

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

January 14, 2014

6:00 PM

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

6:00 PM Work Session | 7:30 PM Regular Meeting

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL REGULAR MEETING

January 14, 2014

6:00 PM

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

6:00 PM Work Session | 7:30 PM Regular Agenda

Posted by: Matthew McCombs, January 10, 2014, 5:00pm

Present: Arfsten; Clemens; DeFrancisco; Gunther; Moore; Resnik

Absent: Meier

WORK SESSION

- WS1 Update from Fred Hill, former State Representative, concerning legislative issues.

Fred Hill updated the Council on legislative issues.

There was no action taken on this item.

- WS2 Discussion regarding the contract and compensation of Lea Dunn, Deputy City Manager, as City Manager.

There was no action taken on this item.

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Introduction of Employees

Discussion of Events/Meetings

Consent Agenda.

- 2a Approval of the Minutes for the December 2, 2013 Work Session and Special Council Meeting.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2b Approval of the Minutes for the December 10, 2013 Work Session and Regular Council Meeting.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2c Approval of the Minutes for the January 6, 2014 Work Session and Special Council Meeting.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,

Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2d Approval of annual contract landscape planting throughout the Town not to exceed \$150,000 for new landscaping and refurbishment projects.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,

Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2e Approval of a design contract with Mesa Design Group Landscape Architecture totaling \$229,490 to provide construction documents and bid specifications, as well as, construction observation for the Beltway Drive and Proton Drive pedestrian connectivity improvements.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,

Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2f Approval of annual contract with The Margulies Communications Group for immediate media relations issues for the Town of Addison and including Addison Airport.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- 2g Approval of annual contract with Shiroma Southwest for public relations and media publicity programs to promote the Town of Addison's events and selected special projects.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to approve, as submitted,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

Regular Items

- R3 REPLAT/Beltway-Quorum Lots 2A, 3A and 4, Block A. Discussion, consider and take action regarding approval of a replat for three lots totaling 6.5422 acres generally located at the northeast corner of Belt Line Road and Addison Road, on application from Beltway Commercial Real Estate, represented by Ms. Alison Potter of Piburn and Carson.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of the request for approval of a final replat for Beltway-Quorum Lots 2A, 3A and 4, Block A, subject to the following condition:

1. The plat should be relabeled from a Preliminary Replat to a Final Replat.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: None

Absent: Hewitt, Hughes

RECOMMENDATION:

Administration recommends approval.

Carmen Moran, Director of Development Services, presented and spoke regarding this item.

There were no individuals who spoke at the public hearing.

Motion made by DeFrancisco to approve, as submitted,

Seconded by Arfsten

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore, Resnik

Passed

- R4 **PUBLIC HEARING** Case 1680-SUP/The Market Hall. Public hearing, discussion, consider and take action regarding approval of an ordinance changing the zoning on property located at 3875 Ponte Avenue, which property is currently zoned PD – Planned Development through Ordinance 007-034, by approving for that property a Special Use Permit for a convenience store, a Special Use Permit for a restaurant, a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for the sale of beer and wine for off-premises consumption, on application from Primo Hospitality Group, represented by Mr. Ellis Whitman.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of

the request for approval of an ordinance changing the zoning on property located at 3875 Ponte Avenue, which property is currently zoned PD – Planned Development through Ordinance 007-034, by approving for that property a Special Use Permit for a convenience store, a Special Use Permit for a restaurant, a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for the sale of beer and wine for off-premises consumption, subject to the following condition:

-The applicant shall not use any terms or graphic depictions that denote alcoholic beverages in any exterior signs.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: Hewitt, Hughes

RECOMMENDATION:

Administration recommends approval.

Carmen Moran, Director of Development Services, presented and spoke regarding this item.

There were no individuals who spoke at the public hearing.

Motion made by Gunther to approve, as submitted,

Seconded by Resnik

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- R5 **PUBLIC HEARING** Case 1681-SUP/TGI Fridays. Public hearing, discussion, consider and take action regarding approval of an ordinance changing the zoning on property located at 4951 Belt Line Road, which property is currently zoned (LR) Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from TGI Fridays, represented by Mr. Damon Drennan of Poole + Drennan Design Studio.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of the request for approval of an ordinance changing the zoning on property located at 4951 Belt Line road, which property is currently zoned (LR) Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to the following conditions:

-The applicant shall submit a revised landscaping plan which addresses the following items:

15 additional shrubs shall be added on Belt Line Road

6 trees and 68 shrubs shall be added along Quorum Drive.

The interior planting areas are 6,076 short of the requirement.

Additional plantings shall be added to the interior of the site.

-The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signs.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: Hewitt, Hughes

RECOMMENDATION:

Administration recommends approval.

Carmen Moran, Director of Development Services, presented and spoke regarding this item.

There were no individuals who spoke at the public hearing.

Council Member DeFrancisco moved approval of the item, subject to the conditions listed.

Motion made by DeFrancisco to approve, as submitted, with the conditions listed

Seconded by Arfsten

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

R6 **PUBLIC HEARING** Case 1682-SUP/hopdoddy Burger Bar. Public hearing, discussion, consider and take action regarding approval of an ordinance changing the zoning on property located at 5100 Belt Line Road, Suite 502, which property is currently zoned PD, Planned Development, through Ordinance 012-001, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from hopdoddy Burger Bar, a division of Guy and Larry Restaurants, represented by Mr. Mitch Liggett, Director of Development.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of the request for approval of an ordinance changing the zoning on property located 5100 Belt Line Road, Suite 502, which property is currently zoned PD, Planned Development, through Ordinance 012-001, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: Hewitt, Hughes

RECOMMENDATION:

Administration recommends approval.

Carmen Moran, Director of Development Services, presented and spoke regarding this item.

There were no individuals who spoke at the public hearing.

Motion made by Resnik to approve, as submitted,

Seconded by Gunther

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

R7 **PUBLIC HEARING** Case 1683-SUP/Vernon's Gastropub. Public hearing, discussion, consider and take action regarding approval of an ordinance changing the zoning on property located at 5290 Belt Line Road, Suite 142, by approving for that property an amendment to Ordinance 012-040, Section 2, Paragraph 9, which amended Ordinance 087-001, in order to delete a Special Condition from 012-040, Section 2, Paragraph 9 prohibiting the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs, on application from Vernon E. Garcia, Inc., represented by Mr. Christopher Myrick.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of an ordinance changing the zoning on property located at 5290 Belt Line Road, Suite 142, by approving for that property an amendment to Ordinance 012-040, Section 2, Paragraph 9, which amended Ordinance 087-001, in order to delete a Special Condition from 012-040, Section 2, Paragraph 9 prohibiting the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: Hewitt, Hughes

RECOMMENDATION:

Administration recommends approval.

Carmen Moran, Director of Development Services, and Christopher Myrick, Owner of Vernon's Grill, presented and spoke regarding this item.

There were no individuals who spoke at the public hearing.

Motion made by Arfsten to approve the ordinance amending Ordinance 012-040, to allow only the use of the word "gastropub" as an exception to the prohibition against the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs,

Seconded by Gunther

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore, Resnik

Passed

- R8 Presentation of the Planning and Zoning Commission Annual Report for 2013 by Planning and Zoning Chairman, Ralph Doherty.

RECOMMENDATION:

There is no administrative recommendation for this item.

Ralph Doherty, Chairman of the Planning and Zoning Commission, presented and spoke regarding this item.

There was no action taken on this item.

- R9 Presentation, discussion, consider and take action regarding approval of an ordinance amending Chapter 62, Signs of the Code of Ordinances of the Town by providing for a Meritorious Exception to Article IV, Division 3, Attached Signs, Sec. 62-163 Item (5) to provide for a sign with letters 27" in height on the east facade of the building and to Article V , Prohibited Signs, Sec. 62-270 Outline and skeleton lighting to provide for LED luminaries that outline the elements of the building facade on an application from TGI Friday's located at 4951 Belt Line Rd.

RECOMMENDATION:

Administration recommends denial.

Lynn Chadler, Building Official of the Town of Addison, presented and spoke regarding this item.

Motion made by Moore to deny the applicant's request,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore, Resnik

Passed

- R10 Presentation, discussion, consider and take action regarding an ordinance amending Chapter 62, Signs, of the Code of Ordinances of the Town by providing for a Meritorious Exception to Article IV. requirements for Specific Types of Signs, Division 3. Attached Signs, Sec.61-162 Premises Signs, Item (c) and Sec. 62-163 Area, Item (1) and Item (5) in order to provide for a sign on the west

facade with letters 32" in height, a sign on the north facade with letters 36" in height and an area of approximately 41 Sq. Ft. and an additional sign on the north facade with a logo 6' 4" in height and an area of approximately 46.5 Sq. Ft. at Pollo Tropical located at 5290 Belt Line Rd Suite 100.

RECOMMENDATION:

Administration recommends denial.

The item was withdrawn.

- R11 Presentation, discussion and consider and take action on a resolution relating to the giving of notice of intention to issue Town of Addison, Texas Combination Tax and Revenue Certificates of Obligation, Series 2014; providing an effective date.

RECOMMENDATION:

Administration recommends approval.

Eric Cannon, Chief Financial Officer, David Medanich, Vice Chairman of First Southwest, Lea Dunn, Deputy City Manager, and Lisa Pyles, Director of Infrastructure Operations and Services, presented and spoke regarding this item.

Motion made by Resnik to approve, as submitted,

Seconded by Moore

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore, Resnik

Passed

- R12 Presentation, discussion, consider and take action regarding authorizing the City Manager to enter into a Professional Services Agreement with CH2M Hill, Inc., to provide project management services related to the revitalization of Midway Road for an amount not to exceed \$545,000.

RECOMMENDATION:

Administration recommends approval.

Lisa Pyles, Director of Infrastructure Operations and Services, presented and spoke regarding this item.

Motion made by Arfsten to approve, as submitted,
Seconded by Resnik

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- R13 Presentation, discussion, consider and take action regarding authorizing the City Manager to enter into an Engineering Design and Professional Services agreement between the Town of Addison and LNV, Inc., for year 2 of the Sanitary Sewer System Evaluation and Study in an amount not to exceed \$320,633.

RECOMMENDATION:

Administration recommends approval.

Lisa Pyles, Director of Infrastructure Operations and Services, presented and spoke regarding this item.

Motion made by Resnik to approve, as submitted,
Seconded by Gunther

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- R14 Presentation, discussion, consider and take action regarding adoption of an incentive policy for existing hotels considering expanding their facilities.

RECOMMENDATION:

Administration recommends approval.

Orlando Campos, Director of Economic Development, Eric Cannon, Chief Financial Officer, and John Hill, City Attorney, presented and spoke regarding this item.

Motion made by Arfsten to approve, as submitted
Seconded by Moore

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

Executive Session

- ES1 Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: *Town of Addison, Texas v. ProAir Developments, L.P.*, Cause No. DC-13-15164, 14th District Court, Dallas County, Texas.

Council entered Executive Session at 8:58pm.
Council closed Executive Session at 10:45pm.

There was no action taken.

- ES2 Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) on matters in which the duty of the attorney(s) to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, regarding and pertaining to Addison Airport and certain real property located at and within the Airport.

Council entered Executive Session at 8:58pm.
Council closed Executive Session at 10:45pm.

There was no action taken.

- ES3 Closed (Executive) session of the Addison city Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in our near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

Council entered Executive Session at 8:58pm.
Council closed Executive Session at 10:45pm.

There was no action taken.

- ES4 Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the lease or value of certain real property within the Town located in that area generally known as Office in the Park.

Council entered Executive Session at 8:58pm.
Council closed Executive Session at 10:45pm.

There was no action taken.

- ES5 Closed (executive) session of the Addison City Council pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located within the Town and adjacent to and concerning Addison Airport.

Council entered Executive Session at 8:58pm.
Council closed Executive Session at 10:45pm.

There was no action taken.

Regular Items Continued

- R15 Discussion, consider and take action regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or any action regarding the offer of a financial or other incentive to such business prospect or business prospects.

RECOMMENDATION:

Administration recommends approval.

Motion made by DeFrancisco to authorize the City Manager and City Attorney to proceed as discussed in the Executive Session,
Seconded by Arfsten

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- R16 Presentation, discussion, consider and take action regarding authorizing the City Manager to negotiate for the Town, as tenant, a lease of office space described as Suite 200, 14681 Midway Road (within the development generally known as Office in the Park), comprised of approximately 14,800 rentable square feet and owned by 14671-14683 Midway Road LP.

RECOMMENDATION:

Administration recommends approval.

Motion made by Arfsten to authorize the City Manager and City Attorney to proceed as discussed in the Executive Session,
Seconded by DeFrancisco

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

- R17 Discussion, consider and take action regarding pending litigation, to wit: *Town of Addison, Texas v. ProAir Developments, L.P.*, Cause No. DC-13-15164, 14th District Court, Dallas County, Texas.

There was no action taken on this item.

- R18 Discussion, consider and take action regarding and pertaining to property located at and within Addison Airport.

There was no action taken on this item.

- R19 Discussion, consider and take action regarding the purchase or value of certain real property located within the Town and adjacent to and concerning Addison Airport.

RECOMMENDATION:

There was no action taken on this item.

- R20 Discussion, consider and take action regarding the contract and compensation of Lea Dunn, Deputy City Manager as City Manager.

Motion made by Arfsten to table the item until January 28, 2014,
Seconded by Moore

Voting AYE: Arfsten, Clemens, DeFrancisco, Gunther, Moore,
Resnik

Passed

Adjourn Meeting

Mayor-Todd Meier

Attest:

City Secretary-Matthew McCombs