

# DRAFT

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

January 10, 2017

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; Councilmember Angell;  
Councilmember Duffy; Councilmember Walden; Councilmember Wilcox

Absent: Deputy Mayor Pro Tempore Hughes

### Executive Session

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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
  - **4800 Airport Parkway**
  - **Release of TMRS Retiree Report**
  - **Complaint By Former Employee**
  - **The ponds or lakes at Vitruvian Park located within the vicinity and east of the intersection of Vitruvian Way and Ponte Ave., and Farmers Branch Creek**
  - **Town of Addison v. Landmark Structures I, L.P. and Urban Green Energy Cause No. DC-15-0761 44th Judicial Court, Dallas, County**
  - **Scott Damon Richardson v. Allan Scheick and County of Dallas a/k/a, d/b/a Dallas County, Inc. and John Doe 1-5 as yet to be discovered and Jane Doe 1-5 as yet to be discovered, Cause No. 3:16-CV-3316-K-BN, United States District Court, Northern District of Texas, Dallas Division**

Section 551.072, Tex. Gov. Code, to deliberate the purchase, exchange, lease, or value of real property, pertaining to

- **Potential Development at Southeast Quadrant Of Addison Airport**

- **Resolution Authorizing the City Manager to execute a Letter of Intent and negotiate a ground lease with a joint venture between Business Aviation Group and McClurg Century Investments**

Council convened into Executive Session at 5:00 pm.

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Reconvene from Executive Session

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2. **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 recessed from Executive Session at 7:01 pm. Mayor Pro Tempore Arfsten made a motion approving a resolution authorizing the City Manager to execute a Letter of Intent and negotiate a ground lease with a joint venture between Business Aviation Group and McClurg Century Investments for the Southeast Quadrant of the Addison Airport. Councilmember Dale Wilcox seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

Council reconvened into Executive Session at 9:38 pm.

Council recessed from Executive Session at 10:10 pm. Mayor Pro Tempore Arfsten made the motion, "I move that Wes Pierson be the Town's designated representative in the mediation for the Landmark lawsuit and that Mayor Todd Meier participate in the mediation on behalf of the City Council." Councilmember Wilcox seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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## **WORK SESSION**

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3. Present And Discuss **The Purpose And Proposed Process For An Asset Management Plan For The Town Of Addison.**

Director of Infrastructure and Development Services Lisa Pyles presented the item to Council. Ms. Pyles presented the information regarding the Asset Management project that will begin soon. This project will be an analysis and inventory of all the Town's fixed assets. These assets would include buildings, property, vehicles, equipment, airport, utilities, streets, etc. Ms. Pyles stated this is a project that is very important to the Town. In order to budget the funds needed to replace these assets accordingly, staff must first know what assets the Town has. This will be an ongoing project after the initial inventory. Maintenance and reevaluation will be done to assure the most up to date information is on hand.

Council discussed the long-term nature of this project. Council also discussed how critical assets are determined. Ms. Pyles stated that critical government services are also critical assets. These are assets that need to be in functioning order for the municipality to operate, i.e. water for homes, fire and police services, streets to drive on, etc. This evaluation will be both an objective and subjective evaluation.

City Manager Wes Pierson stated a portion of the evaluation is defining the service levels. There is an analysis of risk factors for each asset also.

Councilmember Wilcox asked if staff had talked to other cities who have done this evaluation and if it's cost effective to do the project or if it is easier to do this project within departments first rather than all of the Town's assets.

Mr. Pierson stated it is the intention to take care of these assets to staff's best ability and minimize the life-cycle costs associated with the assets. Mr. Pierson stated he would prefer to tackle maintaining these assets strategically which this plan will allow staff to do. Mr. Pierson stated he would recommend taking this project on comprehensively and it will benefit the Town more in the long run.

Council agreed this project will help with funding levels for many of the long-term, long-range capital expenses that may come in the future. Council agreed that due to the large volume of work involved this will be a multi-year project but agreed it is necessary for strategically planning the service level needs of the community in the future.

This item was discussed after the Consent Agenda vote.

Councilmember Wilcox stated he would like the Council to consider adding requirements to the Housing Policy that would require any new development both apartments and single family homes to install high speed internet capabilities or at a minimum install the conduit to accommodate that by a private sector provider.

Mayor Meier agreed with that recommendation. Mayor Meier asked if staff would be able to explore the capability to do this.

City Manager Wes Pierson stated that staff could research the possibility and see if there is the ability to require it as a standard. Mr. Pierson stated staff would have to be brought up to speed on what the Town can require and then brief Council from there.

Councilmember Wilcox stated he understood that a municipality cannot operate as an internet service provider but could provide fiber and put in requirements for conduit that would accommodate the future utility. Councilmember Wilcox stated he would suggest to make that part of the responsibility of the developers. He further stated he wanted to make it as easy as possible for an internet service provider to provide services to the new residents.

Mr. Pierson stated staff could look into what the Town could do to encourage developers to enhance technology in new developments.

Councilmember Wilcox stated that he would like to strongly encourage or require these enhancements. Councilmember Wilcox stated another item he would like to explore is the ability for the Town to prohibit overcrowding of residences, apartments or single family. Councilmember Wilcox stated he was not certain what the latitude was to prevent the situation and that it might be a policing or code enforcement issue. Councilmember Wilcox stated the third item he would like to see is the capability to insist that developers realize that Council's preference is for high quality residential developments. Councilmember Wilcox stated all properties have a life-cycle and he believed that if the project is started with high grade standards, the product will take longer to degrade. Councilmember Wilcox stated he would like to see those high standards incorporated into the Housing Policy.

Mayor Meier stated he agreed with Councilmember Wilcox's statements. Mayor Meier stated that the Council and staff worked with outside consultants and had community sessions for citizen

input to develop the current policy. Mayor Meier stated he would hope that the current policy was the building block 101 and the new enhancements would build upon that base already in place. Mayor Meier asked Mr. Goff is there were standards currently in place that would address the overcrowding issue that Councilmember Wilcox presented.

Mr. Goff stated that a provision in the Building Code addresses the overcrowding issue but that the code is very liberal and hard to enforce. The issue would be something staff would have to figure out how to enforce correctly without having unintended results.

Mr. Goff stated the high standards have been in place for quite some time. He stated the standards for all properties are high and new standards are brought forward with new developments as seen in the Addison Grove development. Mr. Goff stated the standards may not necessarily belong in the policy statement but could look into incorporating them into the zoning standards in the future.

Mr. Goff made a short presentation to Council with a refresher on how the proposed amendments came to be and the direction from Council to staff at the September 29, 2016 meeting.

Mr. Pierson stated the amendments were brought forward as directed by Council with the specific language Council agreed upon unanimously at the September 29, 2016 meeting. If Council would like to change the wording, that would be possible but staff is doing as the Council directed.

Mayor Meier stated the advantage of the delay in making a decision is the time to think about the changes and get feedback from the community. Mayor Meier stated he felt the last paragraph was not necessary and the Town could get the developments needed without the guidelines in the last paragraph.

Councilmember Angell stated he was glad to see the words "highest and best use" and "exceptional" in the policy. Councilmember Angell stated he felt these words were critical to the policy.

With no other discussion, the Mayor ended the Work Session and moved to Item #9 on the Regular Agenda to consider action on the policy.

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## **REGULAR MEETING**

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## Pledge of Allegiance

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Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

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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.

Neil Hewitt, 5756 Park Place, spoke regarding removing the stop signs and replacing them with a pedestrian actuated flasher system at Les Lacs Drive and Beltway Drive.

Jay Ihrig, 3757 Chatham Court, spoke in favor of the stop signs at Les Lacs and Beltway Drive.

Patricia Adkins, 3769 Chatham Court, spoke in favor of the stop signs at Les Lacs and Beltway Drive.

Roxanne Hayward, 3761 Chatham Court, spoke in favor of the stop signs at Les Lacs and Beltway Drive.

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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 Tempore Arfsten moved to approve Items 6,7 & 8 as submitted. Councilmember Duffy seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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6. Consider **Approval Of The December 13, 2016 Regular Meeting Minutes.**
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7. Consider **Action On A Resolution Approving An Amended Separation Agreement With The City Manager.**

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8. Consider Action On A **Resolution Approving An Interlocal Mutual Aid Agreement Between And Among The North Central Texas Participating Local Governments In The Public Works Emergency Response Team.**
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## Regular Items

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9. Present, Discuss And Consider Action On A **Resolution Adopting A Revised Housing Policy For The Town of Addison.**

After the Work Session discussion on this item, the Council moved to Item #9.

Mayor Meier moved to table Item #9 to allow Deputy Mayor Pro Tempore Hughes an opportunity to participate in the discussion. Councilmember Wilcox seconded the motion.

Councilmember Duffy stated there have been several discussions on this item and Deputy Mayor Pro Tempore Hughes had voiced his concerns and opinions several times.

Council voted 2-4 against the motion. Mayor Meier and Councilmember Wilcox voted for and Councilmembers Angell, Walden, and Duffy and Mayor Pro Tempore Arfsten voted against. Deputy Mayor Pro Tempore Hughes was absent.

Mayor Meier made a motion to retain the current housing policy without the amendments proposed. Councilmember Wilcox seconded the motion.

Mayor Pro Tempore Arfsten stated that the amendments were discussed for over an hour at a meeting in September. Mayor Pro Tempore Arfsten stated that the amendments were discussed and agreed upon by the entire Council.

Mayor Meier stated he received feedback from citizens regarding the policy. Mayor Meier stated he felt it was clear that the citizens of Addison did not want any additional apartments.

Mayor Pro Tempore Arfsten stated he did not see the new policy allowing that to happen necessarily.

Mayor Meier stated that he felt it was convenient the AMLI project was slated for the next Planning & Zoning Commission meeting. Mayor Meier stated he felt this new policy would allow the apartments to be approved more easily than in the past.

The Council voted on the motion 2-4 against the motion. Mayor Meier and Councilmember Wilcox voted for and Councilmembers Angell, Walden, and Duffy and Mayor Pro Tempore Arfsten voted against. Deputy Mayor Pro Tempore Hughes was absent.

Mayor Meier stated he moved to amend the first paragraph of the housing policy where it stated "is unlikely to be approved" to "will not be approved." Councilmember Wilcox seconded the motion.

Mayor Pro Tempore Arfsten stated that the Council spent over an hour discussing the changes as proposed and everyone agreed. Mayor Pro Tempore Arfsten stated he didn't see a need to change what was agreed upon previously.

Mayor Meier stated he had received feedback from the community and had heard that the community does not want a policy that allows more apartments in Addison.

Mayor Pro Tempore Arfsten stated the policy changes were not only for apartment development. Mayor Pro Tempore Arfsten stated the new guidelines would allow staff the latitude to look at an exceptional project that may come to the Town and allow the opportunity to bring that project to P&Z and the Council.

Mayor Meier stated that he was skeptical that the new amendments wouldn't allow only new apartments when the AMLI proposal was set to come to P&Z Commission in the next month after this policy was set to be put in place. Mayor Meier stated he didn't know information in September that has helped formed his opinion now.

Mayor Pro Tempore Arfsten stated that the City Manager has stated the policy in its current form does not allow staff to bring forward any apartment-only rezoning projects.

City Manager Wes Pierson stated that was correct. Mr. Pierson stated staff would not bring forward any project that is not in compliance with the Housing Policy as stated.

Mayor Pro Tempore Arfsten asked Mr. Pierson if a property was not conducive to a mixed use development but an exceptional project and the highest and best use would be apartments for the property,

staff would not bring it forward for consideration.

Mr. Pierson stated that he would not suggest staff bring the case forward when it is known that it is not supported by Council because it puts the staff in a position contrary to the policy.

Mayor Meier stated in the past the staff would hold Work Sessions to gauge the interest of Council in a project. Mayor Meier stated these conversations would help staff know if a project was not able to move forward or could move forward with some work. Mayor Meier stated he felt that was a good template to use then and still is a good template now.

Mayor Meier stated he would like to see the community involved in the amendment process as they have been involved in creating the policy in the past. Mayor Meier stated he would like to continue requesting guidance provided by the citizens.

Mayor Meier repeated the motion to keep the Housing Policy as stated without the amendments proposed. Councilmember Wilcox had seconded the motion earlier. The vote was cast 2-4 against the motion. Mayor Meier and Councilmember Wilcox voting for and Councilmember Angell, Walden and Duffy and Mayor Pro Tempore Arfsten voting against. Deputy Mayor Pro Tempore Hughes was absent.

Councilmember Walden moved to approve Item #9 as submitted. Councilmember Duffy seconded the motion.

Mayor Meier requested clarification if the motion included the amendments directed by Council. Councilmember Walden stated the motion did and amended his motion to include the amendments previously voted on and approved by Council 7-0. Councilmember Duffy seconded again.

Mayor Meier stated he wanted to state his disagreement with the proposed amendments. Mayor Meier stated he believed the new amendments would allow more apartments and he believed the community should have more input in the changes to be made.

The vote was cast 4-2 in favor of the motion. Councilmembers Angell, Walden and Duffy and Mayor Pro Tempore Arfsten voting for and Mayor Meier and Councilmember Wilcox voting against. Deputy Mayor Pro Tempore Hughes was absent.

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10. Present, Discuss, And Consider Action On A **Resolution Approving A Contract With Flowline Construction, Inc., For The Construction of The Vitruvian Phase 5 Public Infrastructure** In The Amount Of \$3,823,868.

Assistant Director of Infrastructure Jason Shroyer presented the item to Council. Mr. Shroyer stated the item would approve Flowline to complete construction of the public infrastructure improvements for The Vitruvian Phase 5.

Mayor Pro Tempore Arfsten asked Mr. Shroyer if the construction services portion of the project would be completed within the budgeted amount. Mr. Shroyer stated that the budget total was for the full project which includes design services, materials testing, contract management, construction services and project management but he anticipated that the total spent would still come in under the budgeted amount.

Mayor Pro Tempore Arfsten moved to approve Item #10 as submitted. Councilmember Walden seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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11. Hold A Public Hearing, Discuss, And Consider Action On An **Ordinance Rezoning The Property Located At 15099 Midway Road, At The Southwest Corner At The Intersection Of Belt Line Road And Midway Road, Which Is Currently Zoned LR, Local Retail, By Amending An Existing Special Use Permit For A Restaurant And An Existing Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only In Order To Approve A Revised Site Plan Including An Outdoor Patio**. Case 1740-SUP/Starbucks.

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated the Planning and Zoning Commission voted to recommend approval of an ordinance changing the zoning on property located at 15099 Midway Road, which is currently zoned LR, Local Retail, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio, subject to no conditions.

Mayor Pro Tempore Arfsten stated his concern about the back up of traffic to get into the Starbucks off of Midway.

Mayor Meier stated he sat on P&Z when the original approval was done. Mayor Meier stated without the entry restrictions on Belt Line, the traffic backup would be worse. Mayor Meier asked if the parking lot of Nate's could be used to stack the drive through lane for Starbucks.

Mr. Goff stated that staff and the Fire Department had offered to help with the conversations between the two owners to try to come to an agreement to help the traffic flow better at the location.

Mayor Pro Tempore Arfsten stated he would like to see something happen to help the traffic flow. Mayor Pro Tempore Arfsten stated the interference was very dangerous.

Mayor Meier stated he felt something needed to be done for the overall safety of the corner.

Council discussed traffic remedies to help the back up on the corner. Council discussed if restrictions on traffic flow could be placed on the site.

City Attorney Brenda McDonald stated that any restrictions would have to be included in a zoning ordinance and done during the rezoning of the site.

Mayor Meier opened the public hearing.

Sheila Barkofske, 4130 Proton Drive, spoke regarding the traffic. Ms. Barkofske stated her concern for the safety of a police officer if they were placed on site for traffic control.

There were no other speakers. Mayor Meier closed the public hearing.

Mr. Chris Osborne, architect for the project, spoke regarding the changes Starbucks made for the site and the traffic issues the site presents.

Council discussed the need for traffic control and urged the applicant to speak to the owners of Nate's Seafood to try to work out a plan for cycling the traffic through the adjoining parking lot in the morning rush.

Councilmember Duffy moved to approve Item #11 as submitted. Councilmember Walden seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was

absent.

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12. Hold A Public Hearing, Discuss And Consider Action On An Ordinance Rezoning The Property Located At 5026 Addison Circle, On The South East Corner Of Addison Circle And Lewis Place, Which Is Currently Zoned, UC, Urban Center, By Amending An Existing Special Use Permit For A Restaurant And An Existing Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only In Order To Approved A Revised Site Plan Including An Outdoor Patio, And To Approve A New Special Use Permit For The Sale Of Beer And Wine For Off-Premises Consumption. Case 1749-SUP/Skinny Pizza.

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated the Planning and Zoning Commission voted to recommend approval of an ordinance changing the zoning on property located at 5026 Addison Circle, which is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio, and by approving a new Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to the following condition: should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

Mayor Meier asked about the beer and wine take out portion of the case and what prevents the restaurant from being just a beer and wine take-out location.

Mr. Goff stated the restaurant is bound by the restrictions imposed by the TABC and the restrictions will prohibit that from happening.

Councilmember Duffy asked if a stipulation could be put in the motion to require all beer and wine orders to include food.

City Attorney Brenda McDonald stated that the TABC code pre-empts the local codes.

Council discussed other locations with beer and wine permits that

were allowed to take the alcohol off-premise.

Mayor Meier opened the Public Hearing.

Joe Chow, 15750 Spectrum Drive, stated to clarify the question the Council brought up regarding opened containers of alcohol being taken off-premise. Mr. Chow stated that Mercy Bar was allowed to have the customer take the bottle sold with them after opening and drinking at the establishment. Mr. Chow stated the bottle could not be bought and taken with the customer without opening at the establishment first.

Mayor Meier closed the Public Hearing.

The applicant stated the restaurant is first a food establishment and all guidelines and laws within the TABC code will be adhered to at the location. The applicant stated the restaurant is set to open on January 23, 2017.

Mayor Pro Tempore Arfsten moved to approve Item #12 with the P&Z stipulation as stated. Councilmember Angell seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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13. Present, Discuss And Consider Action On A **Resolution Approving A License Agreement Between The Town And JFK Holdings, LLC D/B/A Skinny Pizza AC, And Authorizing The City Manager To Enter Into A License Agreement With Same Entity For The Use Of A Portion Of The Public Sidewalk Within The Public Right-Of-Way Adjacent To 5026 Addison Circle For An Outdoor Patio.**

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated this item was to approve the agreement for the applicant to use the patio which includes part of the city right-of-way. Mr. Goff stated this agreement complies with all the standards in the policy as adopted.

Councilmember Angell moved to approve Item #13 as submitted. Councilmember Walden seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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14. Present, Discuss And Consider Possible Action Regarding The **Role Of The City Council In The Consideration And/Or Approval Of Severance Agreements Between The Town Of Addison And Town Employees.**

Council discussed implementing a plan for reporting severance agreements between the City Manager and Council when executed by the City Manager. Council agreed that the City Manager should report the severance agreements and agreed upon amounts back to Council. Council questioned if a certain amount threshold should be established for this reporting.

City Manager Wes Pierson stated that any severance agreement exceeding his signing authority or \$50,000 would come to Council for approval, as is normal practice. Mr. Pierson also stated that there are also separation arrangements that can be done within the City Manager authority and has been done accordingly in the past.

Mayor Meier stated that if the City Manager reported these separation or severance agreements Council in a timely fashion, a threshold amount for reporting may not be necessary at this time.

City Attorney Brenda McDonald stated that the Council could not discuss these agreements in Executive Session as the employees in question would be former employees and those discussions do not meeting the requirements needed for discussion under Executive Session guidelines. The discussions would have to pertain to current employees.

Mr. Pierson stated that he agreed with the Council direction but made it clear to Council that the lines of authority for both Council and the City Manager are equally respected.

Mayor Meier moved to require the City Manager to communicate with the City Council separation or severance agreements made with current employees in a timely manner. Councilmember Wilcox seconded the motion. The vote was cast 6-0 in favor of the motion. Deputy Mayor Pro Tempore Hughes was absent.

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Adjourn Meeting

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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.

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Mayor-Todd Meier

Attest:

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City Secretary-Laura Bell