

# DRAFT

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

August 8, 2017

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

5:00 PM Executive Session

5:30 PM Work Session

7:30 PM Regular Meeting

Present: Mayor Chow; Mayor Pro Tempore Hughes; Deputy Mayor Pro Tempore Duffy; Councilmember Braun; Councilmember Walden; Councilmember Ward

Absent: Councilmember Angell

### 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:

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

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

Council convened into Executive Session at 5:04 pm.

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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 6:15 pm.

No action on the ponds at Vitruvian item.

Mayor Pro Tempore Hughes moved to authorize the City Manager to sign the lease amendment with AJC as discussed in Executive Session. Councilmember Braun seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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## **WORK SESSION**

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3. Present and Discuss **Texas Local Government Code Chapter 284: Deployment Of Network Nodes In Public Right-of-Way And The Town's Response.**

Assistant Director Charles Goff presented the item to Council. Mr. Goff stated during the 2017 Regular Legislative Session, the Texas Legislature passed Senate Bill 1004. This bill created Chapter 284 in the Texas Local Government Code to regulate the placement of wireless network infrastructure within public rights-of-way. Chapter 284 allows wireless network providers such as AT&T, Verizon and Sprint to place cellular network antennas (known as network nodes), support poles and other related infrastructure in the right-of-way and on municipal streetlight and signal poles with little municipal oversight or regulation. This infrastructure is allowed in all rights-of-way except along certain residential streets and municipal parks.

The Town would be limited in restricting the placement or camouflaging of this infrastructure unless the areas are designated as described in the new legislation as an undergrounding district or a design district.

Chapter 284 also limits the fees that cities may charge wireless network providers, and requires cities to review and consider applications within certain time frames.

Mr. Goff presented an overview of Chapter 284 and discussed steps

the Town may consider in response to these regulatory changes. Mr. Goff also discussed other steps that the Town could take to regulate the placement and appearance of this infrastructure in certain areas. The new guidelines go into affect on September 1, 2017 so staff wishes to get the Council direction into policy before then to help alleviate any issues with current codes that may arise from the new legislation.

Council agreed to be as aggressive as possible in regards to restricting where the nodes could be placed within the Town. Council agreed that the underground districts and design districts would be areas they wanted to restrict the placement in accordance with the new guidelines created in Chapter 284.

Council requested staff update the map with color coding for the areas now discussed as those to include in the restricted sections. Council directed staff to look into the parks as a design district due to decorative poles in those areas.

Staff will bring an ordinance back to Council at the next meeting for discussion and possible approval.

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4. Present And Discuss **The Boards & Commission Application And Appointment Process.**

City Secretary Laura Bell presented the item to Council. Ms. Bell stated the summer of each year is designated as the time period to accept applications for the upcoming Boards and Commissions terms set to expire on December 31, 2017. The process was changed in early 2016 to move terms for P&Z and BZA members to run concurrently with the Councilmember or Mayor who appointed them. Terms begin on January 1 of each year and run for 2 years. Ms. Bell stated this year the process would include those wishing to be appointed to the Community Partners Bureau.

Ms. Bell stated the applications would go live online within a couple of days following the meeting. The deadline will be in October. Council will then discuss the appointments at the next available meeting and then appoint new members or reappoint members at the following meeting. This schedule would allow for an orientation done by the City Attorney and staff. Any new members would be sworn in and ready to attend their first meeting in January.

Ms. Bell reviewed the appointments that were up for applications this term.

Council thanked her for the presentation.

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5. Present And Discuss **Revisions To City Council Procedures.**

Due to a time constraint, this item was tabled to the next Council meeting.

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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.

Sheila Barkofske, 4130 Proton, spoke regarding the DART Meetings and Town presence at those meetings.

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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 Chow asked to pull item #7 for separate consideration.  
Deputy Mayor Pro Tempore Duffy asked to pull item #18 for separate consideration.

Item # 7 (Minutes): Mayor Chow stated he agreed with the amendments to the June 29, 2017 minutes as provided by the City Secretary. Mayor Pro Tempore Hughes moved to approve Item

#7 as amended. Councilmember Ward seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

Item #18 (Fence Construction): Deputy Mayor Pro Tempore Duffy stated he pulled the item to discuss the cost for this project. He asked if staff knew why the engineering estimate was considerably lower than the bids collected. Director of Infrastructure and Development Lisa Pyles stated the construction business was booming right now and this was driving up prices. With this project, there are risks and restrictions that come with working on airport property. Brandon Beville, Garver representative, stated they (as the engineering consultant) considered utilizing the opportunity to use the buying conglomerates the Town has access to but the project amount would exceed those agreements. He stated the estimation process used for this project included calling contractors currently working with other projects on airports and taking in all variables and costs given by those contractors they come up with a number for the project. Staff offered to re-bid the item if needed. Deputy Pro Tempore Duffy stated he just wanted to bring attention to discrepancy.

Deputy Mayor Pro Tempore Duffy moved to approve Item #18 as submitted. Mayor Pro Tempore Hughes seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

Mayor Pro Tempore Hughes moved to approve Items #8-17 as submitted. Councilmember Ward seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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7. Consider Approval Of The **Minutes For The June 29, 2017 Special Meeting And The July 11, 2017 Regular Meeting.**

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  8. Consider Action On A **Resolution To Adopt The Town Of Addison's Strategic Planning Pillars And Milestones For Fiscal Year 2018.**

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  9. Consider Action On A **Resolution To Amend The Community Partners Bureau Policy To Provide For Three Year Terms With An Option For An Additional Year And To Appoint Members To The Community Partners Bureau.**
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10. Consider Action On A **Resolution Appointing A Member To Fill An Unexpired Term On The Board Of Zoning Adjustment.**

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11. Consider Action On A **Resolution To Adopt An Interlocal Cooperative Agreement With The City of Dallas For Library Services And Authorize The City Manager To Execute The Agreement.**

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12. Consider Action On A **Resolution To Approve A Proposal For The Naming Rights To The Addison Theatre Centre Lobby.**

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13. Consider Action On **A Resolution To Approve A Contract With Fugro Roadware, Inc. For Street Asset Management Services And Authorize The City Manager To Execute The Agreement For Phase II** In An Amount Not To Exceed \$33,454.

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14. Consider Action On A **Resolution To Approve A Contract With Action Commercial Services LLC, For The 2017 Annual Street Pavement Markings Project And Authorize The City Manager To Execute The Agreement** In An Amount Not To Exceed \$71,346.

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15. Consider Action On **A Resolution To Approve A Contract With Half Associates For The Design And Related Services For The Sherlock Drive Storm Drain Improvements Project And Authorize The City Manager To Execute The Agreement** In An Amount Not To Exceed \$153,250.

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16. Consider Action On A **Resolution To Remove Scott Neils And Cheryl Delaney And Appoint Olivia Riley And Ashley Mitchell To The Board Of Directors Of The North Dallas County Water Supply Corporation And Affirming The Appointment Of Lisa Pyles.**

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17. Consider Action To Approve The Award Of A **Contract For The Buildings, Pavement, And Utility Demolition On The Southeast Quadrant Of Addison Airport To Tactical Demolition, LLC And Authorize The City Manager To Execute The Agreement** In An Amount Not To Exceed \$111,253.

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18. Consider Action On A **Resolution To Approve A Contract With A-1 American Fencing For The Construction Of A Fence Around The Development Site At The Addison Airport Southeast Quadrant And Authorize The City Manager To Execute The Agreement In An Amount Not To Exceed \$60,590.**

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Regular Items

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19. Present, Discuss, And Consider Action On A **Resolution To Establish A Potential Maximum Property Tax Rate Of 0.57 Cents Per \$100 Of Property Valuation For The Town's Fiscal Year Beginning October 1, 2017 And Ending September 30, 2018, And To Designate Dates For Public Hearings Regarding The Proposed Budget And Proposed Tax Rate For The 2017-2018 Fiscal Year.**

Chief Financial Officer Olivia Riley presented the item to Council. Ms. Riley stated the City Manager's proposed budget assumes a property tax rate of \$0.550000, which exceeds the effective tax rate but is lower than the Fiscal Year 2018 rollback rate and Fiscal Year 2017 adopted rate. Should the Council consider a rate higher than the effective rate, the Truth-in-Taxation law requires a vote of record, publication of the result of the vote of record and two public hearings.

The tax rate public hearings are scheduled for August 29, 2017 and September 5, 2017 at a meeting of the City Council commencing at 6:00 pm in Council Chambers. The final vote on the tax rate and adoption of the budget will be on September 13, 2017 at a meeting of the City Council commencing at 7:30 pm in Council Chambers.

Councilmember Walden moved to approve Item #19 as submitted. Deputy Mayor Pro Tempore Duffy seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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20. Present, Discuss, And Consider Action To Approve The **Location For Two (2) Kinetic Butterfly Sculptures Within The Right-Of-Way On The Southeast Corner Of Spring Valley Road And Vitruvian Way.**

Mr. Jay Ihrig and Ms. Barbara Pappas from the Addison Arbor Foundation presented the item to Council. Mr. Ihrig stated the Addison Arbor Foundation has negotiated with sculptor David Hickman for the purchase of three (3) kinetic butterfly sculptures, approximately 16' tall. Mr. Ihrig stated the Foundation has funds to acquire and install two butterfly sculptures and are pursuing donations to install a possible third butterfly sculpture. They would like to install these sculptures within the right-of-way on the southeast corner of Spring Valley Road and Vitruvian Way. The Parks Department has coordinated with Infrastructure and Development Services department to ensure that there are no known conflicts with future development or existing utilities. proposed sculptures.

Council discussed the location of the sculpture, how many pieces of art the Addison Arbor Foundation has placed in Addison, costs associated with the placement of the sculptures and a timeline for the project.

Councilmember Walden moved to amend the number of butterfly sculptures to 3 and approve the placement of the sculptures as proposed by the Addison Arbor Foundation. Mayor Pro Tempore Hughes seconded the motion. The vote was cast 6-0 in favor of the item. Councilmember Angell was absent.

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21. Present And Discuss **The Development Of A Financial Plan And Rate Model For Water And Sewer Utility Rates For The Town's Use With Raftelis Financial Consultants, Inc. (RFC).**

Chief Financial Officer Olivia Riley introduced Rocky Craley with Raftelis Financial Consultants, Inc. who presented the information regarding the project to Council.

Mr. Craley presented the item to Council. Mr. Craley reviewed the process the consultants will go through to look at the development of a financial plan and creating a rate model for water and sewer utility rates for the Town.

Council thanked Mr. Craley for the presentation and stated they look forward to hearing the information his team brings forward.

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22. **Hold A Public Hearing, Discuss, And Consider Action To Approve An Ordinance Rezoning The Property Located At 5100 Belt Line Road, Suite 610, In Village On The Parkway, Which Is Zoned Planned Development District O12-001, By Approving A Special Use Permit For A Restaurant.** Case 1759-SUP/Creamistry

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated the SUP was for a new ice cream establishment coming to the Village on the Parkway area. Mr. Goff stated the Planning and Zoning Commission, met on July 18, 2017 and voted to recommend approval of an ordinance rezoning the property located at 5100 Belt Line Road, Suite 610, by approving a Special Use Permit for a restaurant, subject to no conditions.

Councilmember Braun asked if the plans allowed for a patio at the location. Mr. Goff stated the site plans did not include a patio and if the applicant wished to add one, they would have to come back for approval.

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

Councilmember Braun moved to approve Item #22 as submitted. Councilmember Walden seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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23. **Hold A Public Hearing, Discuss, And Consider Action To Approve An Ordinance Rezoning The Property Located At 14131 Midway Road, Suite 116, A Ground Floor Retail Space At The Base Of The Greenhill Towers, Which Is Zoned Planned Development District O84-092, By Approving A Special Use Permit For A Restaurant.** Case 1760-SUP/84 Point Coffee

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated this location is a ground floor retail space at the base of the Greenhill Towers between Spring Valley Road and Hornet Road on the west side of Midway Road. The property is zoned as Planned Development O84-092, which allows for office, restaurant, and retail uses. 84 Point Coffee is a coffee shop associated with the Ascension brand, which has three locations in downtown Dallas. The shop is currently open. Under Addison's zoning requirements an office development can have a deli or coffee shop. A Special Use Permit is only required if the

business wants to be open to the broader public. 84 Point Coffee has indicated a desire to do so, and therefore is coming through the zoning process for approval. Mr. Goff stated the Planning & Zoning Commission met on July 18, 2017 and voted to recommend approval of an ordinance rezoning the property located at 14131 Midway Road, Suite 116, by approving a Special Use Permit for a restaurant, subject to no conditions.

Councilmember Walden asked if anyone could walk into the coffee shop and buy something there now.

Mr. Goff stated yes that was the case. However, the establishment wished to advertise and that is the trigger to require an SUP for the location.

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

Mayor Pro Tempore Hughes moved to approve Item #23 as submitted. Deputy Mayor Pro Tempore Duffy seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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24. **Hold A Public Hearing, Discuss, And Consider Action To Approve An Ordinance Rezoning The Property Located At 5290 Belt Line Road, Suite 122A, Within The Prestonwood Place Shopping Center, Which Is Zoned As A Local Retail District Through Ordinance 385, By Approving A Special Use Permit For A Commercial Amusement And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only.**  
Case 1761-SUP/Pinot's Palette

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated the applicant has requested a Special Use Permit under the commercial amusement category for a paint and sip concept called Pinot's Palette. The concept is comparable to other paint and sip concepts, like Painting with a Twist, where people pay to attend painting classes. Pinot's Palette has many locations nationwide, including 20 in Texas. The applicant is requesting a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only. The applicant is proposing to occupy 2,412 square feet in a leased space between Sunstone Yoga and the Castle Nail Spa. The space would have two classrooms with seating for 72 guests total. Mr. Goff stated the

Planning & Zoning Commission met on July 18, 2017 and voted to recommend approval of an ordinance rezoning the property located at 5290 Belt Line Road, Suite 122A, by approving a Special Use Permit for a form of commercial amusement and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions.

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

Councilmember Ward moved to approve Item #24 as submitted. Councilmember Walden seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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25. **Hold A Public Hearing, Discuss, And Consider Action To Approve An Ordinance Rezoning The Property Located At 17311 Dallas Parkway (The MYCON Building), Just South Of The City Limit Line With Dallas And Directly North Of The Methodist Hospital Property, Which Is Zoned As A Local Retail District Through Ordinance 269, By Granting A Zoning Change From Local Retail To Commercial-1.** Case 1762-Z/17311 Dallas Parkway

Assistant Director of Development Services Charles Goff presented the item to Council. Mr. Goff stated the property located at 17311 Dallas Parkway occupies 1.96 acres. Originally constructed in 1979, this 3-story office building totals 50,726 square feet. MYCON General Contractors recently purchased the property and conducted an extensive renovation of the interior, exterior, and landscaping. The property is currently zoned LR, Local Retail, which allows for office buildings. The property is bordered by the city limit line with Dallas to the north, Addison Road to the west, Dallas Parkway to the east, and the Methodist Hospital property to the south. Mr. Goff stated the property owner uses a portion of the building for its own office. However, the owner would like the flexibility to lease space within the building to medical and dental uses. These uses are not permitted within the LR district. Therefore, the property owner is requesting that the property be rezoned to the Commercial-1 district, which allows for such uses. Mr. Goff stated the Planning & Zoning Commission met on July 18, 2017 and voted to recommend approval of an ordinance rezoning the property located at 17311 Dallas Parkway, from LR, Local Retail, to C-1, Commercial-1, to allow medical and dental uses within the building, subject to no conditions.

Councilmember Braun stated for the record that he and the applicant use to be partners in the past, many years ago. He would abstain from voting due to the appearance of a conflict of interest.

Mayor Pro Tempore Hughes stated the conversation about appropriate places for the medical and dental uses would usually be a part of the discussion for similar requests to this one. He stated, however, the location of this building in close proximity to the hospital, is a different circumstance for this request. Mayor Pro Tempore Hughes stated he felt the extended uses were appropriate at this location.

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

Deputy Mayor Pro Tempore Duffy moved to approve Item #25 as submitted. Councilmember Ward seconded the motion. The vote was cast 5-0-1 in favor of the motion. Councilmember Braun abstained. Councilmember Angell was absent.

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26. Present, Discuss, And Consider Action Regarding **Sponsorship Of Addison Residents And/Or Employees For The 29th Class Of Leadership Metrocrest.**

Assistant to the City Manager Caitlan Biggs presented the item to Council. Ms. Biggs stated yearly the Town has an opportunity to send employee and/or interested citizens to the Metrocrest Leadership Academy. The Town will pay the full tuition for the employee and based on the prior service to the Town of the citizen, a portion of the tuition can be covered by the Town also.

The proposed list as presented was employees Michael Kashuba, David Jones and Crystall Cho and residents Marlin Willesen and Lesli Gray.

Mayor Pro Tempore Hughes moved to approve the proposed list of employees and residents as presented by staff for the 2017-2018 Class of Metrocrest Leadership Academy. Councilmember Braun seconded the motion. The vote was cast 6-0 in favor of the motion. Councilmember Angell was absent.

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27. Present, Discuss, And Consider Action On **A Council Member's Ability To Use Title And Official Position For Fundraising Purposes.**

**Councilmember Angell entered the meeting at 8:40 pm.**

City Manager Wes Pierson stated Council Member Tom Braun and Mayor Pro Tempore Ivan Hughes have requested this item be placed on the agenda to discuss and determine a Council Member's ability to use his or her title for fundraising purposes. Currently, Council Member Braun serves as one of two Education liaisons for the Town of Addison. He would like to use his official position as Council Member to assist in fundraising efforts to continue the current display honoring George Herbert Walker Bush at George Herbert Walker Bush Elementary School located at 3939 Spring Valley Road, Addison, TX 75001.

Councilmember Braun stated he was interested in doing fundraising for the George H.W. Bush Elementary School to allow for display cases to honor George H.W. Bush. Councilmember Braun stated he participated in the construction and initial round of fundraising for the school when he was on Council in the past. He would like to use his title to help raise funds for the second phase of the school display cases honoring the former President.

Council discussed the possibility for all members to help raise funds for the display cases at the elementary school.

Councilmember Walden moved to support Councilmember Brauns' desire to use the title as City Councilmember for the Town of Addison to help facilitate any fundraising efforts on behalf of George H.W. Bush Elementary School. Deputy Mayor Pro Tempore Duffy seconded the motion. The vote was cast 7-0 in favor of the motion.

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28. Present, Discuss And Consider Action On **An Update Of Recent Activity Relating To The Dallas Area Rapid Transit (DART) Board Of Directors And How The Town Might Communicate And Promote Addison's DART Priorities Regarding The Cotton Belt.**

City Manager Wes Pierson presented the item to Council. Mr. Pierson gave a brief update on the recent developments concerning the DART Board and the Cotton Belt Project.

Mr. Pierson stated the Mayors and City Managers of the suburban

DART cities met with himself and Mayor Chow along with Gary Thomas, CEO regarding the next steps for the Cotton Belt Project. Mr. Pierson stated the meeting was very informative and positive for the attendees. The group discussed the collective position as suburban cities and where each city stood in relation to the Cotton Belt Project, the D2 project and supporting DART as a regional entity. Mr. Pierson stated there was a unanimous support for DART to maintain a regional focus, a unanimous support from the suburban cities for both the Cotton Belt project and the D2 project and the fact that the cities agreed the two projects could not be separated or DART would cease to be a regional entity. Mr. Pierson stated the suburban DART cities agreed to act as necessary and to show a unified front for the Cotton Belt and D2 projects.

Mr. Pierson stated the DART Meeting on September 12 & September 26 are on the same evenings as the Town's regular Council meetings. In order to allow Council, staff and concerned citizens to attend the DART meetings, the Council meetings in September have been moved to September 13 and September 28. The meeting on the 28th may change dates if needed.

Mr. Pierson stated Deputy City Manager Ashley Mitchell attended the DART committee meeting held earlier in the day and reported back any pertinent information regarding the funding of the Cotton Belt Project.

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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-Joe Chow

Attest:

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City Secretary-Laura Bell