

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

May 24, 2016

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

5:30 PM Executive Session

6:00 PM Work Session

7:30 PM Regular Meeting

Present: Arfsten; Duffy; Hughes; Mayor Meier; Walden; Wilcox

Absent: Angell

Executive Session

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

Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) 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

- **Town of Addison v. Landmark Structures I, L.P. and Urban Green Energy Cause No. DC-15-0761 44th Judicial District Court, Dallas County, Texas**
- **Attorney Client Privilege In Regards To Open Records Requests**
- **Mayor's Newsletter**

Mayor Meier convened Executive Session at 5:33 pm.

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 any matter discussed in Executive Session.

Mayor Meier recessed Executive Session at 6:50pm.

Mayor Meier moved to release the requested Lea Dunn document but ask the City Attorney to craft that in a way that we do not waive the attorney client privilege to other documents but that we narrowly waive the privilege with the respect to the 19 page memo dated January 4, 2015, and that memo only and it's the Council's intent that no other document be released.

Mayor Pro Tem Arfsten seconded the motion. The vote was cast 6-0 in favor of the motion.

WORK SESSION

Presentation And Discussion Of A Public Art Policy.

Interim Parks Director, Michael Kashuba, presented the item to Council.

Council agreed that the policy was appropriate. This item is a companion item to approve a policy on the Consent Agenda.

Council thanked staff and the Arbor Foundation for their work on the item.

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.

Anthony Bertolami, 3821 Park Place, spoke in regards to the proposed location of the "Lost in Wisconsin" piece. He urged Council to place the piece where staff has suggested.

Neil Hewitt, 3756 Park Place, spoke in favor of the yield signs on Beltway but urged staff to look at the visibility of those signs, opposition to the proposed stop signs at the same location and concern for the cutting of the holly trees in his neighborhood by a contractor hired by the Town.

Guillermo Quintanilla, 4115 Rush Circle, spoke in regards to items placed on the Council agenda by the Mayor.

Gail Barth, 14612 Dartmouth Ct, spoke urging Council to create a code of behavior for the audience members at City Council meetings.

Present A **Proclamation Declaring May 20, 2016 As Put On Purple Day For Lupus Awareness Month.**

Present A **Proclamation Declaring May As Motorcycle Safety And Awareness Month.**

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.

Mayor Pro Tem Arfsten moved to approve items 7-13. Deputy Mayor Pro Tem Hughes seconded the motion.
The vote was cast 6-0 in favor of the motion.

Consider **Approval Of The April 26, 2016 Regular Meeting Minutes.**

Consider A **Resolution Adopting A Public Art Policy.**

Consider A **Resolution Authorizing The City Manager To Enter Into A Professional Services Agreement With Garver, LLC, To Complete A Detailed Assessment and Evaluation of the Kellway Sanitary Sewer Lift Station And To Develop A Capital Improvement Program For The Contract Amount of \$81,488.**

Consider Approval Of Bid #1603-001 From American Landscape Systems, Inc. For **Landscape Maintenance Of Addison Circle District And Addison Circle Park** In An Amount Not To Exceed \$135,000.

Consider **Approval Of Change Order 6 To John Burns Construction, Inc. For The Belt Line Road Underground Utilities Project** In An Amount Not To Exceed \$129,950.

Consider A **Resolution Authorizing The City Manager To Enter Into A Contract With Kleinfelder, Inc., For Design And Construction Observation Services For the Surveyor Ground Storage Tank Rehabilitation and Pipeline Improvements Project** In The Amount of \$243,969.

Consider A **Resolution For A Proposal For The Naming Rights To The Main Space Of The Addison Theatre Centre.**

Regular Items

Hold A Public Hearing, Discuss, Consider, And Take Action Regarding The **Termination Of The Mayor's Weekly Newsletter.**

Mayor Meier opened the Public Hearing.

The following people spoke in favor of the item:

Tony Carpenter, 4006 Winter Park Road

Liz Oliphant, 14700 Marsh Lane #313

Betsy Hunt, 14821 Surveyor

Skip Robbins, 14770 Maiden Court

Mary Anne Mayer Redmond, 14608 Hemingway Court

Chris DeFrancisco, 3917 Bobbin Lane

Peggy Plaus, address not given

The following people spoke in opposition of the item:

Sherry Nolan, 14820 Lochinvar Dr

Karen Faith Heller, no address given

Jason Ennis, 14604 Waterview Circle

Jim Robinson, 14795 Buckingham Court

Sheila Barkofske, 4130 Proton Dr #26B

Sabina Bradbury, 4005 Bobbin

Lance Murray, 3884 Weller Run Court

Elizabeth Williams, 3732 Camden Lane
Michelle Braden, 14600 Waterview Circle
Jill Lemke, 3792 Lakeway Court
Gail Barth, 14612 Dartmouth Court
Erin Carney, 2550 Midway Road #240, Carrollton
Phil Greepy, 14608 Dove
Yvonne Mollica, 14700 Marsh Lane #822

The following people did not wish to speak but wanted to record support of the item:

John Oliver, 14605 Hemingway Court
Ed Keith, 3838 Canot

The following person did not wish to speak but wanted to record opposition to the item:

Grace Hurley, 14600 Waterview Circle
Ron Holley, 14765 Lochinvar Drive

Mayor Meier moved to continue the Mayor's Newsletter as done now. Councilmember Wilcox seconded the motion.

Discussion was done by Council in regards to their thoughts concerning the newsletter and continuing it.

Deputy Mayor Pro Tem Hughes made an amendment to the motion to rename the Mayor's Newsletter to another title that showed the publication was the Mayor's perspective and thoughts. The review would still happen by staff and City Attorney and the newsletter would still be available on the Town's website. Mayor Meier seconded the motion for an amendment.

Council further discussed the amendment.

The vote was cast 3-3 with Mayor Pro Tem Arfsten, Councilmember Walden and Duffy against. The motion failed.

The vote was cast 2-4 on the original motion by Mayor Meier with a second by Councilmember Wilcox. Mayor Pro Tem Arfsten, Deputy Mayor Pro Tem Hughes, Councilmembers Walden and Duffy against the original motion.

Councilmember Walden moved to continue the staff authored newsletter on a weekly basis. Councilmember Duffy seconded the motion.

Discussion continued with the City Manager Wes Pierson regarding staff's ability to put out a weekly newsletter.

Mr. Pierson stated that the resource issue would need to be addressed. At this time, staff will be able to provide the service according to the level of resources provided. Initially staff will make something work to achieve the goal. However, be certain that staff will come back to Council to ask for the resources appropriate to staff this kind of activity.

The vote was cast 4-2 with Mayor Meier and Councilmember Wilcox against.

Discuss And Consider Action Needed For Reimbursement Of Legal Expenses For The Mayor's Defense Of Complaints Filed With The Texas Ethics Commission That The Mayor's Newsletter Is "Political Advertising."

Mayor Meier presented the item to Council.

Council discussed the amount of the legal expenses, possible coverage from TML for the costs, timeline for the decision by the Ethics Commission and past examples of covering the costs of the expenses.

Deputy Mayor Pro Tem Hughes moved to approve reimbursement of the current and future legal fees spent in defense of Mayor Meier for the ethics complaints filed against the him. Councilmember Walden seconded the motion. The vote was cast 4-1 with Councilmember Duffy abstaining from the vote and Mayor Meier not voting due to conflict of interest.

Mayor Meier recessed the meeting at 10:12 pm.

Mayor Meier reconvened the meeting at 10:35 pm.

Discuss And Consider A Resolution For Installation Of The "Lost In Wisconsin" Public Art Piece At The Southeast Corner of Beltway and Proton Drives.

Interim Director of Parks, Michael Kashuba, presented the item to Council.

Council agreed that the art piece, "Lost In Wisconsin" should be placed at the southeast corner of Beltway and Proton Road.

Councilmember Walden moved to approve the item as submitted. Councilmember Duffy seconded the motion. The vote was case 7-0 in favor of the motion.

Hold A Public Hearing, Discuss, Consider And Approve An Ordinance Establishing Standards Of Care For Youth Recreation Programs Conducted By The Town For Elementary Age Children Ages 5 Through 13; Providing For Compliance With Section 42.041(b)(14) Of The Texas Human Resources Code.

Recreation Manager, Randy Rogers, presented the item to Council.

Mayor Meier opened the Public Hearing. There were no speakers. Mayor Meier closed the Public Hearing.

Councilmember Walden moved to approve the item as submitted. Mayor Pro Tem Arfsten seconded the motion. The vote was cast 6-0 in favor of the motion.

Hold A Public Hearing, Discuss And Consider Action On An Ordinance Approving A Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only, On Property Located At 5290 Belt Line Road, Suite 115 On Application From Gyu KaKu. Case 1736-SUP/Gyu Kaku.

Assistant Director of Development Services, Charles Goff, presented the item to Council.

Mayor Meier opened the Public Hearing. There were no speakers. Mayor Meier closed the Public Hearing.

Deputy Mayor Pro Tem Hughes moved to approve the item as submitted. Councilmember Duffy seconded the motion. The vote was cast 6-0 in favor of the motion.

Hold A Public Hearing, Discuss And Consider Action On An Ordinance Amending Ordinance No. 007-034 As Amended By Ordinance No. 013-026 That Zones That Area Of The Town Known As Vitruvian Park And Containing Approximately 121 Acres Of Land Generally Located At The Southeast Corner Of Marsh Lane And Spring Valley Road In Order To Adopt A New Concept Plan, Add Additional Permitted Uses, And Revise Various Development Standards, On Application From UDR . Case 1735-Z/UDR.

Assistant Director of Development Services, Charles Goff, presented the item to Council.

Mayor Meier opened the Public Hearing, There were no speakers. Mayor Meier closed the Public Hearing.

Mayor Pro Tem Arfsten moved to approve the item as submitted. Councilmember Duffy seconded the motion. The vote was cast 6-0 in favor of the motion.

Hold A Public Hearing, Discussion And Consider Action On An Ordinance Approving A Development Plan For The Construction Of 383 Multi-Family Units And An Amenity Center, Located on 5.091 Acres On The North East Corner Of Vitruvian Way And Marsh Lane, On Application From UDR. Case 1734-Z/Vitruvian West Phase I.

Assistant Director of Development Services, Charles Goff, presented the item to Council.

Mayor Meier opened the Public Hearing. There were no speakers. Mayor Meier closed the Public Hearing.

Councilmember Duffy moved to approve the item as submitted. Deputy Mayor Pro Tem Hughes seconded the motion. The vote was cast 6-0 in favor of the motion.

Hold A Public Hearing, Discussion And Consider Action On An Ordinance Approving A Development Plan For The Redevelopment Of Approximately 86,310 Square Feet Of Retail Space Within The Brookhaven Village Shopping Center Located On The South East Corner Of Spring Valley Road And Marsh Lane, On Application From UDR . Case 1727-Z/Brookhaven Village Shopping Center.

Assistant Director of Development Services, Charles Goff, presented the item to Council.

Mayor Meier opened the Public Hearing. There were no speakers. Mayor Meier closed the Public Hearing.

Councilmember Walden moved to approve the item as submitted.

Mayor Pro Tem Arfsten seconded the motion. The vote was cast 6-0 in favor of the motion.

Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Approving A Development Plan For The Development The Addison Grove Project Including A Site Plan, Landscape Plan And Building Elevations And Floor Plans For 57 Townhomes In Accordance With The Planned Development District (PD), Established By Ordinance No. 016-003 On Property Located At 4150 Belt Line Road, On Application From Fenway Development, Inc.** . Case 1729-Z/Addison Grove Block B

Assistant Director of Development Services, Charles Goff, presented the item to Council.

Council discussed the plans and items concerning the development.

Mayor Meier opened the Public Hearing.

Yvonne Mollica, 14700 Marsh Lane #822, spoke in favor of the item.

Mayor Meier closed the Public Hearing.

Mayor Pro Tem Arfsten moved to approve the item as submitted including the fence restrictions as requested from the Planning and Zoning Commission. Councilmember Wilcox seconded the motion. The vote was cast 6-0 in favor of the motion.

Presentation And Discuss The **Belt Line Utility Relocation Update.**

Director of Infrastructure and Development Services, Lisa Pyles, presented the item to Council.

Council and staff discussed the time line of the project, the funding of the project, future items included in the project to be discussed and funding the items still outstanding.

Council thanked staff for the presentation.

Adjourn Meeting

Mayor Meier adjourned the meeting at 11:35 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