

AGENDA
Irving City Council Regular Meeting
Thursday, October 28, 2021 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

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

Organizational Service Announcements

Invocation

Dr. Kent D. Hayes, Highest Praise Church of Irving

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 35

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving Work Session Minutes for Thursday, October 14, 2021

3 Approving Regular Meeting Minutes for Thursday, October 14, 2021

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

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

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

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

4 Ordinance - Amending Ordinance No. 2021-10489 Providing Budget Adjustment #1 to the 2021-22 Fiscal Year Budget

Administrative Comments:

1. This item has been recommended by the Financial Services Department.
2. Budget Adjustments are needed in the following funds: General Fund, General Non-Bond CIP Fund, Public Safety Joint Facilities Bond Fund and Criminal Justice Grant Fund.
3. The adjustments have been proposed by city staff and have been reviewed and recommended by Budget staff and Financial Services.
4. Total Budgeted Revenues = \$7,670,219 Total Budgeted Expenditures = \$11,670,219 and Total Fund Balance Net Impact = (\$4,000,000).

Recommendation

The ordinance be adopted.

5 Resolution - Receiving Redistricting Initial Assessment and Adopting Criteria for Use in 2021 Redistricting Process and Guidelines for Public Participation in the Redistricting Process

Administrative Comments

1. This item is recommended by the City Attorney's Office and City Secretary's Office.
2. **Impact:** This resolution adopts criteria that will provide the framework to evaluate and measure proposed redistricting plans for City Councilmember Districts and aid the city in its efforts to comply with all applicable federal, state, and local laws. This resolution also establishes guidelines that will provide for the orderly consideration and evaluation of proposed redistricting plans and comments relating to the redistricting process.

Recommendation

The resolution be approved.

6 Resolution - Approving an Application Submittal to North Central Texas Council of Governments (NCTCOG) for the Incident Management Freeway Blocking Equipment 2021 Call for Projects Grant and Designating the Mayor as the City's Authorized Official to Apply For, Accept, Reject, Alter or Terminate the Grant and Execute Any Necessary Grant Documents on Behalf of the City

Administrative Comments

1. This item is recommended by the Fire Department. It supports Strategic Objective 4.1 – Safeguard public safety, security and health.
2. **Impact:** By applying for and receiving this grant, the Fire Department will be able to purchase scene management blocking equipment used to provide protection to first responders responding to traffic crashes.
3. Blocking equipment should minimize the need for a fire apparatus on scene solely for the purpose of blocking. Types of blocking equipment eligible for purchase under this Call for Projects may include, but are not limited to, crash attenuators, crash barriers, crash cushions, etc. The blocking equipment must be used as part of the agency's incident management program to provide protection to first responders responding to traffic incidents. The proposed equipment should meet Texas Manual on Uniform Traffic Control Devices (TMUTCD) guidelines and is recommended to be Department of Transportation MASH certified.
4. Agencies receiving funds through the NCTCOG Incident Management Freeway Blocking Equipment 2021 Call for Projects will be required to provide a twenty percent local match as a part of this Call for Projects.
5. The grant request will be for \$81,886.00, of which the City of Irving will be responsible for twenty percent, or \$16,377.20.

Recommendation

The resolution be approved.

7 Resolution - Amending Section II. of City of Irving Council Resolution No. 2019-278 Clarifying Availability of Funding for the Management Agreement with Elite at Irving Golf Club, LLC

Administrative Comments

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** This item provides necessary clarification regarding payment of Irving Golf Club expenses.
3. On August 1, 2019, City Council approved the Management Agreement with Elite at

Irving Golf Club, LLC by RES-2019-278, whereby Elite would manage the Irving Golf Club for the term of August 30, 2019 through September 30, 2022, and Elite would be paid a \$4,000.00 per month management fee during the initial 3-year term and two 2-year renewal terms.

4. This item is presented for review and approval to amend the previous resolution with regard to the availability of funding for both the monthly management fee and the set-aside for operating expenses as defined in the management agreement.
5. Funding for these expenditures was budgeted and is available in the Irving Golf Club Fund.

Recommendation

The resolution be approved.

8 Resolution - Approving Fiscal Year 2021-2022 Contract and Rate Setting Documents 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 \$63,226.50

Administrative Comments

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** Approval of the attached FY2021-2022 Rate Setting Documents and Contract with Dallas Area Agency on Aging (DAAA) 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 Dallas Area Agency on Aging (DAAA) provides reimbursement funds. The provision of these meals is vital for some senior residents and enhances their quality of life.
4. An estimated 14,331 meals are projected to be served in FY2021-2022.
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 agreement is for the period of October 1, 2021 through September 30, 2022.

Recommendation

The resolution be approved.

9 Resolution - Authorizing an Award to ACIS Innovative Solutions, in the Amount of \$610,875.26 for Replacement of HVAC Equipment at Various City Facilities through the Interlocal Purchasing System (TIPS)

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.5 – Support strategic investments in city facilities.
2. **Impact:** This project will provide for the replacement of the HVAC equipment in several City facilities providing for more efficient and more effective heating and cooling of these facilities.
3. Approval of this contract will allow for the efficient replacement of HVAC equipment that has surpassed its service life and is no longer able to reliably condition the air at the facilities where installed, resulting in excessive maintenance resources being expended.
4. This project utilizes a Vendor/Member Contract between the City of Irving and ACIS Innovative Solutions, which is supported by TIPS contract #200201 for Trades, Labor & Materials (JOC), which expires on April 30, 2022.
5. The facilities identified for HVAC replacement under this agreement are: Warehouse on Rock Island Road, Maintenance Center at Fritz Park, Traffic Sign & Sanitation Facility at Briery Yard, and Fire Stations 1, 3, 5, and 10.
6. Funding in the amount of \$610,875.26 is available within City Building Improvements Bond Fund.

Recommendation

The resolution be approved.

10 Resolution - Authorizing an Award to Insituform Technologies, LLC, in the Amount of \$1,390,191.00 for the Cottonwood Valley Golf Course Wastewater Improvements Project through the State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard)

Administrative Comments

1. This item is recommended by the Capital Improvement Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This work is part of the Water Utilities Department wastewater system improvements. This project impacts commercial properties along N. MacArthur Boulevard and N. Story Road adjacent to the golf course and Dallas College North Lake Campus.

3. This project will replace 3,500-feet of a deteriorated 24-inch clay wastewater main with a new 24- inch Cured in Place Pipe inside the Cottonwood Valley golf course.
4. This project utilizes State of Texas Local Government Statewide Purchasing Cooperative Agreement (BuyBoard) Contract #635-21 for Cured in Place Pipe for Pipeline Rehabilitation which expires on February 28, 2022.
5. Funding in the amount of \$1,390,191.00 is available within the Sanitary Sewer Bond Fund.

Recommendation

The resolution be approved.

11 Resolution - Approving the First Amendment to Home Investment Partnerships Grant Agreement Between the City of Irving and Housing Channel, Inc., to Acquire Land and Construct a Minimum of Eighteen (18) Single Family Homes Located in Irving, Texas in the Total Amount of \$624,624.00

Administrative Comments

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This project will promote the creation of affordable housing opportunities in Irving.
3. The City of Irving has previously entered into two HOME agreements with Housing Channel to construct new townhomes at two locations along E. Second Street. The first is located in the 300 block of E. Second (303 E. Second) on land previously owned by the City. The City and Housing Channel closed on the sale of the property on September 30, 2021. That development will include twelve (12) new townhomes, 5 of which will be affordable for first-time homebuyers. The second location is in the 500 block of E. Second (522 E. Second) on land purchased from a private landowner. The chronology of these agreements and the associated funding are as follows.

522 E. Second

- a. August 2, 2018 – City Council approved a HOME allocation of \$124,624 to a different non-profit housing corporation during the annual grant funding process.
- b. February/March 2019 – the non-profit housing corporation formally declined

the allocation due to being unable to locate a suitable project.

- c. March 20, 2019 – The Housing and Human Services Board authorized staff to enter discussions with Housing Channel regarding reallocation of the \$124,624.
- d. September 5, 2019 – City Council approved an agreement to allocate the \$124,624 to Housing Channel to acquire one single family home.
- e. Spring 2020 – Housing Channel identified the property at 522 E. Second Street for purchase, and requested that the City amend the agreement to change the scope of the project
- f. July 30, 2020 – City Council terminated the September 5, 2019 agreement with Housing Channel, and approved a new agreement with Housing Channel allocating the \$124,624 to be used toward the acquisition of the property at 522 E. Second. At the time, the plan was to build 12 townhomes, of which 5 would be affordable for first-time homebuyers.
- g. December 10, 2020 – City Council approved a HOME allocation of \$250,000 to Housing Channel during the annual allocation process. Housing Channel requested that the funds be used toward the construction of the townhomes at 522 E. Second. The total allocation approved for the 522 E. Second development increased to \$374,624.

303 E. Second

- a. August 1, 2019 – City Council approved a HOME allocation of \$1,000,000 to Housing Channel for affordable housing. At the time, the City was negotiating with Housing Channel to acquire and develop the property at 303 E. Second. Source of funding was the annual allocation of HOME funds for that year plus a recapture of older, unallocated and unspent funds.
- b. September 30, 2021, the City and Housing Channel closed on the sale of the property at 303 E. Second Street.
- c. Through the Spring and Summer of 2021 Housing Channel worked with City departments on engineering and construction plans for both projects. Community Development staff worked with Housing Channel on HOME project.
- d. While reviewing underwriting for both developments, Housing Channel requested that \$250,000 of the \$1,000,000 allocated in August 2019 be reallocated from the 303 E. Second project to the 522 E. Second project due to HOME subsidy limits that prevent using the full amount for the homes at 303 E. Second.
- e. On April 21, 2021 the Housing and Human Services Board was briefed on the request to reallocate \$250,000 from 303 E. Second to 522 E. Second as part of a discussion on Subsidy Layering, and had no objection. The total

allocations to Housing Channel for both projects would remain unchanged at \$1,374,624.

4. This amendment will include the following changes to the current agreement:
 - a. The total units proposed for 522 E. Second has increased to eighteen (18) units; thirteen (13) market rate and five (5) affordable units.
 - b. Agreement Term will be extended to April 30, 2024
 - c. Total funding for the 522 E. Second project would be increased by \$500,000. This includes the designation of the \$250,000 previously approved by the City Council approved in December 2020 specifically for the 522 E. Second project, and the reallocation of \$250,000 from 303 E. Second. Originally, Housing Channel planned to use New Market Tax credits to assist with funding their developments, but a portion of their award was returned due to the delays in this project. The funds identified in this amendment have been previously allocated to Housing Channel but have not yet been executed by an agreement. Housing Channel will use the additional funds to assist in subsidizing the affordable units.
5. The total HOME funds for the 522 E. Second project are \$624,624.00, which is approximately 13% of the total project cost. The total project cost is estimated to be \$4,761,695.00
6. This property is zoned Heritage Crossing District/Corridor Mixed Use, which allows townhomes.
7. Housing Channel, Inc., is an organization with over 25 years of experience in the development of affordable housing. Within the last year and a half, Housing Channel has constructed three homes in the Irving Heritage Crossing District and has rehabilitated four additional homes for affordable housing.
8. Funding in the amount of \$624,624.00 is available in the CHDO Reserve budget within the Home Investment Partnerships Grant Fund.

Recommendation

The resolution be approved.

12 Resolution - Approving Interlocal Cooperative Agreement Between the City of Irving, City of Cooper, City of Sulphur Springs, Upper Trinity Regional Water District, Sulphur River Basin Authority and North Texas Municipal Water District for a Hydrographic Survey of Jim Chapman Lake

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact: This item supports the city's Investing in our Future Initiative.** Approval of this agreement will facilitate water management and planning for Jim Chapman Lake.
3. Jim Chapman Lake represents 85% of Irving's water supply, but the lake is also a supply for the City of Sulphur Springs, the Upper Trinity Regional Water District (UTRWD) and the North Texas Municipal Water District (NTMWD).
4. Sedimentation within Jim Chapman Lake can reduce the total volume of water available and even prevent use of all available water during a drought if a silt barrier forms in the channel upstream of the raw water intake. A maintenance dredging project was completed in 2007 to address this specific issue.
5. Hydrographic surveys provide critical information with regard to reservoir storage capacity, sedimentation levels, rates of sedimentation, and projected water supply availability. The last survey of Jim Chapman Lake was done in 2007 and all of the parties with water in the lake agree that an updated survey is necessary to manage this shared resource.
6. The Texas Water Development Board will perform the survey using a boat equipped with depth sounders to collect data along pre-planned lines that cross the original stream channel. The survey data is then used to determine the capacity (volume) of the lake and the level of siltation.
7. The total cost of the survey is \$74,097.00 and will be split between the parties based on allocated water rights within the lake. NTMWD will contract directly with the Texas Water Development Board and will be reimbursed from the other parties through this agreement. Irving's contribution to complete the survey is \$24,578.00.
8. Funding in the amount of \$24,578.00 is available in the Water Utilities budget within the Water and Sewer System Fund.

Recommendation

The resolution be approved.

13 Resolution - Approving Interlocal Cooperative Agreement Between the City of Irving, the City of Dallas, the Sulphur River Basin Authority, the Tarrant Regional Water District, the Upper Trinity Regional Water District and the North Texas Municipal Water District for Developing Future Water Supplies in the Sulphur River Basin

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic objective 2.1 – Secure a reliable future water supply.
2. **Impact: This item supports the city’s Investing in our Future Initiative.** This agreement will potentially provide Irving the ability to acquire approximately 25,000-acre feet per year (22.3 MGD) of future water developed in the Sulphur River Basin to meet Irving’s ultimate water needs.
3. **This item was presented to the Transportation and Natural Resources Committee on October 14, 2021.**
4. The Metroplex has been partnering with the Sulphur River Basin Authority (SRBA) since 2002 for water development within the Sulphur River Basin. The Metroplex group includes Dallas, Irving, the North Texas Municipal Water District (NTMWD), the Tarrant Regional Water District (TRWD), and the Upper Trinity Regional Water District (UTRWD).
5. The purpose of this agreement is to identify future water supply resources that will result in the development of one or more water supply projects in the Sulphur River Basin for the Parties.
6. NTMWD will contract directly with Freese and Nichols, Inc., to study and analyze the development of future water supply projects in the Sulphur River Basin.
7. The total estimated fee for the proposed scope is \$244,000.00 and will be split between the Parties based on the proposed percentages of the future supply. NTMWD will be reimbursed from the other parties through this agreement. Irving’s contribution to complete the work is \$12,200.00.
8. Funding in the amount of \$12,200.00 is available in the Water Utilities budget within the Water Resources Development Fund.

Recommendation

The resolution be approved.

14 Resolution - Approving an Agreement Between the City of Irving and the North Texas Municipal Water District to Finalize Costs Shared for Certain Projects Relating to the Chapman Raw Water Transmission Pipeline and the Lake Chapman Pump Station

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Strategic Objective 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This item supports the city’s Investing in our Future Initiative. Approval of this agreement will finalize cost shares for current and past projects between the North Texas Municipal Water District (NTMWD) and the City of Irving for the shared Lake Chapman Pump Station and 84-inch Lake Chapman Pipeline.
3. The City of Irving and NTMWD jointly own and operate the Chapman Lake Pump Station and the Phase I pipeline between Jim Chapman Lake and NTMWD’s discharge to Lake Lavon. NTMWD is responsible for operation and maintenance of the shared facilities.
4. NTMWD has recently closed out three construction projects for the shared facilities that Irving provided 50% of the funding. These projects include the Chapman Raw Water Transmission Pipeline Channel Stabilization at the South Sulphur River, Phase 1 (RES-2016-167, RES-2016-230, RES-2016-469) and Phase 2 (RES-2019-472), the Chapman Raw Water Transmission Repair at Hunt County Road 4301 (RES-2016-311), and the Lake Chapman Pump Station 2014 Electrical Improvements (RES-2015-240, RES-2016-44, RES-2016-312).
5. Irving owes NTMWD \$46,178.82 to fund 50% of the additional construction costs required for completion of the Chapman Raw Water Transmission Pipeline Channel Stabilization at the South Sulphur River Crossing, Phase 2 Project. This amount owed to NTMWD is offset by credits NTMWD owes to Irving in the amount of \$74,194.25 for the other above referenced projects. This results in a net credit in the amount of \$28,015.43 due to Irving.

Recommendation

The resolution be approved.

**Bids & Purchasing Items
Items 15-23**

15 Resolution - Renewing the Annual Contract with Sunbeam Foods, Inc., in the Total Estimated Amount of \$100,000.00 for Prisoner Food

Administrative Comments

1. This item is recommended by the Police Department.
2. **Impact:** The city is able to provide nutritious meals for jail inmates in the most cost effective manner.
3. This renewal establishes the continuation of an annual contract to provide prisoner food for the City of Irving jail facility. This is the third of four one-year renewal options. The current contract expires October 31, 2021.
4. Funding for Fiscal Year 2021-22 is available in the Police Department budget within the General Fund while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Sunbeam Foods, Inc.	11/1/21 –10/31/22	\$ 95,000.00	2021-22
		\$ 5,000.00	2022-23
TOTAL		\$100,000.00	

Recommendation

The resolution be approved.

16 Resolution - Awarding a Contract to Digital Resources, Inc., in the Amount of \$239,148.00 for Studio Lighting System for ICTN

Administrative Comments

1. This item is recommended by the Communications Department. It supports Strategic Objective 5.1: Actively engage and communicate with the community.
2. **Impact:** Award of this contract will provide a new studio lighting system for the Irving Community Television Network (ICTN) to replace the original 30+ year old lighting system. The LED technology will help increase performance as well as

reducing electrical power requirements and the overall carbon footprint. Replacement of the entire studio lighting system with the latest technology ensures ICTN video and cablecast productions remain professional and to the standard that Irving residents have come to expect.

3. Two responses to a Request for Proposals for this project were received on August 20, 2021. Digital Resources, Inc. is recommended for award based on staff's evaluation of the criteria as published in the Request for Proposals.
4. Minority and/or Woman-Owned Business participation in this award is 100%.
5. Funding in the amount of \$239,148.00 is available in the PEG and Non-Bond CIP funds.

Recommendation

The resolution be approved.

17 Resolution - Approving and Accepting the Bid of Martin Marietta Materials, Inc. in the Total Estimated Amount of \$90,000.00 for Ice Control Sand

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department – Streets Division.
2. **Impact:** This contract will provide ice control sand necessary for crews to prepare roads and bridges for travel during icy winter weather and to maintain the safety of the transportation network within the City of Irving.
3. This award establishes an annual contract for the continuation of providing ice control sand. This contract is for one year with two, one-year renewal options. The current contract expires on October 31, 2021.
4. Funding for Fiscal Year 2021-22 is available in the Traffic & Transportation Department Budget within the General Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
Martin Marietta Materials, Inc.	11/1/21 – 10/31/22	\$80,000.00	2021-22
		\$10,000.00	2022-23
TOTAL		\$90,000.00	

Recommendation

The resolution be approved.

18 Resolution - Approving and Accepting the Bid of White Cap, L.P. (fka HD Supply Construction Supply Ltd.) dba White Cap Construction Supply in the Total Estimated Amount of \$151,000.00 for Portland Type I/II Cement & Materials

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department – Streets Division.
2. **Impact: This contract supports the Road to the Future Program.** This contract will provide bag cement, tools, and materials necessary to finish concrete and maintain the safety of the transportation network within the City of Irving.
3. This award establishes an annual contract for the continuation of providing Portland Type I/II Cement, and tools & materials necessary for concrete work. The contract is for one year with two, one-year renewal options.
4. Funding for Fiscal Year 2021-22 is available in the Traffic & Transportation Department budget within the General Fund.

Vendor	Contract Term	Total Estimated Expenditure
White Cap, L.P. (fka HD Supply Construction Supply Ltd.) dba White Cap Construction Supply	10/29/21 - 8/31/22	\$151,000.00

Recommendation

The resolution be approved.

19 Resolution - Approving Expenditures with Johnston Technical Services, Inc., in the Total Estimated Amount of \$114,000.00 for the Purchase, Installation, and Repair of Cambium Wireless Communication Equipment through the State of Texas Department of Information Resources (DIR)

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department.
2. **Impact:** Approval of this item will allow for the purchase of Cambium wireless

communication equipment, installation, and repair services to provide matching interchangeability with existing infrastructure equipment necessary for communicating back to the Traffic Operation Center (TOC).

3. A Vendor/Member Contract between City of Irving and Johnston Technical Services, Inc. was approved on November 18, 2020 by Administrative Award No. 7031 for as-needed purchases. The contract supports utilization of DIR Contract No. DIR-TSO-3965 for Emergency Preparedness & Disaster Recovery Information Technology (IT) Products & Services, which has been renewed through August 11, 2022.
4. Funding is available in the Traffic & Transportation Department budget within the General Fund.

Vendor	Spending Term	Total Estimated Amount
Johnston Technical Services, Inc.	10/29/21 - 8/11/22	\$114,000.00

Recommendation

The resolution be approved.

20 Resolution - Renewing the Annual Contract with ACT Pipe & Supply, Inc, in the Total Estimated Amount of \$165,000.00 for Valves

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Valves are used in the city’s water distribution system to isolate and control the flow of water.
3. This renewal establishes the continuation of an annual contract to provide valves. This is the first of two, one-year renewal options. The current contract expires on January 31, 2022.
4. Funding for Fiscal Year 2021-22 is available in the Water and Sewer Operating Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year(s)
ACT Pipe & Supply, Inc.	2/1/22 – 1/31/23	\$110,000.00	2021-22
		\$ 55,000.00	2022-23
TOTAL		\$165,000.00	

Recommendation

The resolution be approved.

21 Resolution - Ratifying Expenditures in the Amount of \$26,749.56 with Cummins, Inc. (Cummins), and Approving Additional Expenditures in the Total Estimated Amount of \$100,000.00 for Generator Maintenance through Sourcewell

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** The generator maintenance contract supplies generator parts and components and provides for the maintenance and/or repair services on the emergency generator equipment located at the city's water distribution pump stations and wastewater lift stations. These generators are very important in providing needed backup power generation during loss of electrical power.
3. Administrative Award #6344 approved a vendor-member contract with Cummins to allow for as-needed use of the Sourcewell Contract No. 120617-CMM for generator maintenance and repair services in an amount not to exceed \$49,999.00. Due to the winter storms earlier this year, an increased usage for generator maintenance and repairs were needed which exceeded the \$50,000.00 threshold by \$26,749.56.
4. This agenda item requests approval to ratify payments already made to Cummins in the amount of \$26,749.56. The current contract term, which expires on January 29, 2022, has been renewed by Sourcewell through January 29, 2023. Water Utilities also seeks approval for funding in an estimated amount of \$100,000.00 for additional repair work needed and for annual generator maintenance services to be used over the next 14 months.
5. Funding for Fiscal Year 2021-22 is available in the Water & Sewer System Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Description	Contract Term	Total Estimated Amount	Fiscal Year(s)
Cummins, Inc.	Ratification of Repairs	10/29/21 – 1/29/23	\$ 26,749.56	2021-22
	Annual As-Needed Expenditures		\$ 75,000.00	2022-23
			\$ 25,000.00	
TOTAL			\$126,749.56	

Recommendation

The resolution be approved.

22 Resolution - Rejecting All Submissions for Compliance Monitoring for the Hunter Ferrell Landfill

Administrative Comments

1. This item is recommended by the Solid Waste Services Department.
2. **Impact:** The work outlined in this contract is required to maintain the Hunter Ferrell Landfill in compliance with its municipal solid waste, air quality, and site-specific storm water permits as required by the Texas Commission on Environmental Quality (TCEQ) under State Permit MSW-1394B.
3. Four submissions were received in response to a Request for Proposals which closed on August 20, 2021 for these services. During the contract negotiation process, staff determined that the specifications required additional clarification to ensure that all required services were clearly defined to specify required engineering services and therefore recommends rejection of all submissions so that the specifications can be revised and re-issued through a request for qualifications.

Recommendation

The resolution be approved.

23 Resolution - Approving and Accepting the Bid from Johnston Technical Services, Inc. dba JTS in an Amount not to Exceed \$80,000.00 for Tower Services

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** This contract will provide support for the City of Irving’s critical communications network infrastructure to include, but not limited to, the Public Safety Land Mobile Radio Network, Advanced Metering Infrastructure, Traffic Management System, and the Parks & Recreation Department’s wireless network.
3. The contract will be used to support, maintain, and expand the various wireless network systems used by Information Technology, Water Utilities, Traffic & Transportation, and the Parks departments. These services will be utilized on an as-needed basis.
4. This award establishes an annual contract to provide tower services. The contract includes four, one-year renewal options.
5. Funding for Fiscal Year 2021-22 is available in various departmental budgets within various funds.

Vendor	Contract Term	Total Amount Not to Exceed	Fiscal Year(s)
Johnston Technical Services, Inc.	10/29/21 – 8/31/22	\$80,000.00	2021-22

Recommendation

The resolution be approved.

End of Bids

24 Ordinance - Second Reading -- Granting a Franchise to Frontier Access, LLC DBA Frontier Waste Solutions, for Solid Waste Collection Services Beginning on October 28, 2021 and Ending on October 27, 2024 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Frontier Access, LLC. DBA Frontier Waste Solutions. to provide waste hauling services to various business throughout the City

of Irving.

3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. Franchise Agreement is for three (3) years beginning on October 28, 2021 and ending on October 27, 2024. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

25 Ordinance - Authorizing the Abandonment and Vacation of Certain Portions of a Sanitary Sewer Easement at 410 Larry Drive Owned by DAASNI Properties, LLC

Administrative Comments

1. This item has been recommended by the Capital Improvement Program.
2. **Impact:** The abandonment is requested by DAASNI Properties, LLC, as the easement is unused and conflicts with the sale of the property for an FHA loan approval.
3. This 10-foot-wide sanitary sewer easement (1,168 sq. ft.) and utilities within the easement area have been relocated. The abandonment of this sanitary sewer easement will allow the owner to proceed with the sale of the property.
4. Capital Improvement Program and Water Utilities supports the requested abandonment of this sanitary sewer easement.

Recommendation

The ordinance be adopted.

26 Ordinance - Authorizing the Abandonment and Vacation of Certain Portions of a Storm Drainage Easement at 2525 N. Belt Line Road Owned by Seritage SRC Finance, LLC

Administrative Comments

1. This item has been recommended by the Capital Improvement Program.
2. **Impact:** The abandonment is requested by Seritage SRC Finance, LLC as the plans for a proposed restaurant have been modified and there is no longer a need for the storm drain easement in the location noted on the original plans submitted.
3. This storm drainage easement is 1,368 Sq. Ft. The restaurant has modified the building plans which eliminates a need for the storm drainage easement to remain in this location. The abandonment of this easement will allow the owner to proceed with the construction of the site.
4. Capital Improvement Program supports the requested abandonment of this storm drainage easement.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

27 Resolution - Temporary Use Permit G2108-0003 - Considering a Request for a Temporary Use Permit to Allow a COVID-19 Testing Site at Property Located at 3143 W. Airport Fwy. from October 29, 2021 through April 28, 2022 - HippoMed Wellness Clinics, Applicant

Administrative Comments

1. The applicant is requesting approval of a Temporary Use Permit to allow a COVID-19 Testing Site on the property from October 29, 2021 through April 28, 2022, from 7:00 am to 7:00 pm daily.
2. The property was previously used as parking for a former toy store to the north. The toy store was redeveloped into a self-storage facility, and the parking lot was divided into pad sites for future development. The pad site to the east has been developed with a Panda Express restaurant. This remaining pad site has yet to be redeveloped.
3. The applicant has been operating a COVID-19 testing facility without a permit for several months. Code Enforcement issued a Notice of Violation on June 7. An application for a Temporary Use Permit was submitted on August 6. Staff requested several revisions, which delayed the case but with which the applicant ultimately complied.

4. The Unified Development Code limits the maximum length of a Temporary Use Permit to six (6) months. It is staff's belief that, should this case be approved, the applicant will request an additional six-month Temporary Use Permit in early 2022.
5. The property is zoned S-P-2 (C-C) "Generalized Site Plan – Community Commercial" district, which does not allow outdoor activities. However, this zoning does allow for medical clinics.
6. The applicant is operating a drive-up testing site. Cars enter the site from Imperial Drive onto a mutual access easement with the adjacent property to the north. Cars then queue onto the property. The queue is not located in a fire lane. The cars go to a check-in station. If the patients have pre-registered, they can go directly into the queue for one of the three testing bays. If not, they are assigned a parking space to go to and fill out the required documentation. Once the testing site is ready, they are notified by their mobile device that they may enter the queue for the testing bays. Once the patient has been tested, they exit the site via a mutual access easement with Panda Express to the State Highway 183 service road.
7. While the site has numerous parking spaces, most of these are not functional given that the drive lanes will potentially be occupied by queued vehicles.
8. No temporary signage can be approved via this Temporary Use Permit.
9. The Traffic and Fire Departments can support the proposed layout. The Police Department is concerned that the site is too small, and can only support the request if testing were by appointment only.
10. Given the small size of this site, and that appointments are not required, staff cannot support this request.

Recommendation

The resolution be denied.

28 Ordinance - Comprehensive Plan Amendment CP21-0002 - Considering a Comprehensive Plan Amendment Changing the Recommended Future Land Use from "Residential Neighborhood" and "Neighborhood Commercial" to "Industrial" - Approximately 2.69 Acres Located at 1720 Landmark Rd. and 425 S. Walton Walker - Baldwin Associates, LLC, Applicant; BTE Body Company, Inc., Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – **Denial** 7-2 (Commissioners Patel and McPhail, nay).
2. This case is in conjunction with Zoning Case ZC21-0027, also on this agenda.

3. The applicant is seeking to amend the Comprehensive Plan Future Land Use Map from “Residential Neighborhood” and “Neighborhood Commercial” to “Industrial” to facilitate a zoning change.

4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Neighborhood Commercial** uses for the eastern portion of the property, and **Residential Neighborhood** uses for the western portion of the property.

Neighborhood Commercial is described as “Mixed-use commercial areas along major corridors. Opportunities for residential and commercial infill and reinvestment.”

Residential Neighborhood is described as “Predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. Net units per acre: 5-20.”

5. In conjunction with the related rezoning request, the applicant proposes Industrial uses for this property. This land use category is described as “Light to heavy industrial and manufacturing.”

6. 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:

1) If an area that is designated and/or developed as residential use desires to transition to a non-residential use, the City of Irving should require the following:

- a. The area is **physically appropriate** (i.e., size, shape, etc.) for non-residential use.
- b. The area is **adjacent to non-residential zoning** and not separated from other non-residential zoning by major thoroughfare (or larger) or the non-residential use is part of a mixed-use development.
- c. The rezoning **does not allow non-residential traffic to negatively impact established and proposed future neighborhoods**, schools, and/or parks.
- d. The rezoning **does not leave any residual tracts of residentially zoned property** or an area designated for residential uses on the generalized Future Land Use Map that cannot be developed with residential uses.
- e. The rezoning **provides for an appropriate transition between non-residential and residential uses** through separation by distance, screening, or land use, if positive integration of residential and non-residential land uses cannot be accomplished.
- f. The **non-residential use is the same intensity or is compatible with the existing or adjacent/surrounding land uses.**

2) If an area that is designated and/or developed as non-residential use desires to transition to a different non-residential use, the City of Irving

should require the following:

- a. If new construction, the development **conforms to new use standards** and concepts.
- b. The area **meets all compatibility standards** for adjacent uses.
- c. The rezoning **does not cause any negative impacts** on adjacent uses.

The applicant has provided a letter of justification for the requested amendment that states the proposed use would provide increased screening and landscaping to the vacant lots and would improve security for the neighborhood. The letter of justification is included with this packet.

7. Staff does not believe this development meets all of the criteria for transitioning to a non-residential use. At a minimum, the request does not meet the intent of several of the subsections of goals 1 and 2 cited above.
8. The site is adjacent to property to the west that is zoned for R-7.5 "Single Family Residential". Additionally, single-family homes are west of that property and directly north of the site across Landmark Drive. While there are non-residential uses to the south of the subject property, **there was a clear recognition in the Comprehensive Plan of protecting the nearby residential uses since all the existing non-residential uses were designated as *Neighborhood Commercial***. This clearly acknowledged that, should any of the existing businesses wish to rezone, it would need to be to a less intense commercial category than the ones that currently exist.
9. Additionally, the residential areas in the vicinity of the subject property are designated as "**Areas of Stability**" in the Comprehensive Plan (Figure 15, page 60). These are areas where "**investment will focus on preservation of character rather than transformation**" (page 59).
10. Furthermore, while the property fronts on the access road for Loop 12, which is defined as a "Freeway/Expressway" on the Master Thoroughfare Plan, it sides on Landmark Road, which is designated as a "Local" street. **Aside from the business requesting this amendment, Landmark Road provides local access for approximately 25 single family homes**. The existing site plan for the business specifically restricts access to Landmark Road; however, there is a gated driveway that currently exists that is proposed to be removed.
11. This tract that is designated as *Residential Neighborhood* and zoned R-7.5 single family measures approximately 130 feet wide by 308 feet deep with the intention of this property to be used for residential purposes. If the land use is changed, it would allow the expansion of an industrial use to directly abut a parcel of R-7.5 zoned property and be **approximately 65 feet from an existing residential neighborhood** directly west of that parcel. While the applicant is proposing a 7-foot masonry screening wall and a 20-foot "parking buffer" on the western boundary, this does not appear to be a sufficient transition between residential and

industrial uses.

12. Regarding the portion of the tract that contains the existing business and is designated for Neighborhood Commercial uses, again, it is clear that the intent was for the area to redevelop over time with commercial uses that would be more compatible with the surrounding residential area.

13. In summary, staff does not believe Industrial is an appropriate land use at this location and cannot support the proposed Comprehensive Plan amendment.

Recommendation

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

29 Ordinance - Zoning Case ZC21-0027 - Considering a Zoning Change from R-7.5 “Single Family Residential” and S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2” to S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2” - Approximately 2.69 Acres Located at 1720 Landmark Road and 425 S. Walton Walker - Baldwin Associates, LLC, Applicant; BTE Body Company, Inc., Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – **Denial** 7-2 (Commissioners Patel and McPhail, nay).
2. The subject site consists of 2.69 acres. The eastern 1.76 acres is currently developed and was most recently occupied by BTE Body Company which customizes, repairs and sells construction, refuse collection, and work trucks. **The owner is proposing to expand the C-OU-2 uses, including truck rental, leasing and outdoor storage, to the 0.93-acre tract just west of the existing building onto a lot zoned R-7.5 residential district which does not permit the proposed use.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends “Residential Neighborhood” and “Neighborhood Commercial” for this property. Since all zoning changes must be in conformance with the Comprehensive Plan, Comprehensive Plan Amendment CP21-0002 elsewhere on this agenda must be approved in order to consider this zoning case for approval.

History

4. The eastern portion of this site, zoned S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2”, has been used for various companies as a

commercial/large vehicle body shop that includes sales and on-site storage of vehicles since approximately 2004. The owner also owns the adjacent tract of land to the west, which is zoned R-7.5 "Single Family Residential". The house was demolished in 2014.

5. In 2008, a zoning case to rezone the adjacent residential tract to expand the current business was indefinitely postponed. In 2015, a similar request was denied. Aerial photos indicate that business operations for outdoor storage have illegally expanded onto the southern portion of said lot since 2005. Since the residential zoning district where the outdoor storage is occurring does not permit this use, it will need to be removed if this zoning request is not approved.
6. In a letter of justification from the applicant, they state that, as of September 6, 2021, the owner of BTE Body Company has moved their truck and equipment sales and repair operation to another property they own on E. State Highway 356. They state that the Landmark Drive property will be operated by Bruckner Leasing, Inc. as a rental and leasing facility for trucks. The letter states that only minor repair and servicing will occur on the property to prepare the vehicles for rental or leasing and all repair will occur inside the building. This will still include the outdoor storage of trucks on site.
7. The applicant provided a revised site plan at the October 4, 2021 Planning and Zoning Commission. The plan added additional trees along the western and northern property lines.
8. The revised plan indicates that the existing structures will remain on the eastern portion of the site and that the western portion of the site will be paved with asphalt or concrete and used for outside storage and parking.
9. While the property fronts and has its main access point on the service road for Loop 12, it sides on Landmark Road, which is designated as a "Local" street. Aside from the applicant's property, Landmark Road provides local access for approximately 25 single family homes. The existing site plan specifically restricts access to Landmark Road; however, there is a gated driveway that currently exists. **The revised site plan shows the driveway and gate being removed.**
10. The existing fence along the western boundary will be removed and a new 7-foot tall masonry wall is proposed along what would be the new, expanded westernmost boundary. The 7-foot tall masonry wall would also be placed on the north property line adjacent to Landmark Road as well as the south property line of the expansion area.
11. Six (6) existing trees in the expansion would be removed; however, the applicant is also proposing additional landscaping in the form of new trees and shrubs adjacent to Landmark Road and adjacent to the Loop 12 access road. The revised plan presented at the Planning and Zoning Commission meeting also shows the 20-foot buffer along the western property line to be landscaped with an additional 16 Shumard oak trees, which would prohibit parking or storage in that area. However,

that plan was not recommended for approval.

12. The tract that is designated for R-7.5 uses measures approximately 130 feet wide by 308 feet deep. If the zoning is changed, it would allow the expansion of an outdoor commercial use to directly abut another parcel of R-7.5 zoned property and be **approximately 65 feet from an existing residential neighborhood** that is directly west of that parcel. While the applicant is proposing a 7-foot masonry screening wall and a 20-foot landscape buffer on the western boundary, this does not appear to be a sufficient transition between residential and industrial uses.
13. In summary, staff does not believe that an expansion of the existing outdoor commercial use is appropriate at this location, especially due to the illegal expansion to the west and the limited amount of buffering provided to the adjacent residential uses, and cannot support the proposed rezoning.
14. At the October 4th Planning and Zoning Commission meeting, the applicant offered to consult with the owner to restrict certain uses on the site plan. Despite multiple requests from staff, the applicant has not provided an updated site plan with additional restrictions, so all comments are based on the site plan presented to the Planning & Zoning Commission at their October 4th meeting.
15. A total of 31 public notices were mailed. Staff has received one (1) response in support and 26 responses in opposition to this request. The opposition represents 16.58% of the land area within 200 feet of the subject property. Since this is less than 20%, per state law a ¾-vote is not required for approval.

Recommendation

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

- 30 Ordinance - Zoning Case ZC21-0007 - Considering a Zoning Change from R-MF-2 “Multifamily Residential 2” to S-P-2 (R-MF-2) “Generalized Site Plan – Multifamily Residential 2” and Approving Multifamily Concept Plan MF21-0005 - Approximately 4.24 Acres Located at 400 South MacArthur Boulevard - TX MacArthur 2021, Ltd., Applicant; City of Irving, Owner**

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – Approval 8-1 (Commissioner Cronenwett, nay).

2. The subject property is a 4.24-acre tract that is currently vacant and zoned for multifamily uses. **The applicant is proposing to rezone to allow a 76-unit multifamily development with variances to the maximum height and the required setback from single family residentially-zoned land.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends ***Compact Neighborhood*** uses for this property. This land use category is described as predominantly single-family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and small-scale apartment buildings. Density between 10 and 40 units per acre. The requested zoning is in conformance with the Comprehensive Plan.

Community Framework Plan

4. The property is surrounded by multifamily, retail, office and single family uses. To the north, John Haley Elementary School in the Irving ISD is adjacent to the property. Kroger, Dollar General, small office and single family residential uses are across MacArthur Boulevard, a major arterial, to the west. Multifamily and retail uses are across Haley Street to the east. A shopping center is adjacent to the south. Other retail and services are located along West 6th Street. Keeler Park is 0.2 miles to the west, Millennium Park is 0.5 miles to the northeast, and Centennial Park is 0.3 miles to the east.
5. The property is 0.8 miles from the Downtown Irving/Heritage Crossing Station to the northeast, and DART bus stops for Route 501 are 85 feet, 120 feet and 550 feet south, southwest and northwest along S. MacArthur Blvd. from the property, respectively.
6. This property along with the apartment complex to the east were rezoned to R-MF-2 in 1974 by Ordinance #2619 which was part of an area study rezoning of the Southeast Area D Study for this area.

Zoning Site Plan and Multifamily Concept Plan

7. The applicant is proposing to rezone the property to S-P-2 (R-MF-2) "Generalized Site Plan – Multifamily 2" uses for development of a 76-unit apartment complex with two variances to the Multifamily Development standards to provide for efficient development of the site, as follows:

Multifamily Development Standards		
	Required	Proposed
Side setback	5) d. Minimum side and rear yard setbacks: b. Adjacent to single-family zoned land 75 feet or three feet from the nearest property line of a single-family zoned property for each 1 foot of multi-family building height ; whichever is greater	25 feet from R-6 district; used as a school
Height	5) b. Maximum height of structures: 1. Adjacent to a property line which abuts single-family zoned land: Three (3) feet from the nearest property line of a single-family zoned property for each one (1) foot of multi-family building height , or two (2) stories (twenty-four (24) feet), whichever is less.	3 stories (48 feet) Includes 12 feet of architectural features above top plate

8. The proposed Multifamily Concept Plan shows three buildings. Building 1 is a three-story building adjacent to a 1,410 square feet designated area for children/youth. Building 2 is a three-story building adjacent to a 4,012 square foot landscape courtyard, a 5,690 square foot pool courtyard and a 2,960 square foot dog park. Building three is a single story 2,980 square foot leasing and clubhouse building. The two three-story buildings have a combined 76 units (13 one-bedroom units, 42 two-bedroom units and 21 three-bedroom units). The overall density of the development is 18 units/acre.

9. Parking shall be provided in accordance with the ordinance as follows:

Parking Requirements Per Bedrooms	
1 Bedroom Unit	1.5 parking spaces
2 Bedroom Unit	2 parking spaces
3 Bedroom Unit	2.5 parking spaces

10. The applicant has noted on the site that landscaping will be provided in accordance with the ordinance.

11. The proposed development is in conformance with the Comprehensive Plan Future Land Use Map. The property was previously developed with multifamily uses and is zoned for multifamily uses up to 18 units per acre. While the applicant is proposing variances to the side setback to accommodate an increased height, the property is not adjacent to any land used for single family residential. At the proposed density, the development represents a good transitional use between the school to the north and the commercial properties to the south and provides excellent access to the school and shopping. Since the development conforms with the Comprehensive Plan and meets all the R-MF-2 District and Multifamily Development Standards with

the exception of the height and setback from the school property, staff can support this request.

12. A total of 14 public notices were mailed. Staff has not received any responses in support of this request and two (2) emails in opposition to this request. The emails are from beyond 200 feet of the subject property so a $\frac{3}{4}$ vote is **not** required to approve this request.

Recommendation

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

31 Ordinance - Zoning Case ZC21-0047 - Considering a Zoning Change from C-N "Neighborhood Commercial " to R-3.5 "Two-Family Residential" - Approximately 0.25 Acres Located at 1208 West 6th Street - JRSC, LLC, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – Approval 8-1 (Commissioner Cronenwett, nay).
2. The subject property is a 0.25-acre lot with an existing single family house. **The applicant is requesting to rezone the property to allow for duplex uses permitted in the R-3.5 district.** The construction will meet all the development standards of the district.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Compact Neighborhood** uses for this property. This land use category is described as predominantly single-family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and small-scale apartment buildings. The requested zoning is in conformance with the Comprehensive Plan.
4. The property was part of an area-wide rezoning in 1974 that rezoned this property to C-N "Neighborhood Commercial" uses. The property has never been used for non-residential uses.
5. The property abuts single family residential uses to the south and to the west, although the property to the west could be converted to a nonresidential use under the current zoning. A duplex would be an appropriate transition use in this area given the mix of residential and nonresidential uses in the surrounding area.

6. As noted on the City's Housing Plan (2021), duplexes provide additional housing units and may serve as a form of affordable housing. In comparison to other housing unit counterparts, the City's duplex/townhome housing stock is significantly in the minority at only 5.3%. Irving residents who responded to the March 2021 Housing survey favored the development of a range of housing types and characteristics found in duplexes, such as homes with smaller total square footage and closer in proximity to other dwelling units.
7. Since the proposed zoning category is compatible with the surrounding uses and the Comprehensive Plan Future Land Use Map, and the development will comply with the standards of the R-3.5 "Two-Family Residential" district, staff can support this request.
8. A total of 15 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Recommendation

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

32 Ordinance - Zoning Case ZC21-0048 - Considering a Zoning Change from M-FW "Freeway" to C-C "Community Commercial" - Approximately 1.45 Acres Located at 121 West John Carpenter Freeway - Glenn Engineering Corporation, Applicant; Dallas County Utility and Reclamation District (DCURD), Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – Approval 9-0.
2. The subject property is a single lot in the Las Colinas Urban Center developed with a canal. **The applicant is requesting to rezone the property to reduce the minimum front and side yard setback requirements of the current zoning for a canal improvements project.** The construction will meet all the development standards of the proposed district.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Urban District** uses for this property. This land use category is described as higher intensity areas of Irving containing a variety of uses in multi-story buildings, including pedestrian-design streets and buildings, high quality design and materials, and reduced parking requirements. The requested zoning is in conformance with the Comprehensive Plan.

4. The property is located at the Las Colinas Urban Center and holds a canal directly connected to Lake Carolyn. Through TIF funding, the applicant is proposing to fully develop the canal which will include design elements including shade structures. The improvements will complement the future office buildings currently under construction on the south side of the canal.
5. Since the proposed zoning category is compatible with the surrounding uses and the development will comply with the standards of the C-C “Community Commercial” district, staff can support this request.
6. A total of eight (8) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Recommendation

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

33 Ordinance - Zoning Case ZC21-0049 - Considering a Zoning Change from C-O "Commercial Office" to S-P-2 (C-O) "Generalized Site Plan - Commercial Office" - Approximately 16.81 Acres Located at 6300 Longhorn Drive and 6101 East Campus Circle Drive - Kimley-Horn, Applicant; Quality Investment Properties Irving, LLC, Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – Approval 9-0.
2. The subject property is a 16.81-acre tract with a 2.23-acre portion of the site developed with an existing single-story structure being used as an event venue. **The applicant is requesting a zoning change to develop the property with data center uses.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Business District** uses for this property. This land use category is described as a flexible use district for retail, office and commercial uses. It is also predominantly mid-rise with a mix of surface and structured parking. The requested zoning is in conformance with the Comprehensive Plan.
4. The applicant is proposing to construct two new data center buildings on the site with variances to establish the required parking on the site for this use.
5. The proposed buildings would be for data center uses that provide network managing services, monitoring, security, and storage backup for customers. A “data

center” is generally defined as a facility which remains active and cooled at all times, and is used to house a large group of networked computer servers typically used by organizations for remote storage, processing or distribution of large amounts of data. This use is permitted in the C-O “Commercial Office” district.

6. The data center buildings are going to be constructed in phases. The existing event center structure is permitted in the C-O “Commercial Office” district and would continue to operate until such time as the data centers are ready to be constructed.
7. The applicant is proposing to provide parking for the future data centers at 1 space per 2,000 sq. ft. and for the existing event center 1 space per 125 sq. ft. The following variances are proposed:

Land Use	Parking Standard	Proposed Parking Standard
Warehouse	1 space per 1,000 sq. ft. of floor area	1 space per 2,000 sq. ft. of floor area
Office	8 spaces for 1 st 1,000 sq. ft. of floor area plus 1 space per additional 300 sq. ft. of floor area or portion thereof	
Event Center	1 space per 100 sq. ft. of floor area	1 space per 125 sq. ft. of floor area

Since this case is an S-P-2 (Generalized Site Plan), the exact number of parking spaces does not need to be provided but will meet the approved requirement at the time of construction.

8. No residential property is in the area, and would not be impacted by any overflow parking.
9. The proposed data center use would require few employees, with only staff providing maintenance, technical support, security, and management.
10. Typically, staff would believe that an undeveloped site should be able to provide the required parking or be able to park the proposed development per the warehouse requirements at 1 space per 1,000 square feet; however, parking for a data center is not defined in the ordinance. Staff is confident that the requested parking ratios are appropriate for the proposed data center as well as for the existing event venue until construction of the data centers.
11. Since a similar parking variance has been approved for this type of use on the property to the west, staff can support this request.
12. A total of 19 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Recommendation

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

- 34 Ordinance - Zoning Case ZC21-0050 - Repealing Ordinance No. 2020-10320 and Considering a Zoning Change from PUD (C-C) "Planned Unit Development for Community Commercial Uses" to PUD for S-P-1 (R-AB) "Planned Unit Development for Detailed Site Plan for a Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption" - Approximately 2.5 Acres Located Approximately 1,200 Feet Southwest of the Intersection of State Highway 161 and Las Colinas Boulevard - LJA Engineering, Applicant; PRL Las Colinas LLC, Owner**

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 4, 2021 – Approval 9-0.
2. The subject property is an approximately 106,000-square foot area that is currently undeveloped. **The applicant is planning to develop the property with a Lifetime Fitness Center with the accessory use of the sale of alcoholic beverages for on-premises consumption.** The proposed facility will also include a 55,321 sq. ft. pool and deck area with a bistro, “life café,” and a café/bar. The café, café/bar and bistro will sell alcoholic beverages. The beverages will be permitted within the 106,058 square foot footprint of the property, including the pool and first floor of the indoor fitness club areas.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Neighborhood Commercial** for this property. This is described as a mixed-use commercial district along major corridors. The requested zoning is in conformance with the Comprehensive Plan.
4. Zoning Case ZC19-0091 (Ordinance #2020-10320) approved a zoning change to PUD for S-P-1 (R-AB) “Planned Unit Development for Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” for the fitness center. Since the time that plan was approved, the layout of the proposed building for the fitness center has been revised, resulting in a decrease in the overall size of the footprint. **To accommodate the revised footprint, the existing ordinance must be repealed and replaced with a new ordinance that reflects the new footprint.**
5. Below is a summary of the square footage totals that result from the redesign.

	Proposed Square Footage Totals For R-AB areas
Fitness Center/Patio	55,321+/- sq ft footprint (108,826 +/- sq. ft. for two floors)
Pool Deck	50,737 +/- sq ft
Total	106,058 +/- sq ft footprint

6. 4. A note has been placed on the site plan that states: "Alcoholic beverages may be carried and consumed by customers anywhere within the fitness center space as noted on this plan, but may not be carried into the parking lot." Alcoholic beverage sales are expected to account for up to 15% of the food and beverage gross sales, thereby meeting all requirements of the R-AB zoning district requirements.
7. The parking requirement for indoor recreation is 1 space per 100 square feet. The parking requirement for "restaurant" uses is 1 space for every 2.5 seats. **The applicant is proposing that the entire facility have a parking requirement of 1 space per 250 square feet of indoor space (436 spaces).** This is the same ratio as is required in Colleyville and Flower Mound. Given the mix of uses within the building, the presence of large locker rooms and other facilities, staff believes the proposed parking is appropriate for this facility. Parking spaces will be provided from the shared spaces within the center.
8. Section 3.3 states, "The sale of alcoholic beverages within three hundred (300) feet of a church, public or private school, or public hospital is hereby prohibited". This proposed zoning case meets the distance requirement regulations. The property also meets the distance separation requirements for residential property, which is measured "along the property lines of the street fronts and from front door to front door and in a direct line across intersections."
9. Since the sale and consumption of alcoholic beverages is common in the leisure areas of fitness clubs and should not have any negative impact on the surrounding neighborhood, staff can support this request.
10. A total of 33 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

Recommendation

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

APPOINTMENTS AND REPORTS

35 Mayor's Report

Adjournment