

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

February 14, 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; 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:

- **Open Meetings Act**
- **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**

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:

- **Associate Judge Interviews**

Council convened into Executive Session at 5:00 pm.

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 matters discussed in Executive Session.

Council recessed from Executive Session at 6:45 pm.

Deputy Mayor Pro Tempore Hughes moved to authorize the City Manager and Mayor to both attend the TCEQ hearing tomorrow (2/15/17) in Austin as representatives of the Town of Addison. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

WORK SESSION

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3. Present And Discuss **Hotels In Addison And Underperforming Hotels.**

Assistant Director of Development Services Charles Goff presented the item. Mr. Goff stated the item was intended to start the discussion that would continue after the special work session and tour on Monday, February 20, 2017. Mr. Goff reviewed the history of hotel types in Addison, when the hotels were built and the definition of a hotel as stated in the ordinance.

Council discussed the definition of non-conforming hotels, tax revenue from the hotels, crime statistics and areas of concern with the hotels.

Council agreed that more conversation and questions would come up after the tour on Monday. They requested staff work on collecting data from other cities regarding discrepancies seen in the hotel tax received. Council also requested staff look into best practices and pitfalls to avoid from other cities.

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.

Juli Branson, 15600 Witt Place #3106, thanked the Council and staff for coordinating the effort to have citizens attend the DART meetings on the Cotton Belt project. She also suggested that a committee be put together to look at the opportunities surrounding the Cotton Belt area.

Judy Lindloff, 14891 Towne Lake Circle, thanked the staff for working hard to get the storage container removed at the Super 8. She also thanked staff and volunteers for the trash pick up efforts in the Towne Lake area.

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 #5 & 6 as submitted. Deputy Mayor Pro Tempore Hughes seconded the motion. The vote was cast 7-0 in favor of the motion.

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5. Consider **Action To Approve Meeting Minutes Of The January 24, 2017 Regular Council Meeting.**

 6. Consider Action On An **Ordinance Amending The Town's Financial Policies.**
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Regular Items

7. Hold A Public Hearing, Present, And Discuss **The Future Of The Playground Located In The Oncor Easement Near Dome Drive.**

Parks and Recreation Director Michael Kashuba presented the item to Council. Mr. Kashuba gave a history of playground renovations and funding schedules for two of the playgrounds for the Town of Addison. Mr. Kashuba reviewed the correspondence between Oncor and the Town regarding the safety of the playground in the easement property. Mr. Kashuba also stated after researching the documents more, it was found that the removal of the playground was not contractually required until September 2017 rather than April 2017 as originally believed.

Mayor Meier opened the Public Hearing.

The following citizens spoke in favor of the item:

Tarea Doty, 4144 Towne Green Circle

Bianca Noble, 4008 Bobbin Lane

Lydia Chavez, Addison

Brooke Lynd, Addison

Dawn Webb, 3820 Canot Lane

Jon Birney, 4043 Rive Lane

Mary Carpenter, 4006 Winter Park

David Kilpatrick, 3910 Dome

Bate Bate, 3825 Azure Lane

David Chavez, 3841 Canot Lane

Mark Lynd, 14617 Lakecrest Dr

The following citizens wished to record their support of the item:

Sabina Bradbury, 4005 Bobbin

Mayor Meier closed the Public Hearing.

Councilmember Wilcox stated he felt the playground had to be rebuilt and he would like to see it done quickly before the demolition is complete.

Deputy Mayor Pro Tempore Hughes asked if staff had a specific next step or plan to receive proposals for the project.

Mr. Kashuba stated staff would go out with a proposal for a consultant to identify 3 possible sites. Mr. Kashuba stated from there, the location selection would be narrowed, a design put together for each option and then a discussion with Council

regarding the funding for the project. Mr. Kashuba stated the project from start to finish would take approximately 30 weeks if all goes according to plan.

Council discussed the possibility of narrowing the location selection to two immediately to help the process move more quickly.

Councilmember Angell asked if the plan was to move the equipment from the park to the new location or would this be a new playground construction.

Mr. Kashuba stated the playground equipment as it stood today would not meet the standards required and was not ADA compliant. The playground would have to be started from a design phase with new ideas and items.

City Manager Wes Pierson stated how fast the project moves is up to how deep into discussion Council wishes to get with the location and design aspects, as well as the amount of community input the Council wanted to receive.

Council discussed the possibility for citizens to make donations to the Addison Legacy Foundation that could be earmarked for the new playground. Council discussed how that could help a funding gap that may occur.

Mr. Pierson and Mr. Kashuba stated the proposal for the three sites and design work would go out to the consultant and the discussion would come back to Council in the near future for decisions to be made.

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8. Hold A Public Hearing, Discuss, And Consider Action On An Ordinance Rezoning The Property Located At 4021 Belt Line Road, On The North West Corner Of Belt Line Road and Runyon Road, From LR, Local Retail, to PD, Planned Development District, Allowing All Local Retail Uses Plus Medical And Dental Offices And Establishing Modified Development Standards. Case 1751-Z/Belt Line Square.

Assistant Director of Development Services Charles Goff presented the item.

Council discussed the restriction of certain medical uses, in-patient and out-patient surgeries and drug and alcohol rehabilitation centers.

The applicant answered questions regarding medical uses. The applicant requested time to speak to his client regarding the uses they would agree to.

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

Council agreed to table the item to allow the applicant speak to his client.

After discussing Item #9 & #11, Mayor Meier resumed this item. The applicant wished to table the item for further discussion with his client.

Councilmember Duffy moved to table Item #8 until the next Council meeting on February 28, 2017. Councilmember Angell seconded the motion. The vote was cast 7-0 in favor of the motion.

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9. **Hold A Public Hearing, Discuss, And Consider Action On An Ordinance Rezoning The Property Located At 14345 Dallas Parkway By Amending Planned Development District Number O16-028 By Revising The Development Standards Relating To Building Height And Approving Development Plans For An Office Development. Case 1752-Z/Fourteen555 Dallas Parkway.**

Mayor Meier recused himself from the item to avoid potential conflict of interest concerns as his law firm has represented the land owner in the past.

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

Mayor Pro Tempore Arfsten opened the Public Hearing. There were no speakers. Mayor Pro Tempore closed the Public Hearing.

Council discussed the timing of each building phase with the applicants.

Councilmember Angell moved to approve Item #9 as submitted. Councilmember Walden seconded the motion. The vote was cast

6-0. Mayor Meier recused himself from the item.

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10. **Hold A Public Hearing, Discuss, And Consider Action On An Ordinance Rezoning The Property Lot Located At 5015 Spectrum Drive, On The South West Corner of Spectrum Drive and Edwin Lewis Drive, From C-1, Commercial-1, to a PD, Planned Development District, In Order To Provide A Maximum of 349 Multi-Family Residential Units and Approximately 5,500 Square Feet Of Future Retail Space, And Approving Development Plans. Case 1753-Z/AMLI Addison.**

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff reviewed the history of the land use, the proposed development, results of the Planning & Zoning Commission meeting and the staff recommendation.

Council discussed the soil remediation process for the site and the height restrictions for this site because of the airport.

The applicant, Mr. Taylor Bowen and Ms. Gia Bordt made their presentation.

Council asked questions regarding the development being pet-friendly, the sewer line upgrades proposed, the possibility for condos at the site and the possibility for the complex to be sold in the future.

Mr. Bowen stated the development would be pet-friendly for the residents, the sewer line upgrades would be fully funded by AMLI, not a possibility for condos at the site and that AMLI would be a long term owner for the development.

Mayor Meier opened the Public Hearing.

The following citizens spoke in favor of the item:

Sabina Bradbury, 4005 Bobbin
Kirk Williams, 2728 W. Harwood St Ste 500
Kent Dominique, 14818 Le Grande
Ralph Doherty, 14718 Celestial Place
Ron Crowell, 15725 N. Dallas Parkway Ste 230

The following citizens did not speak but recorded support for the item:

Tarea Doty, 4146 Towne Green Circle
Kent Hope, PO Box 427

The following citizens spoke in opposition to the item:

John Price, 4114 Leadville
Sheila Barkofske, 4130 Proton Drive #26B
Yvette Pelky, 3868 Ridgelake Ct
Karen Gassett, 4010 Winter Park
Gail Barth, 14612 Dartmouth
TJ Zsemba, 3791 Chatham Court Dr

Mayor Meier closed the Public Hearing.

Council began discussion and questions for the Mr. Bowen and Ms. Gia Bodt.

Discussion consisted of support letters from surrounding businesses, office owners and major employers, height selection for the development, type of construction materials, and the decision not to build the development as condos.

Mr. Bowen then answered questions regarding his conversations with Planning & Zoning Commission members and Councilmembers, AMLI involvement with other developments, the issues with TCEQ for the site in the past, lease terms for the residents, acceptance of housing assistance payments, and details regarding the cost of the project, additional tax revenue estimated and property value of the development.

Mayor Meier questioned Mr. Goff regarding the development and the Master Transportation Plan, the Comprehensive Land Use Plan and the highest and best use for the site.

Within the discussion with Mr. Bowen and Mr. Goff, Council requested opinions from the City Attorney as to Robert's Rules regarding Councilmembers making motions for approval and recognition from the chair (Mayor Meier).

Mayor Pro Tempore Arfsten moved to approve Item #10 as submitted. Councilmember Walden seconded the motion.

Deputy Mayor Pro Tempore Hughes stated the decision he had made regarding the project came after many hours of consideration, discussion with citizens and research into the project information itself.

Councilmember Wilcox stated he would not be in favor of the project. Councilmember Wilcox stated the decision is a 50 year

decision and he did not think the development was the highest and best use for the site.

Mayor Meier stated he would offer an amendment to the motion to pause the item, do a study area and include the community in the discussion and move forward from there. Councilmember Angell seconded the motion.

Discussion followed regarding the amendment, the time the applicant put into the presentation and project to this point, and the timeliness to make a decision on the project. Councilmember Angell withdrew his second. Councilmember Wilcox seconded the amendment.

The vote was cast 2-5 against the amendment. Mayor Meier and Councilmember Wilcox for and Mayor Pro Tempore Arfsten, Deputy Mayor Pro Tempore Hughes, Councilmembers Angell, Duffy and Walden against.

The original motion from Mayor Pro Tempore Arfsten and seconded by Councilmember Walden was brought forward for a vote. The vote was cast 5-2 in favor of the motion. Mayor Pro Tempore Arfsten, Deputy Mayor Pro Tempore Hughes and Councilmembers Angell, Duffy and Walden for and Mayor Meier and Councilmember Wilcox against.

11. Present, Discuss, And Consider Action On A **Resolution Approving A Municipal Court Collection Services Agreement With Municipal Services And Authorizing The City Manager To Execute The Agreement.**

Purchasing Manager Wil Newcomer presented the item to Council. Mr. Newcomer discussed the fines outstanding owed to the Town. These fines are hard to collect and the Town does not currently have the capacity in the Municipal Court staff to track down the offenders. Staff recommended to enter into a contract with a third party source to help collect the outstanding fines and recoup some of the money owed back to the Town. Council discussed the process in which the third part collection agency would attempt to contact the offender and collect the debt owed. Deputy Mayor Pro Tempore Hughes moved to approve Item #11 as presented. Councilmember Angell seconded the motion. The vote was cast 7-0 in favor of the motion.

12. Present And Discuss **The Distribution of Addison Library Cards.**

Due to the time, Council tabled this item to the February 28, 2017 meeting.

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.

Adjourn Meeting

Mayor-Todd Meier

Attest:

City Secretary-Laura Bell