

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

December 12, 2017

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254
5:00 p.m. Executive Session & Work Session | 7:30 Regular Meeting

Present: Mayor Joe Chow; Mayor Pro Tempore Ivan Hughes; Deputy Mayor Pro Tempore Jim Duffy; Councilmember Al Angell; Councilmember Tom Braun; Councilmember Paul Walden; Councilmember Lori Ward

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:

Town of Addison v. Landmark Structures, L.P., Urban Green Energy, Freese and Nichols, Inc. v. SWG Energy, Inc. - Cause No. DC-15-07691 44th Judicial Court, Dallas County

4800 Airport Parkway

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:

City Manager Evaluation

Executive Session convened at 5:07 p.m.

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.

Open Session Reconvened at 6:53 p.m. with no action taken regarding the

above Executive Session items.

WORK SESSION

Work Session began at 6:59 p.m.

3. Present and Discuss Next Steps for the Addison Circle Park Interactive Display Fountain.

Parks Director Michael Kashuba briefed the Council on the background of this item. In December 2015 staff discovered that the the water level in the basin of the interactive display was low. A fountain maintenance contractor and the original fountain installer assessed the issue and discovered that there are multiple breaks in the underground piping and missing grout in the plaza contributing to water loss.

Janna Tidwell, Assistant Director of Parks, presented slides showing the issues with the fountain. She identified other issues that include cracked limestone bands in the paving that present safety issues and aesthetic concerns, and some lighting fixtures in the paving that have settled or are non-functional. Three solutions were presented. Option 1 is to remove the fountain at a cost of approximately \$175,000. Option 2 includes two parts: Option 2a is to restore the fountain (\$350,000) and Option 2b includes the restoration (Option 2a) and to modernize the fountain. This includes upgrading the lighting to color RGB LED lights, relocating the limestone blocks to improve pedestrian paths, re-paving the plaza in the fountain area, repairing the retaining wall and setting up zoned spray areas. The cost for Option 2a and 2b is approximately \$475,000. Option 3 includes the repairs and modernization of Option 2 plus it includes upgraded spray features with crowd controlled technology. Option 3 cost is approximately \$675,000. Ms. Tidwell noted that there are only a few fountains of this type in operation, and that it is available from a sole source provider. It is anticipated that funding for the project would come from Hotel Occupancy Tax proceeds. Direction from Council was requested.

Following considerable discussion by Council, City Manager Wes Pierson stated that staff will perform a cost/benefit analysis on options 2b and 3 and bring that information back to the Council.

4. Present and Discuss **Fundamentals of Municipal Debt.**

At 7:37 p.m. City Manager Wes Pierson suggested to Council that this item be tabled to a future meeting. The Mayor agreed and then tabled the item.

5. Present and Discuss the **Use of Artificial Turf Within Required Landscape Areas, per the Town's Ordinance.**

Assistant Parks Director Janna Tidwell gave a brief background of this item. The Town's Urban Center Zoning has minimum front yard and streetscape requirements that apply to and were met by Meridian Square Townhomes. The Town's landscape ordinance requires the use of living plant material within required landscape areas. Meridian Square Homeowners Association installed artificial turf within the required front yard landscape area. The installation of artificial turf has put the property in non-compliance with the Town's Landscape Regulations. Several Council members asked staff to bring this item for discussion.

This item was brought forward at the October 24, 2017, Council meeting. During the discussion staff was asked to conduct further research on:

- The impact of artificial turf in other communities
- How other communities establish their ordinances
- Environmental impacts
- Aesthetics
- The long-term perspective impacts on homeowners related to the installation of artificial turf

Ms. Tidwell presented sample ordinances from six California cities. The ordinances included factors such as environmental impacts, aesthetics, locations, percentages allowable, and quality requirements. Comparative cities within the Metroplex area were surveyed. Environmental concerns include heat that is generated by a turf surface and storm water run-off. Ms. Tidwell provided slides of possible scenarios of percentages that might be considered if the ordinance is amended, however, she added that staff did not recommend making changes for the following reasons: 1) Does not meet the environmental objectives of Addison's landscape ordinance; 2) Requires modifications to the landscape ordinance; and 3) Would require continued staff oversight.

Four options were presented for Council consideration:

- 1) Not allow artificial turf in any front yard or within any required landscape areas.
- 2) No change to current ordinance.
- 3) Allow in all single family, duplex, townhome and townhome like properties.
- 4) Allow in all single family / duplex zoning, plus urban center townhome zoning with homeowner association oversight.

Pros and Cons of each option were presented. Ms. Tidwell added that the Town could possibly require property owners to be responsible for repairs of turf in right-of-ways of homes in the event of utility work.

During Council discussion it was suggested the Town implement a pilot program for Option 4 that would maintain the status quo and homeowner association (HOA) roles in the Meridian subdivision. City Manager Wes Pierson requested the city attorney prepare an amending ordinance to allow a pilot program that includes HOA agreements.

Work Session adjourned at 8:25 p.m.

REGULAR MEETING

Regular Session convened at 8:31 p.m.

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Mayor Chow recognized the Town's Oncor representative who is relocating to Corpus Christi and introduced the new representative.

Discussion of Events/Meetings

City Manager Wes Pierson told the Council that the finalized Budget Book has been provided and thanked staff for their work on it. He reminded Council that there will not be a second regular meeting in December; there is a special session on December 15th. Town offices will be closed on December 24th and 25th. Police and Fire departments are holding a toy collection for Santas Heroes until Friday December 15th. MPT Hughes thanked all who helped with the Vitruvian Lights run the previous week. He also recognized

Councilmember Duffy for participating in the rib eating contest at Soulman's BBQ over the weekend. He then announced that the winner of the contest was Addison Police Officer Andy Biggs. As a result, Soulman's BBQ donated \$1,000 to the Texas Fallen Officers Association.

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 requests to speak.

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.

7. Consider Action to Approve the **November 14, 2017 and the November 28, 2017 Regular City Council Meeting Minutes.**

8. Consider Action to Approve a **Resolution with Felix Construction Company, Inc., for the Rehabilitation of the 2.0 Million Gallon Surveyor Ground Storage Tank and Pipeline Improvements Project and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$2,511,711.

Motion to approve Consent items 7 and 8- Councilmember Walden; second by Councilmember Angell; motion passed with a vote of 7-0.

9. Consider Action to Approve a **Resolution Endorsing the Design of the Aerial Rail Crossing of Midway Road as Part of the Cotton Belt Regional Rail Project.**

This item was pulled from the Consent Agenda for separate discussion by MPT Hughes.

MPT Hughes advised that a resident had contacted him asking whether there should be single or double arches on the railway bridge. It was noted that DART has no position on the matter. Deputy City Manager Ashley Mitchell said that the width of the rail bridge should be about the same and the Wheeler Bridge and would still be visually "open" if there are two arches. Brief discussion followed.

Motion to amend the resolution to reflect our preference for two (2) arches if feasible and aesthetically compatible - MPT Hughes; second by Councilmember Ward; motion passed with a vote of 7-0.

Regular Items

10. Hold a Public Hearing, Discuss, and Consider Action on an **Ordinance to Approve the Development Plan for the Development of the Elan Addison Grove Project Including a Site Plan, Landscape Plan, Utility and Drainage Plan, Building Elevations and Floor Plans for 321 Multifamily Units, Including Amenities, as well as Ground Floor Retail Space, in an Existing Planned Development District (PD O16-003) Located on Approximately 4.194 Acres, Addressed at 4150 Belt Line Road.** Case 1767-Z/Elan Addison Grove.

Assistant Director of Development Services Charles Goff presented this item to the Council. He stated that the property in question was previously zoned as a Planned Development and the plan being presented is for a 4-story multi-family development. He reviewed the location and stated the plans comply with all requirements. The Addison Planning and Zoning Commission, meeting in regular session on November 21, 2017, voted to recommend approval of development plans for the Elan Addison Grove project including a site plan, landscape plan, utility and drainage plan, building elevations and floor plans for 321 multifamily units, including amenities, as well as ground floor retail space, in an existing Planned Development district (PD O16-003) located on approximately 4.194 acres, addressed at 4150 Belt Line Road, subject to no conditions. It was noted that the DART bus stop will need to be relocated.

Developer Andrew Ord made a detailed presentation of the elevations, site plan and overall concept to the Council. There was discussion regarding the types of stone and finishes for the exterior,

as well as apartment sizes and rents, retail areas and parking. MPT Hughes confirmed there will be no construction traffic on Beltway, and Magnolia Street would have no change.

Mayor Chow opened and closed the public hearing at 9:30 p.m. with no one wishing to speak.

Motion to approve- DMPT Duffy; second by MPT Hughes; motion passed with a vote of 7-0.

-
11. Hold a Public Hearing, Discuss, and Consider Action on an **Ordinance to Approve Changing the Zoning on Property Located at 15003 Inwood Road, Which the Property is Currently Zoned C-1, To a PD, Planned Development District, Allowing all C-1 Uses, plus Manufacturing and Assembly Uses, and Establishing Modified Development Standards.** PUBLIC HEARING Case 1766-Z/Fish Gallery

Assistant Director of Development Services Charles Goff presented this item. The property located at 15003 Inwood Road is currently a vacant one-story retail building of approximately 18,500 square feet, and was most recently occupied by Sigel's liquor store. The site is bordered by another single-story retail center to the south and a self-storage facility, consisting of several single-story buildings, to the north and west. The site is zoned Commercial-1, C-1, which allows for a variety of retail/showroom and office uses, but does not allow manufacturing or parts assembly. The site was developed in 1983 and is required to abide by the zoning requirements in place at that time. The current landscaping regulations were approved in 2008, meaning that this site, as it is today, is exempted from these regulations. However, the regulations state that they become applicable at such time a property is rezoned, including to a Planned Development district. The Fish Gallery is proposing to purchase this building and use a third of the space into retail/showroom and office space totaling approximately 6,300 square feet. Most of the building, 12,200 square feet, would be converted to manufacturing and aquarium assembly space, inclusive of a large oven for molding glass, a welding room, an acrylic sanding and polishing room, a build room with finishing tables, and a separate space with a variety of machinery. Manufacturing and parts assembly uses are considered industrial type uses and are currently only allowed in the Town's three Industrial districts. Development standards in the Industrial district are typically lower than those in the Town's other zoning districts and are

not in keeping with the Town's vision for this corridor. In working with the applicant, staff indicated that elevating the quality of development on this corridor was an important goal for the Town. Therefore, Fish Gallery is requesting to rezone the property to a Planned Development primarily to adjust the list of allowed uses to include manufacturing and parts assembly, as well as provide for modified standards. The applicant is proposing to re-purpose the existing single-story building for the proposed uses. The exterior facades of the building would be upgraded to add masonry. The site would also see increases in the amount of landscaping as well as the construction of sidewalks.

The plans show a future east-west street that staff, and subsequently the Planning and Zoning Commission, believed would have right-of-way land donated by the developer, The Planning and Zoning Commission approved this item on November 21, 2017 with the condition that the applicant increase the glazing on the building elevations fronting the street. Mr. Goff explained to Council the applicant has since indicated there was a misunderstanding regarding the street right-of-way, adding that he would sell but not donate the property to the Town. Several Council members expressed that this item should go back to the Planning and Zoning Commission for reconsideration based on this new information.

Mayor Chow opened the public hearing at 9:00 p.m. Upon further discussion of the Council the public hearing was not closed and the following motion made:

Motion to remand back to the Planning and Zoning Commission at its December 19, 2017 meeting and return to the Council to continue the public hearing on January 9, 2018 because the roadway was not discussed and the staff report indicated that the new road shown on the plans would be dedicated to the Town, with direction to the Planning and Zoning Commission that they consider accommodating the new road - MPT Hughes; second by Councilmember Braun; motion passed with a vote of 7-0.

-
12. Present, Discuss, and Consider Action on an **Ordinance Granting a Meritorious Exception for 7-Eleven, Located at 3710 Belt Line Road, from the Code of Ordinances, Chapter 62 Section 62-140. - Gasoline Signs in Order to Permit a Total Number of Signs Exceeding the Allowed Maximum.**

In 2015, the Town of Addison amended the Sign Code to allow for an increase in the size of gasoline price-per-gallon signs, from four square feet to twelve square feet, and to limit the number of signs by allowing one sign for every four pumps, up to a maximum of four signs total. Prior to this change, there was no limit on the number of signs that could be installed.

The 7-Eleven/ExxonMobil located on the southeast corner of Belt Line Road and Marsh Lane, at 3710 Belt Line Road, recently upgraded their gas station signage. This process started in March of 2017 and included discussions with staff and an early submittal of plans.

A component of the proposed changes included replacing the four existing manual changeable copy gasoline price-per-gallon signs with four new LED Price signs. Although gasoline price signs do not require permits, staff notified the sign contractor on three occasions during conversations about the other proposed signage that any new price signs would need to comply with Section 62-140.

In September, staff was on-site inspecting other signs that did require permits and observed the four new LED price signs. Since the property has twelve fuel pumps and Section 62-140 permits one sign for every four pumps, the the property is only permitted to have three signs. Staff issued a notice of violation indicating that one of the signs needs to be removed. The property owner is requesting a meritorious exception to be allowed to keep the fourth sign.

Sign Contractor Tommy Bell addressed the Council by saying that if required to remove one of the signs, he would remove the one that faces the store. He also stated that there must be an misunderstanding since the plans always showed four signs.

Motion to deny- DMPT Duffy; second by Councilmember Walden; motion passed with a vote of 7-0.

-
13. Present, Discuss, and Consider Action on a **Resolution to Appoint Members to the Addison Circle/Cotton Belt Special Area Study Advisory Committee.**

Charles Goff presented a list of DART Cotton Belt Area Focus Group members. It was noted that contact was not made with all on the list and with further discussion, Council advised staff to re-advertise for residents interested in being appointed to this new committee. Mayor Chow suggested that each Council member present one resident and

one business representative and limit the committee to 14 people.

[Applicants may also be interested in other committee opportunities.]

Motion to table this item- Councilmember Braun; second by Councilmember Angell; motion passed with a vote of 7-0.

-
14. Present, Discuss, and Consider Action on a **Resolution to Approve a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc. for the Belt Line Road Enhancements Master Plan (Belt Line Phase 1.5) and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$85,689.60.

Parks Director Michael Kashuba reviewed this item. He added that the proposed consultant was selected from three (3) respondents to the Request For Proposals. The original budgeted amount of \$250,000 included all of Belt Line and this agreement is for the segment from Marsh to Midway Road in the amount of \$85,689.60.

The focus for this project is on the following elements in this order:

- 1) Intersections
- 2) Bus Stops
- 3) Right-of-Way
- 4) Found Space

The project should begin in January and take 180 days to complete. MPT Hughes pointed out that there have been master plans conducted in the past that may be useful in the process, and that Council should apply a time limit. City Manager Pierson advised that an Implementation Plan will be prepared in the near future. Councilmember Walden inquired about an enhanced landscape plan for this area. Mr. Kashuba responded that this component will be addressed in the future, due to the extra right-of-way that would be identified and acquired as part of a Landscape Master Plan.

Motion to approve- Councilmember Walden; second by Councilmember Angell; motion passed with a vote of 7-0.

-
15. Present, Discuss, and Consider Action on a **Resolution to Approve a Professional Services Agreement with Moore Iacofano Goltsman, Inc. for the Parks, Recreation and Open Space Master Plan and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$125,000.

Parks Director Michael Kashuba presented this item. He added that this consultant was selected through a Request For Qualifications (RFQ) process. The start date for the project is December 2017 and is expected to be completed in September 2018; it will then be presented to Council for adoption.

The current Parks Master Plan was completed in May 2009 by Grant Development Services and adopted by Council on May 26, 2009. As part of the Fiscal Year (FY) 2018 budget process, Parks staff requested funds to update the Master Plan as it is nearing completion in its current form. Additionally, the updated master plan may be eligible for the 'Project Priority Scoring System' for Local Park Grants Program through Texas Parks & Wildlife.

Motion to approve- MPT Hughes; second by Councilmember Ward; motion passed with a vote of 7-0.

Meeting adjourned at 10:00 p.m.

Mayor-Joe Chow

Attest:

Interim City Secretary- Christie Wilson