

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

October 20, 2016

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254

5:00 PM Executive Session

6:30 PM Work Session

7:30 PM Regular Meeting

Present: Mayor Meier; Mayor Pro Tempore Arfsten; Deputy Mayor Pro Tempore Hughes; Councilmember Angell; Councilmember Duffy; Councilmember Walden; Councilmember Wilcox

Executive Session

1. Closed (executive) session of the Addison City Council pursuant to:

Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, pertaining to:

- **DART Legal Options**
- **Open Meetings Act**
- **Town of Addison v. Landmark Structures I, L.P. and Urban Green Energy Cause No. DC-15-0761 44th Judicial Court, Dallas, County**

Section 551.074, Tex. Gov. Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:

- **City Secretary Evaluation**
- **City Attorney Evaluation**

Council convened into Executive Session at 5:03 pm.

5. **RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matter discussed in Executive Session.

Council reconvened out of Executive Session at 7:20 pm.

Council took action regarding the Executive Session item listed in the addendum. The action is noted in the minutes for the addendum.

WORK SESSION

3. Present And Discuss The **Road Closures On Belt Line Road Due To The Relocation Of Gas Lines By Atmos Energy On Belt Line Road.**

Jan Rugg, Atmos Energy Manager of Public Affairs, presented the item to Council. She stated that Atmos Energy will be replacing gas lines on Belt Line And Midway Road. The work will impact the traffic but is expected to not impact customers of Atmos. Ms. Rugg and Operations Director, Allen Hawkins, presented information regarding the timeline for the project and the impact on the road itself.

4. Present And Discuss An **Update Regarding The Les Lacs Lake Edge Project.**

Parks Director, Michael Kashuba, presented the item to Council. Mr. Kashuba stated following the presentation to Council on August 23, 2016, staff was asked to look at options to improve the aesthetics at the Les Lacs Lake. Council tasked staff to gather more community input and to find effective ways to communicate the project updates with the residents. The next steps in the process now needs to be discussed.

Mr. Kashuba stated a decision as to whether or not to fix the issues with landscape maintenance or to completely redesign the lake itself is needed at this time.

Deputy Mayor Pro Tem Hughes asked how quickly the decision needs to be made for the edge.

Mr. Kashuba stated that the liner is deteriorating but not failing at this point. He stated the plan on when to quit maintenance and when to do repairs needs to be made. This is more of a plan for the future to be prepared.

Mayor Meier stated he feels like this conversation keeps going around and around with aesthetics of the lake that has been talked about for 2 years. He stated he would feel more comfortable making the decision with the costs that are associated with the decisions listed also.

City Manager, Wes Pierson, stated he agrees that this discussion has gone around numerous times. He stated however, there has never been a consensus as what is to be done as direction from Council. He stated at this point, staff needs direction rather than come with an idea of what needs to be done and have to start over if that idea isn't in line with the Council direction.

Mayor Meier stated he would like to see an evaluation of the viability of what the Council believed was going to happen 2-3 years ago. He stated staff had conducted meetings with the community and had a game plan to start with for the project. He asked if staff can start there with that idea and see if it's still viable and the cost implications for those ideas.

Mr. Pierson stated that would be a good idea but the issue is that what Council thinks and what staff thinks is the idea may be completely different than what the community thinks was agreed upon at that time. If staff starts with those ideas and the community doesn't agree, everyone is at the beginning again. Staff is trying to manage the expectations of what will be done at this location.

Mayor Meier stated there is a need to communicate with the community why there needs to be changes from what was agreed upon 3 years ago. Everyone understands things change. But communicating with the community as to what was the original idea was and going forward what the options are at this time. Mayor Meier stated until the Town can address what it said it could do 3 years ago in some kind of final analysis, the Town is hard pressed to move on to the next step.

Councilmember Duffy stated that step has already been done, prices keep going up and there is no option to do what was originally agreed upon.

Mayor Meier stated that between Council there's a difference of

opinion on what was originally promised. He stated what was originally promised was a significant aesthetic improvement around the lake incorporated in that original plan. He stated that now just in the past year, the plan has gone away and the question is what to do with the edge. He stated if go back 2-3 years ago there is an aesthetic component of the plan and along the way it has fallen by the wayside. He stated now the Town needs to take what was promised 2-3 years ago, what is now known about the lake edge and the fixes needed and communicate that with the community.

Mr. Kashuba then gave an update on the well work and the water circulation project that is close to completion.

Deputy Mayor Pro Tem Hughes asked if this was the current status of the lake and the lake edge and the landscaping will be put on hold until a decision can be made as how to proceed.

Mr. Pierson clarified that the two projects are separate. The well work and the water circulation improvements are a separate project from the lake edge and aesthetics issue needing to be addressed. He stated it needs to be clear to the citizens that one project will be completed in November while the other is still being discussed. Staff is at the decision point of improving the landscape now and dealing with the lake edge separately or finding the funds to complete both the lake edge and the improved landscape at the same time. Mr. Pierson stated it would involve increased communication with the community and managing expectations.

5. **Present And Discuss The Future Phasing Of The Belt Line Road Utility Undergrounding Project.**

Item #5 was discussed before Item #4 at staff request.

Assistant Director of Infrastructure, Jason Shroyer, presented the item to Council. Mr. Shroyer informed Council this item was to update the Council on the status of Belt Line Road. He would also discuss future projects related to Belt Line Road and prioritizing tasks.

Mr. Shroyer stated the Belt Line Road Undergrounding project from Marsh Lane to Midway Road began in late 2014. The project continues now and is on time and within budget. Mr. Shroyer stated after contractors John Burns complete the work assigned to them in approximately late November, Oncor, AT&T, Fiberlite and Time Warner Cable will then bring their portion of the project which

consists of installing and removing the lines from overhead poles and Oncor removing the remaining empty poles.

Council discussion focused on completion of pole pulls and a clear understanding of when this phase of the project would be complete. Council would like to staff to communicate with them and citizens the timeframe on this portion of the project. Council understands that some of the timing may be out of the Town's control but a general timeframe would be helpful to all.

Parks Director, Michael Kashuba, continued the presentation. Mr. Kashuba stated that in order for staff to move forward as to which items should be included in the next phases of this project, decisions need to be made which items are most important to Council and citizens.

Mayor Meier asked if this decision process would be solely for the Belt Line Road Project or in general for any project needing decisions.

Mr. Kashuba stated this is a new process staff is presenting for any decisions that have significant cost implications. Staff would like to get Council's approval with this process to move forward in making decisions on which parts of the project need to be included in the next phases.

City Manager, Wes Pierson, stated the idea behind this concept is to answer the question, Can we do more than was planned before or does the project need to be phased? He stated staff would gather the information, gather input from the public and then come back to Council to get clear direction as to how to proceed and the funding levels needed to accomplish the goals.

Council discussed the flexibility of the phasing in parts of the project. Concern was also raised about the longevity of the road without the overlay being done in a timely manner. Council directed staff to include the impact the Master Transportation Plan would have on the Belt Line Road completion.

Council asked about the cost for implementing, maintaining and the sustainability of the landscape features included in the next phases of Belt Line Road. Mr. Kashuba stated the ongoing maintenance and sustainability of the landscape would be part of the decision process.

Council agreed the decision hierachy process is a good idea and to move forward with the options for the next phases of Belt Line Road.

Information regarding the included items, cost analysis and time commitments will be included in those decision packages.

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

Public Comment.

The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker with fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.

There were no speakers.

Consent Agenda:

All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.

Councilmember Duffy requested Item 7 be pulled.

Deputy Mayor Pro Tempore Hughes requested Item 12 be pulled.

Mayor Meier requested Item 13 be pulled.

Mayor Pro Tempore Arfsten moved to approve Items 8,9,10 &11 as submitted. Councilmember Wilcox seconded the motion. The vote was cast 7-0 in favor of the motion.

Item 7 (Minutes): Councilmember Duffy stated the wording for Item #12 in the minutes should reflect the request to discuss the item further in Worksession rather than as presented stating "to discuss further at a future meeting". Councilmember Duffy moved to

approve Item 7 as amended. Councilmember Walden seconded the motion. The vote was cast 7-0 in favor of the motion.

Item 12 (World Affairs Agreement): Deputy Mayor Pro Tempore Hughes stated he wanted to pull the item to recognize the work that the World Affairs Council and staff do together. Beth Huddleston from the World Affairs Council was in the audience and recognized. Deputy Mayor Pro Tempore Hughes also stated the spotlight country for this year would be Japan. Deputy Mayor Pro Tempore Hughes moved to approve Item 12 as submitted. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

Item 13 (Cotton Belt Resolution): Mayor Meier stated he pulled the item to just reflect the Council's support for this item. He stated also that included in the Resolution is the Town's support of the D2 line which is consistent of the entire regional approach of the project. Mayor Meier moved to approve Item 13 as submitted. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

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7. Consider Approval Of The **October 11, 2016 Regular Meeting Minutes.**

 8. Consider Approval Of A **Resolution Designating Representatives To The Local Government Investment Cooperative To Transact Business On Behalf Of The Town Of Addison.**

 9. Consider Approval Of A **Resolution Authorizing The Town Of Addison To Designate Representatives To The TexPool Local Government Investment Pool.**

 10. Consider Approval Of A **Resolution Authorizing The Town To Designate Representatives To The TexStar Investment Pool To Transact Business On Behalf Of The Town Of Addison.**

 11. Consider Approval Of A **Resolution Adopting The Town Of Addison Investment Policy And Strategy For Fiscal Year 2017.**

 12. Consider Approval Of A **Resolution Authorizing The City Manager To Approve A Contract With The World Affairs Council Of Dallas/Fort Worth For Consulting Services** In An Amount Not To Exceed \$60,000.

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13. Consider Approval Of A **Resolution Urging The Dallas Area Rapid Transit Board Of Directors To Approve A 2017 Financial Plan That Includes A Revenue Start Date Of 2022 Or Sooner For The Cotton Belt Rail Line And To Maintain Funding In The FY2017 Budget That Is Dedicated For The Development Of The Cotton Belt Rail Line From DFW Airport To Plano.**
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Regular Items

14. Present, Discuss And Consider Approval Of A Resolution **Appointing Members To The Planning & Zoning Commission.**

Mayor Meier stated Councilmembers Walden, Angell and Duffy had the opportunity to appoint members to the Planning & Zoning Commission.

Councilmember Walden stated he would like to appoint John Meleky. Councilmember Duffy stated he would like to appoint Tom Braun. Councilmember Angell stated he would like to appoint Katherine Wheeler.

Mayor Meier moved to table the vote on the item until the November 8 meeting. Councilmember Wilcox seconded the motion.

Councilmember Duffy questioned the delay in the vote. Mayor Meier stated in the past the vote has been done at the meeting after the nominations are made. This allows the other Councilmembers to talk to nominated citizens.

The vote was cast 7-0 in favor of the motion.

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15. Present, Discuss And Consider Approval Of A Resolution **Appointing Members To The Board Of Zoning Adjustment.**

Mayor Meier stated that Councilmembers Walden, Duffy and Angell had the three nominations for the Board of Zoning Adjustment.

Councilmember Walden stated he would like to reappoint Troy Cooper.

Councilmember Duffy stated he would like to appoint Linda Groce. Councilmember Angell stated he would like to appoint Larry Brown.

Mayor Meier moved to table the vote on the item until the November 8th meeting. Councilmember Angell seconded the motion. The vote

was cast 7-0 in favor of the motion.

16. Discuss And Consider Approval Of A **Resolution Adopting The Addison Athletic Club Master Plan.**

Recreation Manager, Randy Rogers, presented the item to Council. Mr. Rogers stated this item is to allow the City Council to adopt the Addison Athletic Club Master Plan as presented at the October 11, 2016 meeting with the exhibit attached for the top priorities needed to be completed. Once adopted, the funding options will be brought back to Council for further consideration.

Councilmember Angell asked about the number of racquetball courts and if that is sufficient for the needs of the users. Mr. Rogers stated that originally the plan took out all 4 courts. The revised plan keeps 2 of the courts open for racquetball use. The other two courts are currently being used as exercise rooms and will continue to be used in that function.

Mayor Pro Tempore Arfsten moved to approve the item as submitted. Deputy Mayor Pro Tempore Hughes seconded the motion. The vote was cast 7-0 in favor of the motion.

17. Present And Discuss The **Quarterly Update From The Finance Committee To The Council For The Period From June 2016 To October 2016.**

Deputy City Manager, Cheryl Delaney introduced the item. Ms. Delaney reviewed the function of the Finance Committee. Ms. Delaney also reviewed the topics the Finance Committee has discussed at previous meetings. Ms. Delaney introduced Purchasing Manager, Wil Newcomer.

Mr. Newcomer made a presentation to Council regarding the Purchase Card (P-card) policies, guidelines and procedures of the Town. Mr. Newcomer stated the program is working well and the policies are being followed by the staff.

Ms. Delaney reviewed the item with Council. Deputy Mayor Pro Tempore Hughes stated the committee wanted this item to be retroactive to July to help assist the new Councilmembers fully understand the committee functions.

Council recessed at 9:22 pm.
Council reconvened at 9:28 pm.

18. Present And Discuss The **Status Of A Safe Deposit Box Assigned To The Town Of Addison Located At The Bank Of America Branch At The North East Corner Of Dallas Parkway And Belt Line Road.**

Deputy City Manager, Cheryl Delaney presented the item to Council. Ms. Delaney stated staff became aware of the safe deposit box in August 2016. After researching the box and history, staff learned the signature card on file contained the name of 3 former employees. In order to gain access to the box, staff would need to have Council approve a Resolution appointing new signators to the box. Staff took the Resolution to the bank to show the affirmation of the new signers to the box. The following employees were designated as signers: Cheryl Delaney, Deputy City Manager, Charles Goff, Assistant Director of Development Services and Planning and Caitlan Smelley, Assistant to the City Manager.

On September 22, 2016 Cheryl Delaney, Caitlan Smelley and Charles Goff were granted access to the box. The box was empty. The outstanding balance of \$658 was paid to the bank and the safe deposit box was closed.

To the best of staffs' knowledge, there are no other safe deposit boxes for the Town. Staff does not see a need to have a safe deposit box at this time.

Deputy Mayor Pro Tempore Hughes asked if staff knew why the box was set up in the first place.

Ms. Delaney stated staff does not have information on the history the box.

Councilmember Wilcox asked how long the box had been open. Ms. Delaney stated the box was opened in 1994.

Mayor Meier stated that the signature card was signed 6 times. He asked who visited when.

Ms. Delaney stated that there were 6 times the box was opened by Sandra Goforth and Randy Moravec opened the box in 2004. On February 25, 2014, City Manager Ron Whitehead and Charles Goff went to open the box. The signature card shows a line through Mr. Whiteheads' signature because he was unable to access to the box because he did not have the correct key.

Councilmember Wilcox asked if the keys went to other safe deposit boxes.

Ms. Delaney stated to the best of staff's knowledge there are no other safe deposit boxes in the Town's name.

City Manager, Wes Pierson, stated that this box was associated with the account at Bank of America for the Metroplex Mayor's Association in which the Town is the Treasurer. Bank of America no longer wishes to hold that account so everything with the bank in that name is being closed and switched over to another bank.

Mayor Meier stated he had several questions regarding this item. He asked if there were any internal controls that allowed this to happen. He asked if there were safes that could be used if needed.

Ms. Delaney stated there were several safes in Town offices that were available and could be used. There was no need for one at a bank.

Mayor Meier asked if staff knew why Mr. Whitehead tried to access the box on February 25, 2014. He asked if staff knew what Mr. Whitehead was looking for in the box that day.

Councilmember Duffy stated he knew because he spoke to Mr. Whitehead. Councilmember Duffy stated the keys were found and at the time he and a staff member went to see if those keys belonged to that box.

Mayor Meier asked if there are multiple safe deposit boxes that the keys belong to and staff is not aware of where those boxes are located

Ms. Delaney stated staff is unaware of any other boxes.

Mayor Meier asked if any COSO guidelines or best practices will be put in place with regards to safe deposit boxes.

Ms. Delaney stated going forward any safe deposit boxes will be secured with the same depository as the Town uses and that would only come after a Council approval.

Mr. Pierson stated the process right now is to not have a safe deposit box.

Mayor Meier stated he would like to speak with Mr. Whitehead regarding this box and other issues.

Councilmember Duffy stated that he has been told by Mr. Whitehead that he (Mr. Whitehead) would like to come and discuss this with Council in hopes to close the outstanding issues.

Councilmember Duffy moved to direct the City Manager to invite Mr. Whitehead to a future meeting to discuss outstanding issues and have a conversation about decision making. Mayor Meier seconded the motion. The vote was cast 7-0 in favor of the motion.

Deputy Mayor Pro Tempore Hughes stated he hoped the conversation wouldn't be contentious.

Councilmember Duffy stated he believed the conversation would help everyone to move on.

Deputy Mayor Pro Tempore Hughes stated he was eager to move on and be positive.

Adjourn Meeting

Council adjourned the meeting at 9:47 pm.

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Mayor-Todd Meier

Attest:

City Secretary-Laura Bell