects and as-needed repairs to existing city facilities efficiently.
3. A Vendor/Member contract between the City of Irving and Mart, Inc., was approved on June 25, 2020 by RES-2020-202. The contract supports the utilization of TIPS Contract No. 200201, for trades, labor, and materials services, which has been renewed through April 30, 2023.

4. CIP is seeking an additional authorization of \$400,000.00 to complete the current contract term which expires April 30, 2023. This amount will be available for as-needed minor construction, repair, and renovation services to be completed by Capital Improvement Program, Parks, Arts and Culture, Water Utilities, and other departments.
5. Funding in the total estimated amount of \$400,000.00 is available in various departmental budgets within various funds.

**Recommendation**

The resolution be approved.

**23 Resolution - Approving Amendment No. 1 to the Professional Services Agreement Between the City of Irving and Burgess & Niple, Inc., in the Total Estimated Amount of \$500,000.00 to Renew the Agreement for One Year to Provide Indefinite Delivery Indefinite Quantity (IDIQ) Engineering Design Services for Water and Wastewater Projects**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact: This annual contract supports Road to the Future and Drainage Solutions for a Better Tomorrow** programs, as well as various CIP projects. It provides professional services for fast-tracked, high priority water and wastewater improvements that exceed internal design staff's capacity or design expertise.
3. This renewal establishes the continuation of a contract to provide IDIQ engineering design services for water and wastewater projects. The original contract was awarded to 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 January 12, 2023.
4. Funding for Fiscal Year 2022-23 is available in various project funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<b>Vendor</b>	<b>Contract Term</b>	<b>Estimated Expenditure</b>	<b>Fiscal Year(s)</b>
Burgess & Niple, Inc.	1/13/23 – 1/12/24	\$350,000.00	2022-23
		\$150,000.00	2023-24
<b>TOTAL</b>		<b>\$500,000.00</b>	

**Recommendation**

The resolution be approved.

**24 Resolution - Approving Amendment No. 1 to the Professional Services Agreement Between the City of Irving and Teague Nall and Perkins, Inc., in the Total Estimated Amount of \$200,000.00 to Renew the Agreement for One Year to Provide Indefinite Delivery Indefinite Quantity (IDIQ) Engineering Services for Miscellaneous Drainage Projects**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact: This annual contract supports Road to the Future and Drainage Solutions for a Better Tomorrow** programs, as well as various CIP projects. It will provide professional services for fast tracked, high priority small and/or complex drainage projects that exceed internal design staff's capacity or design expertise.
3. This renewal establishes the continuation of a contract to provide IDIQ engineering design services for miscellaneous drainage projects. The original contract was awarded to 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 January 12, 2023.
4. Funding for Fiscal Year 2022-23 is available in various project funds, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<b>Vendor</b>	<b>Contract Term</b>	<b>Estimated Expenditure</b>	<b>Fiscal Year(s)</b>
Teague Nall and Perkins, Inc.	1/13/23 – 1/12/24	\$150,000.00	2022-23
		\$ 50,000.00	2023-24
<b>TOTAL</b>		<b>\$200,000.00</b>	

**Recommendation**

The resolution be approved.

**25 Resolution - Renewing the Annual Contract with Austin Asphalt, Inc., in the Total Estimated Amount of \$285,000.00 for Asphalt Patching Materials**

**Administrative Comments**

1. This item is recommended by the Traffic & Transportation and Water Utilities departments.
2. **Impact: This annual contract supports the Road to the Future Program.** It allows the Streets Division to expedite repair of damaged roadways, and to maintain and enhance mobility for the safe and effective transit of motorists throughout the City of Irving. Asphalt patching materials are also used by the Water Utilities Department to provide the necessary resources to temporarily patch existing roadways following water and sewer line repairs.
3. The renewal summary attached to this item represents an average 5% increase in the price of this contract. The requested price increases have been documented by the vendor per specification requirements and have been accepted by staff.
4. This renewal establishes the continuation of an annual contract to provide asphalt patching materials. This is the first of two, one-year renewal options. The current contract expires on January 31, 2023.
5. Funding for Fiscal Year 2022-23 is available in the Traffic & Transportation Department budget within the General Fund and in the Water-Sewer Operating Fund, while funding for Fiscal Year 2023-24 is subject to budget appropriation.

<b>Vendor</b>	<b>Contract Term</b>	<b>Estimated Expenditure</b>	<b>Fiscal Year(s)</b>
Austin Asphalt, Inc.	2/1/23-1/31/24	\$195,000.00	2022-23
		\$ 90,000.00	2023-24
<b>TOTAL</b>		<b>\$285,000.00</b>	

**Recommendation**

The resolution be approved.

**26 Resolution - Renewing the Annual Contract with Pavement Restoration, LLC, in the Total Estimated Amount of \$200,000.00 for Asphalt Restoration**

**Administrative Comments**

1. This item is recommended by the Traffic & Transportation Department.
2. **Impact: This annual contract supports the Road to the Future Program.** Asphalt restoration services are utilized for the application of an asphalt rejuvenating agent on asphaltic concrete surface courses to maintain and enhance mobility for the safe and effective transit of motorists and pedestrians throughout the City of Irving. This contract will provide the necessary resources to expedite repair of damaged existing roadways.
3. This renewal establishes the continuation of an annual contract to provide asphalt restoration. This is the first of two, one-year renewal options. The current contract expires on January 31, 2023.
4. 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.

<b>Vendor</b>	<b>Contract Term</b>	<b>Estimated Expenditure</b>	<b>Fiscal Year(s)</b>
Pavement Restoration, LLC	2/1/23-1/31/24	\$165,000.00	2022-23
		\$ 35,000.00	2023-24
<b>TOTAL</b>		<b>\$200,000.00</b>	

**Recommendation**

The resolution be approved.

**27 Resolution - Approving a Consultant Agreement between the City of Irving and National Council for Community Development Inc., dba National Development Council (NDC) in an Amount not to Exceed \$385,000.00 for Small Business Recovery and Resiliency Program - Third Party Administrator**

**Administrative Comments**

1. This item is recommended by the Economic Development Department.
2. **Impact:** Award of this agreement for a third party administrator to implement the city's Small Business Recovery and Resiliency Program will assist city staff in

providing grants to assist small businesses with eligible expenses to help them recover from the ongoing financial impacts of the COVID-19 pandemic, as well as providing personalized technical assistance to help these businesses strengthen their operations and capacity to withstand future economic shocks.

3. The City of Irving is a recipient of the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) administered by the U.S. Department of Treasury, and Community Development Block Grant CARES Act (CDBG-CV) funds administered by the U.S. Department of Housing and Urban Development (HUD). The city has allocated \$2,695,274 of its CSLFRF and \$500,000 of its CDBG-CV funds for the Small Business Recovery and Resiliency Program.
4. A Request for Proposals (RFP) was advertised soliciting these services. Two (2) proposals were received and reviewed. NDC is recommended for award as the respondent scoring the highest points based on the evaluation criteria established in the RFP. As the city's third party administrator for the noted funds, NDC will assist the city with the implementation and administration of the program in compliance with funding source requirements and regulations.
5. Funding in an amount not to exceed \$385,000.00 for this item has been requested from the American Rescue Plan Act (ARPA) funds received by the city; the city's ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.

#### **Recommendation**

The resolution be approved.

## **28 Resolution - Approving As-Needed Expenditures with SHI Government Solutions, Inc., in the Total Estimated Amount of \$550,000.00 for Technology Equipment, Products, Services & Software through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

#### **Administrative Comments**

1. This item is recommended by the Information Technology (IT) Department.
2. **Impact:** 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, 2023.

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.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Estimated Amount</b>	<b>Fiscal Year(s)</b>
SHI Government Solutions, Inc.	1/13/23 – 12/31/23	\$350,000.00	2022-23
		\$200,000.00	2023-24
<b>TOTAL</b>		<b>\$550,000.00</b>	

**Recommendation**

The resolution be approved.

**29 Resolution - Authorizing As-Needed Expenditures with Lantek Audio Video Communications, LLC, in the Total Estimated Amount of \$130,000.00 for Audio Visual Equipment, Supplies, and Services through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center**

**Administrative Comments**

1. This item is recommended by the Information Technology Department.
2. **Impact:** This item provides for purchases of audio-visual equipment, supplies and services on an as-needed basis and will allow various city departments to purchase and install new equipment, and to repair, replace, and service their existing audio-visual equipment.
3. A Vendor/Member contract between the City of Irving and Lantek Audio Video Communications, LLC, was approved on March 15, 2021 by Administrative Award No. 7180. This contract supports utilization of TIPS Contract No. 200904 for audio-visual equipment, supplies and services, which has been renewed through November 30, 2023.
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.

<b>Vendor</b>	<b>Spending Term</b>	<b>Total Estimated Amount</b>	<b>Fiscal Year(s)</b>
Lantek Audio Video Communications, LLC	1/13/23 – 11/30/23	\$ 100,000.00	2022-23
		\$ 30,000.00	2023-24
<b>TOTAL ESTIMATED AMOUNT</b>		<b>\$130,000.00</b>	

**Recommendation**

The resolution be approved.

**End of Bids**

**30 Ordinance - Calling a Regular Municipal Election to be Held on Saturday, May 6, 2023, for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5), and Calling a Subsequent Run-Off Election, If Necessary**

**Administrative Comments**

1. This item has been recommended by the City Secretary’s Office.
2. **Impact:** The City holds a General Election every year in May to assure that the residents of Irving have a choice in regard to their representation at the municipal level. This year the Mayor and Places 3 and 5 are up for election.
3. Candidate packet information for the Mayor’s position and Places 3 and 5 is available in the City Secretary’s Office and online.
4. Dates to file as a candidate run from Wednesday, January 18, 2023 through Friday, February 17, 2023.
5. The run-off date, if necessary, will be established by Dallas County for a Saturday in June.

**Recommendation**

The ordinance be adopted.

**31 Ordinance - First Reading – Granting to Sprint Communications Company L.P. a Franchise to Construct, Maintain and Operate a Fiber Optic Transmission System and Providing for the Payment of a Fee or Charge for the Use of the Streets, Alleys, and Public Ways**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program.
2. **Impact:** If approved, this ordinance will continue a franchise with Sprint Communications Company L.P. for the company to pay a fee for using the city’s right of way to allow construction, maintenance and operation of a fiber optic transmission system in the city for another 3 years.
3. This franchise agreement with Sprint Communications Company L.P. is for a term of approximately 3 years and shall take effect after final reading and acceptance. The agreement will terminate March 1, 2026.
4. This is the first of three required readings.
5. The franchise fee is \$13,800.00 (\$4,600.00 per year) for 2300 linear feet of fiber optic transmission system at \$2.00 per linear foot for three years.
6. The proposed franchise provides for laying lines in advance of public improvements to limit pavement cuts.

**Recommendation**

The ordinance be adopted.

**32 Resolution - Authorizing the Approval of a 60-Foot Utility Easement Granted to the City of Irving Along a Portion of Longhorn Drive, Within Las Colinas Business Park, Sectors XIII & VI Phase Two, Located at or Near 6431 Longhorn Drive and 6300 Longhorn Drive Owned by Quality Investment Properties Irving II, LLC**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program Department and Economic Development.
2. **Impact:** The 60-foot-wide Utility Easement is in exchange for the abandonment of the 60-foot wide Right of Way Dedication and will allow for additional utility services for future development purposes.

3. The 60-foot-wide Utility Easement, totaling 2.4561 acres, runs along Longhorn Drive from the north side of Campus Circle to the south side of Campus Circle offering and expansion of the current utility easements existing along the perimeter of Longhorn Drive on the property.
4. Capital Improvement Program Department and Economic Development supports the requested Utility Easement.

**Recommendation**

The resolution be approved.

**33 Resolution - Authorizing the Approval of an Agreement Between the City of Irving and Quality Investment Properties Irving II, LLC for the Exchange of Property Located Along a Portion of Longhorn Drive, Within Las Colinas Business Park, Sectors XIII & VI Phase Two**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program, Traffic & Transportation, and Economic Development Department.
2. **Impact:** The Property Exchange will provide an additional 60-foot-wide Utility Easement area for all utilities in exchange for the abandonment of the 60-foot wide Right of Way Dedication that is not being utilized and no longer needed.
3. The Property Exchange is to maintain and enhance the commercial and industrial economic and employment base of the City by requiring a minimum property improvement value based on an Economic Incentive Agreement entered into with QTS and the City which was subsequently amended on December 9, 2021. The City will except a Utility Easement in lieu of compensation for the abandonment of the public's right-of-way. The abandonment and Utility Easement will be done under separate Ordinance and Resolution.
4. Capital Improvement Program, Traffic & Transportation, and Economic Development Department supports the requested Property Exchange Agreement.

**Recommendation**

The resolution be approved.

**34 Ordinance - Authorizing the Abandonment and Vacation of Certain Portions of a 60-Foot Wide Right of Way Easement Along a Portion of Longhorn Drive, Within Las Colinas Business Park, Sectors XIII & VI Phase Two, Owned by Quality Investment Properties Irving II, LLC**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program, Economic Development and Traffic and Transportation Department.
2. **Impact:** The abandonment is requested by Quality Investment Properties Irving II, LLC, to be used for private development of the site.
3. The 60-foot wide Right of Way Easement, totaling 2.456 acres, runs along the center of the property which hinders the owner from developing the site. The abandonment of this right of way easement will allow the owner to proceed with the development of the site. The abandonment is positive for the City as it will remove the need for maintenance and upkeep of roadway, effectively reducing expenses to the City.
4. Capital Improvement Program, Economic Development and Traffic and Transportation Department supports the requested abandonment of this right of way easement.

**Recommendation**

The ordinance be adopted.

**35 Ordinance - Authorizing the 5-Foot Reduction, Abandonment and Vacation of Certain Portions of a 15-Foot Gas, Power, and Telephone Easement at 4424 Rainier Street, as Part of Lots 25 Thru 41 and Lot 9X, Block B of Seville Estates, Owned by Rainier – 161 Properties, LLC**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program.
2. **Impact:** The 5-foot abandonment is requested by Rainier-161 Properties, LLC, to allow for a greater width to the building line for the development of the site.
3. The 15-foot Gas, Power, and Telephone Easement runs along the east portion of the property which limits the owner from developing the site due to available lot size. The owner has requested a reduction in the size of the easement from a 15' easement to a 10' easement. The Gas, Power, and Telephone Easement can be contained within the 10' remaining easement. Oncor and Atmos Energy

have provided a letter of non-conflict. The abandonment of this easement will allow the owner to proceed with the construction of the site.

4. Capital Improvement Program supports the requested partial abandonment of this Gas, Power, and Telephone Easement.

### **Recommendation**

The ordinance be adopted.

## **36 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Building Code and Regional and Local Amendments**

### **Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Building Code (IBC) replaces the 2015 International Building Code as Irving's commercial building code. The City Council adopted and amended the 2015 IBC on December 10, 2015.
7. The effective date for this ordinance is February 13, 2023.

### **Recommendation**

The ordinance be adopted.

**37 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Residential Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Residential Code (IRC) replaces the 2015 International Residential Code as Irving's residential building code. The City Council adopted and amended the 2015 IRC on December 10, 2015.
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**38 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Mechanical Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.

3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Mechanical Code (IMC) replaces the 2015 International Mechanical Code as Irving's mechanical code. The City Council adopted and amended the 2015 IMC on December 10, 2015.
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**39 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Plumbing Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Plumbing Code (IPC) replaces the 2015 International Plumbing Code as Irving's plumbing code. The City Council adopted and amended

the 2015 IPIC on December 10, 2015.

7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**40 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Energy Conservation Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Energy Conservation Code replaces the 2015 International Energy Conservation Code as Irving's energy conservation code. The City Council adopted and amended the 2015 International Energy Conservation Code on December 10, 2015
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**41 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Fuel Gas Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Fuel Gas Code (IFGC) replaces the 2015 International Fuel Gas Code as Irving's fuel gas code. The City Council adopted and amended the 2015 IFGC on December 10, 2015.
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**42 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Existing Building Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.

3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Existing Building Code (IEBC) does not replace any previously adopted code; therefore, the 2021 IEBC is a newly adopted code.
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**43 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2021 International Swimming Pool and Spa Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2021 International Swimming Pool and Spa Code (ISPSC) does not replace any previously adopted existing building code as it was previously part of the building code. Therefore, the 2021 ISPSC is being adopted as its own separate

code.

7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**44 Ordinance - Amending Chapter 8 of the Irving Land Development Code Including Adoption of the 2020 National Electrical Code and Regional and Local Amendments**

**Administrative Comments**

1. This item has been recommended by the Inspections and Fire Departments.
2. **Impact:** Current Construction codes are necessary to maintain the City's I.S.O. (insurance) rating. Updated codes promote public health, building safety, and the general welfare of the residents, visitors, and businesses of Irving. There will be no significant impact that will result from adopting newer editions of the codes.
3. **This item was presented at the December 8, 2022, meeting of the Planning and Development Committee.**
4. The North Central Texas Council of Governments Executive Board encourages cities to adopt this code and its regional amendments.
5. A hearing was held before Irving's Construction Board of Appeals on October 20, 2022, and November 17, 2022, to receive public input. No input was offered from the public and the Construction Board of Appeals recommends adoption of this code along with its regional and local amendments.
6. The 2020 National Electrical Code (NEC) replaces the 2014 National Electrical Code as Irving's electrical code. The City Council adopted and amended the 2014 NEC on December 10, 2015
7. The effective date for this ordinance is February 13, 2023.

**Recommendation**

The ordinance be adopted.

**45 Ordinance - Amending Chapter 23 Entitled "Nuisances" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Declaring Incomplete or Unfinished Buildings Which Remain Under Construction for a Certain Period of Time to Constitute a Prohibited Nuisance; Providing a Penalty, an Effective Date, and a Severability Clause.**

**Administrative Comments**

1. This item has been recommended by the Code Enforcement Department.
2. **Impact:** The impact of this ordinance will help preserve residential neighborhoods and commercial areas.
3. This item supports Strategic Goal No. 4.3- Improve community appearance and protect neighborhood integrity.
4. The adoption of this ordinance creates time limits for the completion of both residential and commercial construction projects, establishing that projects continuing beyond the time limits constitute a public nuisance.
5. This ordinance defines the construction project subject to time limits as those that either 1) have placed construction material on the property or 2) construction activity has been observed.
6. The proposed amendments are consistent with those standards requested and supported by the Planning & Development Committee.
7. The proposed amendments were presented at the December 8, 2022 work session and supported by the full city council.

**Recommendation**

The ordinance be adopted.

## **ZONING CASES AND COMPANION ITEMS**

**46 Resolution - Sign Variance 2022-08-5262 - Considering a Sign Variance to Allow Modifications to the Required Materials for Monument Signs - Property Located at 8201 Ridgepoint Drive - Artografx, Inc., Applicant - Royal Tech LLC, Owner**

**Administrative Comments**

1. The applicant is seeking approval of a Sign Variance to allow a new monument sign to forego the brick, stone or like materials to encase the metal cabinet.
2. The property is located at 8201 Ridgepoint Drive.

3. The applicant is proposing the metal sign cabinet to be installed without being encased by brick, stone or similar materials.
4. Section 7-3 – (7)(e) of the sign code states, “Structure shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way as to completely surround the sign area. No part of a metal “can” may be left exposed.”
5. The sign will meet all other requirements of the sign code and will be 34 feet from the property line along Ridgepoint Drive. The sign will not be located in any easements.
6. 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.
7. The applicant states that the proposed signs would better match the repainted and rebranded buildings.
8. Staff believes the request meets the stated criteria for a variance and has no objection to this request.

**Recommendation**

The resolution be approved.

**47 Resolution - Sign Variance 2022-08-5264 - Considering a Sign Variance to Allow Modifications to the Required Materials for Monument Signs - Property Located at 8333 Ridgepoint Drive - Artografx, Inc., Applicant - Royal Tech LLC, Owner**

**Administrative Comments**

1. The applicant is seeking approval of a Sign Variance to allow a new monument sign to forego the brick, stone or like materials to encase the metal cabinet.
2. The property is located at 8333 Ridgepoint Drive.
3. The applicant is proposing the metal sign cabinet to be installed without being encased by brick, stone or similar materials.
4. Section 7-3 – (7)(e) of the sign code states, “Structure shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way as

to completely surround the sign area. No part of a metal “can” may be left exposed.”

5. The sign will meet all other requirements of the sign code and will be 32 feet from the property line along Ridgepoint Drive. The sign will not be located in any easements.
6. 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.
7. The applicant states that the proposed signs would better match the repainted and rebranded buildings.
8. Staff believes the request meets the stated criteria for a variance and has no objection to this request.

**Recommendation**

The resolution be approved.

**48 Resolution - Sign Variance 2022-08-5616 56 - Considering a Sign Variance to Allow Modifications to the Required Materials for Monument Signs - Property Located at 3201 W. Royal Lane - Artografx, Inc., Applicant - Royal Tech LLC, Owner**

**Administrative Comments**

1. The applicant is seeking approval of a Sign Variance to allow a new monument sign to forego the brick, stone or like materials to encase the metal cabinet.
2. The property is located at 3201 W. Royal Lane.
3. The applicant is proposing the metal sign cabinet to be installed without being encased by brick, stone or similar materials.
4. Section 7-3 – (7)(e) of the sign code states, “Structure shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way as to completely surround the sign area. No part of a metal “can” may be left exposed.”
5. The sign will meet all other requirements of the sign code and will be 45 feet from the property line along W. Royal Lane and 50 feet from the property line along Ridgepoint Drive. The sign will not be located in any easements.

6. 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.
7. The applicant states that the proposed signs would better match the repainted and rebranded buildings.
8. Staff believes the request meets the stated criteria for a variance and has no objection to this request.

**Recommendation**

The resolution be approved.

**49 Ordinance - ZC22-0065 - Considering a Zoning Change from S-P-2 (C-C) “Generalized Site Plan – Community Commercial” to S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” - Approximately 1,557 Square Feet Located at 8704 Cypress Waters Boulevard, Suite 120 - Politano's Pizza & Pasta, Applicant; Billingsley Company, Owner (Postponed from December 8, 2022)**

**Administrative Comments**

1. The Planning and Zoning Commission recommended **Approval** on January 3, 2023 by a **vote of 8-0**.

Commissioners in support: Cronenwett, Haacke, Joy, Spurlock, Collins, Prichard, Skinner, Vigliante

Commissioners in opposition: None

Commissioners absent: Burns

2. The subject property is a 1,557 square foot lease space within a multi-tenant retail center. **The applicant is requesting a zoning change to allow a restaurant to sell alcoholic beverages for on-premises consumption.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Commercial Corridor** uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses with parking in

front with buildings set back from the street and low to midrise buildings. **The requested zoning is in conformance with the Comprehensive Plan.**

4. The existing restaurant, *Politano's Pasta & Pizza*, has been open for approximately one year and they would like to add alcoholic beverage choices to their menu. The alcohol storage will be located behind the bar area.
5. The restaurant can seat up to 39 patrons and is not adding any seating. The shopping center has 148 parking spaces, of which 16 are allocated to the restaurant. **Adequate parking exists in the shopping center, and no variances are required.**
6. This proposed zoning case meets the alcohol distance requirement regulations from a religious facility, school, or hospital as required in Section 3.3 of the Unified Development Code.
7. Since this development is consistent with the Comprehensive Plan and does not require any variances, staff can support this request
8. A total of four (4) public notices were mailed. Staff has not received any responses in support or in opposition.
9. The case was postponed from the December 8 hearing pending a recommendation from the P&Z.

#### **Staff Recommendation**

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

- 50 Ordinance - ZC22-0073 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with Variances to the Minimum Lot Area and Depth, Minimum Driveway Length, and Minimum Front and Rear Yard Setbacks - Approximately 0.114 Acres Located at 2003 Royal Oaks Drive - Dolphin Custom Homes, Applicant/Owner (Postponed from December 8, 2022)**

#### **Administrative Comments**

1. The Planning and Zoning Commission recommended **Approval** on January 3, 2023 by a **vote of 5-3**.

Commissioners in support: Haacke, Joy, Spurlock, Collins, Vigilante

Commissioners in opposition: Cronenwett, Prichard, Skinner

Commissioners absent: Burns

2. The subject property is a 4,844 square foot portion of a lot that is currently vacant. **The applicant is requesting a rezoning of the property to allow for the construction of a single-family home with variances to the minimum lot size and depth, minimum driveway length, and minimum front and rear yard setbacks.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends ***Residential Neighborhood*** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The use is in conformance with the Comprehensive Plan.

4. History

- a. The subject property is a 4,844 square foot portion of Lots 15 and 16 of the Irving Truck Tract Addition. The lot appears to have been sold by metes-and-bounds prior to January 1, 1980 (after which all property title history must be provided by ordinance) without going through the City's replatting process, resulting in the creation of a tract that does not meet the minimum lot size.
- b. The property must be legally replatted through the City for the current owner to construct a two-story single family house on the lot. However, since the lot size does not meet the minimum requirements of the R-6 (Single-family Residential 6) district, variances are required so the lot can meet zoning regulations and be replatted.
- c. There have been two previous requests to rezone the property with variances in 2018 and 2020. The 2018 request was denied because Council did not believe a single-family house would be compatible with the surrounding neighborhood. The 2020 request was denied based on the requested variance to not provide a two-car garage.

5. Zoning Analysis

- a. The applicant proposes to reduce the front and rear yard setbacks to construct a two-story home with a three-car garage. The reduced setbacks along with a second story will allow the home to be constructed with a three-car garage intended to provide more off-street parking. With the reduced setbacks, as proposed, the area for a building pad will be approximately 1,800 square feet. The three-car garage will take up approximately 630 square feet (35%) of the ground floor.
- b. The applicant is requesting the following variances:

Category	Required	Proposed	Variance
<b>Minimum Lot Size</b> (Sec. 2.4.8)	6,000 sq. ft.	4,844 sq. ft.	<b>-1,156 sq. ft.</b>
<b>Minimum Lot Depth</b> Sec. 2.4.8)	100 feet	69 feet	<b>-31 feet</b>
<b>Minimum Front Yard Setback</b> (Sec. 2.4.8)	25 feet	20 feet	<b>-5 feet</b>
<b>Minimum Rear Yard Setback</b> (Sec. 2.4.8)	20 feet	10 feet	<b>-10 feet</b>
<b>Minimum Driveway Length</b> (Sec. 8.4.4)	25 feet	20 feet	<b>-5 feet</b>

- i. Minimum Lot Size - Sec. 2.4.8 requires a 6,000 square foot minimum lot size. The proposed lot is only 4,844 square feet, which is 1,156 square feet less than the minimum. The size accounts for an anticipated dedication of 1-foot of right-of-way for Royal Oaks Drive if the zoning is approved and the property can be replatted.
  - ii. Minimum Lot Depth – Sec. 2.4.8 requires a lot depth of 100 feet. The proposed lot depth is 70.02 feet on both sides; however, when the lot is replatted, a 1-foot dedication of right-of-way (or street and sidewalk easement) will leave a depth of approximately 69 feet. The lot depth is approximately 31 feet less than the minimum of 100 feet that is required.
  - iii. Minimum Front Yard Setback – Sec. 2.4.8 requires a front yard setback of 25 feet. The applicant is requesting a front yard of 20 feet to allow for a larger building pad.
  - iv. Minimum Rear Yard Setback – Sec. 2.4.8 requires a rear yard setback of 20 feet. The applicant is requesting a rear yard of 10 feet to allow for a larger building pad.
  - v. Minimum Driveway Length – Sec. 8.4.4 – Residential Yards requires, in any residential zoning district, the door or entry to a garage shall not be located closer than 25 feet from where the property line meets a right-of-way. **The applicant is requesting the garage door to be 20 feet, measured from the property line at the street right-of-way, and consistent with the front setback variance request.** A 20-foot setback for garage doors can result in larger SUV’s or trucks to extend over the city’s sidewalk
- c. Sec. 52-36. - Off-Street Parking Requirements requires that new single-family homes constructed on or after April 5, 2018 have a 2-car garage with a minimum of four hundred (400) square feet, plus two (2) additional off-street parking spaces. **The applicant proposes a three-car garage with**

**parking for three additional cars in the driveway (six total).** However, staff has concerns about the depth of the driveway being an adequate depth for parking vehicles without encroaching into the right-of-way.

- d. The new house will comply with the five-foot side yard setbacks and the two-story or 25-foot height limitations of the R-6 District.
6. The proposed rezoning would allow the use and development of a property that has remained undeveloped and been in this configuration for over 40 years. The proposed home would be two-story which is allowed in the R-6 district and this proposal would allow for the minimum required parking spaces to be provided for the future home. The City has been investigating ways to encourage unique housing options on infill lots and can support the variances to the lot size, lot depth, front yard setback and rear yard setback; however, staff cannot support a reduction in the required garage door setback. Moving the garage door back an additional five (5) feet would still leave adequate space for the first floor living area.
7. A total of 31 public notices were mailed. Staff has not received any responses in support and has received eight (8) responses in opposition. The opposition represents 33.49% of the land owned within 200 feet of the subject property. Since this is more than 20%, **a  $\frac{3}{4}$ -vote is required for approval.**
8. The case was postponed from the December 8 hearing pending a recommendation from the P&Z.

### **Staff Findings**

1. The existing lot size **imposes a hardship** necessitating the variances to the minimum lot size, minimum lot depth, front yard setback, and rear yard setback; and
2. **No undue hardship** is found for the variance to the garage door setback.

**51 Ordinance - CP22-0013 - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Residential Neighborhood" to "Compact Neighborhood" - Approximately 2.74 Acres Located at 2005 and 2009 State Highway 356, and 330, 404, and 418 Fleming Avenue - JDJR Engineers & Consultants, Inc., Applicant; KBM Fleming, LLC, Owner (Postponed from December 8, 2022)**

### **Administrative Comments**

1. The Planning and Zoning Commission recommended **Approval** on January 3, 2023 by a **vote of 5-3.**

Commissioners in support: Haacke, Joy, Spurlock, Collins, Vigliante

Commissioners in opposition: Cronenwett, Prichard, Skinner

Commissioners absent: Burns

2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for the subject property. This land use category is described as “predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses.”
3. The subject property is a 2.74-acre lot. The applicant seeks to change the future land use to **Compact Neighborhood**, being described as “predominantly single-family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and small-scale apartment buildings. It also includes a mix of non-residential uses, especially at intersections and commercial corners.”
4. A companion zoning case, ZC22-0074, seeks to assemble the existing lots for a townhouse development built to the R-TH “Townhouse Residential” district standards with variances.
5. The property fronts both State Highway 356 and Fleming Avenue which is one block east of Loop 12. As defined on the Master Throughfare Plan (2021), Fleming Avenue is labeled as a “Local Road” and State Highway 356 is labeled as a “Principal Arterial”.
6. Additionally, the west side of Fleming Avenue adjacent to Loop 12 and the south side of State Highway 356 are designated as “Business District” on the Future Land Use Map and are made up of residential, convenience store, motel, restaurant, and truck repair uses. Properties to the north and east are designated as “Residential Neighborhood” and have single-family residential uses. Given the location at the intersection of both the roads and these future land use designations, a change to “Compact Neighborhood” would provide a buffer between the commercial and low-density residential designations.
7. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 2017 Imagine Irving Comprehensive Plan requires that, if an area that is designated and/or developed as residential desires to transition to a different residential use (such as low density to medium density), the City of Irving should require the following:
  - a. The area is physically **appropriate** (i.e., size, shape, etc.) **for the proposed residential use.**
  - b. The area provides **adequate access and parking capacity** required for the proposed residential development.
  - c. The rezoning **does not create any foreseeable negative impacts on the adjacent uses.**

8. The applicant's letter of justification states that the proposed change meets these stipulations, stating:
  - a. The size and shape is appropriate, and no residual of the property will be left;
  - b. The associated zoning case will provide adequate access and parking capacity; and
  - c. The applicant does not foresee any negative impacts on the surrounding area, particularly on the residential property to the north and east.
9. Staff believes the proposed change **does meet** all the polices listed above and that the area continues to be appropriate for residential uses.
10. **The proposed future land use designation, "Compact Neighborhood", is more suitable for the subject property as the property is adjacent to State Highway 356, one block from Loop 12, provides a buffer to the northern and eastern residential properties from the mix of uses located across both frontages, and would provide additional housing as needed in the city as identified in the 2021 Housing Study.** Accordingly, staff can support this Comprehensive Plan amendment.
11. A total of 29 public notices were mailed. Staff has not received any responses in support and has received five (5) responses and a petition with 34 signatures in opposition.
12. The case was postponed from the December 8 hearing pending a recommendation from the P&Z.

### **Staff Recommendation**

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

**52 Ordinance - ZC22-0074 - Considering a Zoning Change from R-7.5 "Single-Family Residential 7.5" to S-P-2 (R-TH) "Generalized Site Plan - Townhouse Residential" with Variances to the Minimum Front and Side Yard Setbacks, Minimum Lot Area, Minimum Distance Between Structures, and Maximum Lot Coverage Requirements - Approximately 2.74 Acres Located at 2005 and 2009 State Highway 356, and 330, 404, and 418 Fleming Avenue - JDJR Engineers & Consultants, Inc., Applicant; KBM Fleming, LLC, Owner (Postponed from December 8, 2022)**

**Administrative Comments**

1. The Planning and Zoning Commission recommended **Approval** on January 3, 2023 by a **vote of 5-3**.

Commissioners in support: Haacke, Joy, Spurlock, Collins, Vigilante

Commissioners in opposition: Cronenwett, Prichard, Skinner

Commissioners absent: Burns

2. The subject property is a 2.74-acre tract with six (6) existing single-family houses. The applicant wants to assemble the lots and plat the tract into allow approximately thirty (30) lots for townhouse uses. To facilitate this development, **the applicant requests a zoning change to R-TH "Townhouse Residential" with variances to the R-TH requirements, including variances to the minimum front and side yard, minimum lot area, minimum distance between structures, and maximum lot coverage requirements.**
3. The site fronts both State Highway 356 and Fleming Avenue which is one block east of Loop 12. The "illustrative exhibit", which is not approved as part of this zoning case, shows as many as eight (8) of the proposed lots fronting Fleming Avenue. The remaining lots would front new internal streets accessing Fleming Avenue as the primary point of access. **(Texas Department of Transportation (TxDOT) approval is required for any access to State Highway 356, including emergency-only access.** Approval of this zoning case does not guarantee that city staff or TxDOT will support the proposed layout.)
4. The intended development also would provide rear entry garages on the proposed residential lots with access from new private alleys/driveways.
5. Amendments to the R-TH "Townhouse Residential" zoning district requirements have been proposed and are currently in discussion by the City Council. While these changes have been recommended by the P&Z but have not been adopted by the Council, they can still be used to evaluate the appropriateness of certain requested variances. The requested variances are summarized below. The development would otherwise be required to meet all R-TH standards in place at the time of permitting.

<b>Requirement (Sec. 2.4.16(d))</b>	<b>Current Ordinance</b>	<b>Proposed UDC Amendments Recommended by P&amp;Z and Staff</b>	<b>Request</b>	<b>Variance from Current Standards</b>
<b>Min. Front Yard Setback</b>	25 ft.	15 ft.	<b>15 ft.</b>	<b>-10 ft.</b>
<b>Min. Side Yard Setback Adjacent to a Street</b>	15 ft.	10 ft. for Local Street	<b>10 ft.</b>	<b>-5 ft.</b>
<b>Min. Lot Area</b>	2,420 sq. ft.	2,100 sq. ft.	<b>2,300 sq. ft.</b>	<b>-120 sq. ft.</b>
<b>Min. Distance Between Buildings</b>	12 ft.	No requirement	<b>10 ft.</b>	<b>-2 ft.</b>
<b>Max. Lot Coverage by Buildings, Driveways and Parking</b>	70%	80%	<b>80%</b>	<b>-10%</b>

6. Discussion was held at the January 3, 2023 Planning and Zoning Commission meeting regarding concerns about storm water drainage onto adjacent properties. Regulations dictate that a development cannot allow increased flows off a property and must otherwise detain or redirect storm water. Civil engineering plans are required to be submitted at the time of platting which will review the grading, conveyance, and any detention areas necessary to ensure that drainage is handled on the site.
7. A total of 29 public notices were mailed. Staff has not received any responses in support and has received five (5) responses and a petition with 34 signatures in opposition for 18 addresses. Four responses in opposition within 200 feet of the subject property represent 13.01% of the land owned. Since this is less than 20%, a ¾-vote is not required for approval.
8. The case was postponed from the December 8 hearing pending a recommendation from the P&Z.

**Staff Recommendation**

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

**53 Ordinance - ZC22-0078 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with Variances to the Minimum Lot Width as Established by Section 2.4.8 and the Minimum Lot Area as Established by Section 5.3.5 of the Unified Development Code - Approximately 0.622 Acres Located at 1303 S. Irving Heights Drive - JDJR Engineers & Consultants, Inc., Applicant; TI Development LCC, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission recommended **Approval** on January 3, 2023 by a **vote of 8-0**.

Commissioners in support: Cronenwett, Haacke, Joy, Spurlock, Collins, Prichard, Skinner, Vigilante

Commissioners in opposition: None

Commissioners absent: Burns

2. The subject property is a 0.622-acre vacant lot zoned R-6 (Single-family Residential 6). The lot was occupied by a single-family house that fronted S. Irving Heights Drive until it was demolished in 2022.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. **The requested zoning is in conformance with the Comprehensive Plan.**
4. The applicant wants to subdivide the property into three (3) lots. To facilitate this division, the applicant requests a zoning change to allow a **variance to the R-6 minimum lot width requirement** for proposed Lot 1 fronting Indiana Court, and to allow a **variance to the minimum lot area requirement** established by Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code for proposed Lots 2 and 3 fronting S. Irving Heights Dr.
5. The R-6 district requires a minimum lot width of 50 feet. The proposed Lot 1 fronting Indiana Court would be a minimum width of **40 feet**. The site plan zoning approved for the existing lots on Indiana Court does not include a variance to the minimum lot width but does include variances to the front yard and garage setbacks (20 feet), lot depth (71.53 feet), rear yard setback (15 feet), and minimum lot area (5,290 sq. ft.).
6. Section 5.3.5, "Single-family Residential Lot Size Compatibility", known as the "Neighborhood Protection Ordinance", requires that proposed lots within 250 feet of existing developed single family lots fronting the same street are required to be no less than 80% of the lot width and lot area of the average of the lots in the area. **Lots 2 and 3 would be less than 80% of the adjacent, northern residential lot fronting S. Irving Heights Drive.**

7. The requested variances are summarized below:

	Required	Proposed Dimensions	Variance
Lot Width (Sec. 2.4.8)	Min. 50 feet	Min. 40 feet (proposed Lot 1)	-10 feet
Lot Size (Sec. 5.3.5)	Min. 18,644 sq. ft. (80% of surrounding lots)	Min. 7,000 sq. ft. (proposed Lots 2 & 3)	-11,644 sq. ft.

8. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.
9. Staff has no objections to the requested variances and allowing the variances would provide for additional housing needed in the city, as identified in the 2021 Housing Study.
10. A total of 38 public notices were mailed. Staff has not received any responses in support and has received one (1) response in opposition. The opposition represents 0.08% of the land owned within 200 feet of the subject property. Since this is less than 20%, per state law a ¾-vote is not required for approval.
11. The case was postponed from the December 8 hearing pending a recommendation from the P&Z.

**Staff Finding**

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

**APPOINTMENTS AND REPORTS**

**54 Resolution - Appointments to the Tax Increment Reinvestment Zone No. 1 Board to Terms Expiring January 2025**

**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 two appointments to the Tax Increment Reinvestment Zone No. 1 Board.
4. The City Council conducted interviews for various vacancies on October 10, 11, 15, and 17, 2022.

**Recommendation**

The resolution be approved.

**55 Mayor's Report**

**Adjournment**