# D R A F T

# OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

March 14, 2017
Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254
5:00 PM Executive Session
6:00 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:

   - **Legal advice on appropriate responses to inquiries about 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**

   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:

   - **Planning & Zoning Appointment**
     - **Consider Approval Of A Resolution Appointing A Member To The Planning & Zoning Commission To Fill**

**An Unexpired Term.**

Council convened into Executive Session at 5:00 pm.

---

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 6:22 pm.

   Councilmember Duffy moved to approve a Resolution appointing Linda Groce to fill an unexpired term on the Planning & Zoning Commission. Councilmember Walden seconded the motion.

   Councilmember Wilcox stated he did not feel Ms. Groce was properly qualified for the position because of a lack of real estate experience.

   Deputy Mayor Pro Tempore Hughes stated he served with Ms. Groce in the past and believed she was qualified for the position and fully supported the nomination.

   Mayor Pro Tempore Arfsten stated that he believed that not all members of the Planning & Zoning Commission had real estate experience that Councilmember Wilcox considered appropriate.

   Councilmember Wilcox stated he wanted the record to show that Ms. Groce contributed to Councilmembers Angell, Walden and Duffy election campaign. Councilmember Wilcox stated the City Attorney stated that practice is not prohibited in any ethical conduct policies but he (Councilmember Wilcox) could not support the nomination knowing that information.

   Mayor Pro Tempore Arfsten asked Councilmember Wilcox if any citizen who contributes to Council campaigns is not allowed to serve on the Planning & Zoning Commission.

   Councilmember Wilcox stated that when the chance for quid pro quo exists, he believes it was not a good idea or policy. Councilmember Wilcox stated Council is held to a higher standard and he believed it was not appropriate to be involved in votes where money has been exchanged from one party to another. Councilmember Wilcox stated he would not be able to support the nomination.

   Mayor Meier stated he believed Councilmember Duffy removed a qualified person from the Commission with his appointment of Tom Braun in October. Mayor Meier stated Mr. Braun attended one meeting and then resigned to run for Council. Mayor Meier stated he interviewed Ms. Groce and asked her questions regarding her experience and knowledge Town policies. Mayor Meier read from his interview questions and the answers from Ms. Groce.

Deputy Mayor Pro Tempore Hughes stated in his experience, Ms. Groce was always prepared and professional. He stated he felt that the information shared by the Mayor should have been done in Executive Session and not in the public arena.

The motion to appoint Ms. Groce was voted on 5-2 with Mayor Meier and Councilmember Wilcox against.

## WORK SESSION

3. Reception For **2017 Addison Citizens Academy Graduates.**

## REGULAR MEETING

**Pledge of Allegiance**

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

4. Present **Certificates To The 2017 Citizens Academy Graduates.**

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.*

Deputy Mayor Pro Tempore Hughes pulled Item #11 for separate consideration. Councilmember Wilcox pulled Items #12 & #13 for separate consideration.

Mayor Pro Tempore Arfsten moved to approve Items #6-#10. Deputy Mayor Pro Tempore Hughes seconded the motion. The vote was cast 7-0 in favor of the motion.

Item # 11 (Water Master Plan)- Deputy Mayor Pro Tempore Hughes requested more background information related to the Water Projects Master Plan. Assistant Director of Infrastructure Jason Shroyer stated while the plan is titled the "Addison Water Master Plan" this document is not a master plan in teh technical sense. It is more appropriately called a Water Infrastructure Assessment, Evaluation and Capital Improvements Program.

City Manager Wes Pierson stated after further review, action on this item is not needed. The item would serve as information for the Council. Staff will bring pending projects for Council approval in the coming months.

Item # 12 (Traffic Signal Components)- Councilmember Wilcox requested information regarding technology integration within the system for more smart city capabilities within the traffic system. Mr. Shroyer stated this item was for replacement of existing equipment that has met its' end of life within the operation. The monitoring system replacement will need to come to Council for consideration within the next 2-3 years and the new technology could be addressed with that purchase.

Councilmember Wilcox 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 (Vitruvian sign)- Councilmember Wilcox asked for background information on this item. Assistant Director of Development Services Charles Goff stated  In 2011, the Town adopted a special signage district for Vitruvian Park. Over the subsequent years, the Town has amended this signage district as new phases of the development have come online. Vitruvian West is the next phase and is currently under construction. At build-out, Vitruvian West will include approximately 1,025 multi-family apartment units and a 20,000 square foot amenity and leasing center. As part of the amenity and leasing center, UDR is requesting a pylon sign that would be an architectural extension of the building and was included on the approved development plans for the building. This would be the main signage element for this phase of the broader Vitruvian Park neighborhood, creating a focal point at the amenity and leasing center.

Mr. Goff stated the sign would not interfere with the sidewalk width. The sign is specific to the location and approved only for that location. The sign is 42 feet tall from base with backlit panels which can change color within the sign ordinance guidelines.

Deputy Mayor Pro Tempore Hughes moved to approve Item # 13 as submitted. Councilmember Angell seconded the motion. The vote was cast 7-0 in favor of the motion.

---

6. Consider Approval Of The **February 20, 2017 Special Worksession Minutes And The February 28, 2017 Regular Meeting Minutes.**

---

7. Consider Action On A **Resolution To Approve A Performance Contract Between The Town Of Addison And Vanilla Ice For The Personal Services Of Musicians And To Authorize The City Manager To Execute The Contract In An Amount Not To Exceed $35,000.**

---

8. Consider Action On A **Resolution To Approve A Performance Contract Between The Town Of Addison And Granger Smith For The Personal Services Of Musicians And To Authorize The City Manager To Execute The Contract In An Amount Not To Exceed $45,000.**

---

9. Consider Action On A **Resolution To Approve A Performance Contract Between The Town Of Addison And Gary Allan For The Personal Services Of Musicians And To Authorize The City Manager To Execute The Contract In An Amount Not To Exceed $160,000.**

---

10. Consider Action On A **Resolution To Support House Bill 1427 Which Amends Section 41.005 Of The Texas Utilities Code To Clarify That A Municipality May Regulate The Operations Of An Electric Cooperative Through The City's Zoning Ordinance Which Is A Permissible Public Health, Safety, Or Welfare Regulation.**

---

11. Consider Action On A **Resolution To Approve The 2016 Addison Water Master Plan.**

---

12. Consider Action On The **Purchase Of Traffic Signal Controllers, Traffic Signal Lights, And Traffic Signal Backup Batteries, And Associated Components; Renewal Of Traffic Signal Software; And An Agreement For The Maintenance And Testing Of The Back-Up Battery System In An Amount Not To Exceed $79,655**.

---

13. Consider Action On An **Ordinance Amending Chapter 62, Signs, Of The Code Of Ordinances By Amending Article VI, Special Districts, Section 62-289 (g), Vitruvian Park, To Allow For A Pylon Sign As Part Of The Vitruvian West Multi-Family Development At 3737 Vitruvian Way.**

---

Regular Items

---

14. Present, Discuss And Consider Action On An **Ordinance Appointing Thaddeus A. Iwuji As Alternate Municipal Judge Of The Addison Municipal Court Of Record No. 1 And Approving A Compensation Agreement To Perform Services As Alternate Municipal Judge And Administer Oath Of Office.**

    Councilmember Angell moved to approve Item # 14 as submitted. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

    Mayor Meier then administered the Oath of Office to Judge Iwuji.

---

15. Present, Discuss And Consider Action On Acceptance Of The **Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR)**.

Chief Financial Officer Olivia Riley introduced Kevin Kemp from BKD, LLP, the audit firm who conducted the Fiscal Year 2016 audit for the Town of Addison. Mr. Kemp stated the goal of the independent audit is to provide reasonable assurance that the financial statements of the Town are free of material misstatement. In addition to providing an overview of the Town of Addison CAFR for fiscal year 2016, Mr. Kemp presented the audit report and opinion on the Town's financial statements. Mr. Kemp stated BKD has issued an unmodified opinion, which means that financial statements are presented, in all material respects, in accordance with applicable financial reporting framework. An unmodified opinion is a clean opinion.

Deputy Mayor Pro Tempore Hughes stated bottom line was that the "clean, unmodified opinion" is the best. Mr. Kemp stated from an audit standpoint there isn't anything better.

Mayor Meier thanked the consultant and staff for the hard work. Mayor Meier also thanked City Manager Pierson for keeping the internal control in place and holding staff to those standards.

(Council moved on to Item #16. Mr. Pierson brought Item #15 back to Council's attention for an approval motion after discussing Item #16.)

Deputy Mayor Pro Tempore Hughes moved to accept the CAFR as submitted. Councilmember Wilcox seconded the motion. The vote was cast 7-0 in favor of the motion.

---

16. Present And Discuss The **Finance Department Quarterly Financial Report Of The Town For The Quarter Ended December 31, 2016.**

Chief Financial Officer Olivia Riley presented the item to Council. Ms. Riley gave the following highlights for the report to Council. Overall General Fund revenues are up more than 7.0% compared to the prior year, Sales tax collections are up approximately 9.3% compared to the prior year and expenditures for the various departments are in line with projections. General Fund transfers are higher due to budgeted transfers to the Infrastructure and Economic Development funds. Hotel Occupancy Tax revenues are about 2% lower than last year, however expenditures remain in line with projections. Utility Fund revenues are down slightly by 1.7% compared to the prior year, while expenses are higher than last year due to increase in scheduled transfers to Infrastructure and Addison Groves Funds. Storm Water revenues are up slightly by 3.7%

compared to the prior year, while expenses are higher due to start of construction projects.

Deputy Mayor Pro Tempore Hughes asked if staffing levels were sufficient.

City Manager Wes Pierson stated staffing was always a moving target. Mr. Pierson stated the numbers in the report have not changed significantly.

Councilmember Wilcox asked about the status of hiring in the Police and Fire Departments. Mr. Pierson stated both departments are closer to being fully staffed.

Mayor Meier stated he would like to bring the Council's attention to the hotel tax collection breakdown on page 15 of the report. Mayor Meier stated all the hotels look to be in line with the exception of Budget Suites. Mayor Meier stated the disparity between the rooms at the extended stay hotel and the amount of tax collected is evident on every report every quarter. He stated he would hope that issue would be rectified soon to show the Town collecting the proper amount of hotel tax for that location.

Council thanked staff for the hard work on the quarterly report.

---

17. Receive An **Update From Staff On Environmental Documents Obtained By The Town Of Addison Relating To 5015 Spectrum Drive.**

Assistant Director of Development Services Charles Goff presented the information to Council. Mr Goff went over the history of the properties, listed throughout the documents as Tract 1 ( Former Ashland Chemical Plant), Tract 2 (5015 Spectrum Drive) and Tract 3 (Town of Addison Right of Way). The Ashland Chemical plant was located on what is today the southwest corner of Quorum Drive and Edwin Lewis Drive. Currently a Springhill Suites hotel is located on the west half of Tract 1 and the eastern half is currently vacant.

Mr. Goff gave the history of the TCEQ paperwork received.

In 1998, TCEQ gave a final certificate of completion through the Voluntary Clean Up Program (VCP) for the property. In 2017 Town staff at the request of Deputy Mayor Pro Tempore Hughes requested and received the Phase II Environmental Site Assessment and the Affected Property Assessment Report from TCEQ that was used to make the land use determination under the

VCP.

In 1998 a remedial action report completed by Woodward-Clyde showed the Ashland property (tract 1), 5015 Spectrum Drive (tract 2) and the Town of Addison right of way (tract 3) entered into the VCP. This clean up included the removal of 1300 cubic yards of soil on tract 1. Potential contamination of the groundwater migrated from tract 1 was identified on tracts 2 & 3. A certificate of completion was given in 2001 with the prohibition of residential use and prohibition on exposure to and use of groundwater without pre-approval from the state.

In 2014, W&M Environmental Group completed a Limited Phase II Environmental Site Assessment for tract 2 (5015 Spectrum Drive). This assessment included 10 shallow drilled borings, 3 groundwater monitoring wells, yield testing and collecting of soil and groundwater samples. The assessment showed the presence of contaminents of concern including RCRA 8 metals, total petroleum hydrocarbons and volatile organic compounds but concluded that the levels were below the protective concentration levels and residential assessment levels. This means that the presence of these contaminants of concern were so low that they did not pose a risk to public health or safety. TCEQ issued a certificate of completion based on the results of the assessment and determined the tract was acceptable for residential land use.

Mr. Goff completed his presentation and offered to answer questions.

Deputy Mayor Pro Tempore Hughes asked if the Voluntary Clean Up Program was considered a benchmark program. Mr. Pierson stated it was a model program for the United States.

Mayor Meier asked if the property at 5015 Spectrum had undergone a Phase II testing in 1994. Mr. Pierson stated no.

Mayor Meier asked questions regarding the testing on 5015 Spectrum Drive since 2014. Mr. Pierson stated staff was not aware of testing done after 2014. Mayor Meier asked if remediation had been completed at 5015 Spectrum Drive. Mr. Pierson stated it was not done as it was not required by TCEQ. Mayor Meier asked if a Phase I or Phase II Environmental Site Assessment had been conducted by AMLI. Mr. Pierson stated staff did not know. The assessment done in 2014 was done by the property owner. Mayor Meier asked if testing has been completed since 2014 on the tract 3 or the Town of Addison right of way. Mr. Pierson stated not to the staff's knowledge.

Mayor Meier then had a presentation of the timeline for the 5015 Spectrum property in relation to AMLI rezoning.

Deputy Mayor Pro Tempore Hughes asked a question regarding the prohibition of residential in the first certificate of completion. Mr. Pierson stated the VCP protects third parties from environmental liability from the State of Texas. The VCP gives the applicant the ability to chose what level of use to pursue. The highest level of use is residential. In 2014, the property owner sought and was granted certification from TCEQ that the property was acceptable for residential use.

Deputy Mayor Pro Tempore Hughes asked if it was a fair conclusion that the second assessment was done at the direction of the former owner. Mr. Pierson stated the consultant was hired by the land owner who turned the assessment findings over to the TCEQ who would then make the determination on the approval for residential.

Councilmember Walden asked Mr. Pierson if TCEQ would do the testing. Mr. Pierson stated that not that he knew of. He stated the TCEQ would review the assessments conducted by the VCP applicant's consultant.

Mayor Meier stated he wanted to make a motion. Mayor Pro Tempore Arfsten stated the item was not posted for action. City Attorney Brenda McDonald stated the Council could direct staff but no formal motion could be made due to the posting language.

Mayor Meier stated he would recommend the following:

" Seek a legal and environmental expert review of all documentation and information to assure us that the sites named in the reports are safe for current intended use. The review should include but not be limited to:

1. A review of all documents now in possession or reasonable attainable related to the recently rezone residential site at 5015 Spectrum Drive to determine if any new testing is needed related to:

   A. previous testing that has been performed outside a date range of reliability.
   B. to determine if any vapor intrusion has occurred and if so to what extent.
   C. to determine safety to neighbors during the course of any construction on site with respect to groundwater contamination or airborne risk analysis.

2. Review and determination as to need of necessity of any

environmental testing or analysis or application to TCEQ to provide clearance for future development at the site currently owned by Addison in the area.

3. Determine if the former Ashland Chemical site identified as tract 1 in the Phase II report from W&M Environmental Group dated February 19, 2014 has been sufficiently remediated to ensure no other properties in the area are affected by leaching of chemicals or groundwater dispersal from previous Ashland Chemical site."

Councilmember Duffy stated he didn't see the need for the recommendation. Councilmember Duffy stated the Town has all the approvals needed from TCEQ.

Mr. Pierson stated the assessment of the Town property will come soon as it will be necessary with the upcoming Cotton Belt projects.

Mayor Meier stated he would like to see an item on the March 28 meeting to consider action on the recommendation.

Mayor Meier presented a video he wanted to show of responses from the AMLI representatives from the February 14, 2017 meeting. Mayor Pro Tempore Arfsten stated he felt showing the video was inappropriate because the public could view the video from that meeting on their own time.

Council recessed the meeting for a break at 9:10 pm.

Council reconvened into the meeting at 9:18 pm.

Mayor Meier asked for the video to be played. Mayor Pro Tempore Arfsten again stated his disagreement in showing the video. Councilmembers Walden and Duffy agreed.

Councilmember Duffy moved to not allow the video to be played. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 4-3 in favor of the motion. Mayor Meier, Deputy Mayor Pro Tempore Hughes and Councilmember Wilcox against the motion.

Council discussed the need to bring an action item back on the March 28 meeting for the recommendation provided by Mayor Meier. The City Attorney will craft an item for discussion and action for the March 28 meeting agenda.

---

18. Discussion And Possible Action Regarding A Review Of **The Current Transparency Policy And Practice.**

Councilmember Duffy stated he would like to table Items #18 & 19 until further information can be provided by the Mayor for the items. Councilmember Duffy stated he felt more information should be given to the Council so all members can be fully ready for discussion of the items.

Councilmember Duffy moved to table Items # 18 & 19 until additional background information can be provided for each item. Mayor Pro Tempore Arfsten seconded the motion. The vote was cast 6-1 in favor of the motion. Mayor Meier voted against.

---

19. Discussion And Possible Action Regarding A Review Of **Current Council Ethics Guidelines And The Need For Process And Sanctions.**

Item #19 was tabled and direction given as stated above in Item #18.

---

Adjourn 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.

---

______________________________
Mayor-Todd Meier

Attest:

______________________________
City Secretary-Laura Bell