

January 9, 2018

OFFICIAL ACTIONS OF THE TOWN OF ADDISON CITY COUNCIL

January 9, 2018

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

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:

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

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 Separation Agreement
City Attorney Evaluation
City Secretary Hiring Process**

Executive Session convened at 5:04 p.m.

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.

Open Session reconvened at 7:03 p.m. There was no action taken with the exception of the City Manager's Contract Amendment as follows:

Discuss and Consider Action on a **Resolution Approving a Second Amended Separation Agreement Between the Town of Addison and Wesley S. Pierson.**

[For clarification, in the event of Mr. Pierson's involuntary separation from the Town of Addison this amendment changes the language in his separation agreement regarding health insurance coverage. Specifically, it changes the coverage from Mr. Pierson solely to Mr. Pierson and his

dependents for the lesser of twelve months or until Mr. Pierson obtains other full-time employment and health insurance coverage for himself and his dependents through his new employer.]

Motion to approve as discussed in Executive Session- MPT Hughes; second by Councilmember Braun; motion passed with a vote of 7-0.

WORK SESSION

Work Session convened at 7:10 p.m.

3. Present, Discuss, and Consider Action on the **Appointment Processes for Boards, Commissions, and Committees.**

This item was not discussed during the Work Session. It was postponed and discussed following the regular items. Discussion began at 11:05 p.m.

Assistant Director of Development Services Charles Goff reviewed the appointment process for Planning and Zoning members and Board of Zoning Adjustment. He then stated that advisory committees vary in the number of people appointed. MPT Hughes stated that there has been a lot of interest in the DART committee and he would like to consider individual expertise when making appointments. He is concerned with the appointment process and would like to discuss these committee applicants in closed session. The city attorney advised that board members with decision making ability may be discussed in closed session but not council appointed committee members.

City Manager Pierson told the Council that the appointments pending are for Special Project Committees; they are temporary and a committee's role is to be supportive to the work of a consultant. Meetings will be open to the public but not recorded. Appointments will be made in a public meeting or a nominating committee can be created to make or review appointments. There needs to be clarity in what the committees are to achieve and on the number of people on each. Mayor Chow suggested each Council member should appoint a person to each committee. Following a brief discussion, Deputy City Manager Ashley Mitchell told the Council that a scope of each contract will be provided at the next meeting. It was noted that the most urgent committees to appoint are the Cotton Belt and the Parks Master Plan and that February is okay to do that.

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4. Present and Discuss **Proposed Updates to the Town of Addison's Parks and Recreation Ordinance Related to the Addison Athletic Club and Provide Information About Other Staff Initiatives Separate from the Ordinance.**

This item was not discussed. It was tabled to the next regular Council meeting. Mayor Chow stated however that he has been contacted by several college students about the \$8 fee charged each time they use the facility. He asked that the family coverage be extended to include children ages 18-23.

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5. Present and Discuss the **Council Calendar for January, February, March, April and May 2018.**

Interim City Secretary Christie Wilson asked the Council whether they would like to have a change to the meeting schedule during the month of March due to Spring Break. The Council's consensus was to move the first meeting in March from the second Tuesday to the first Tuesday, which is March 6, 2018.

For May, City Manager Pierson reminded the Council that typically the first meeting is canceled due to Council elections. A special session will need to be scheduled between May 8th and May 16th to canvas the election and swear in newly elected Council members. That meeting will be scheduled at a later date.

Work Session adjourned at 7:20 p.m.

REGULAR MEETING

Regular Session convened at 7:30 p.m.

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

Mayor Chow advised he attended a DART Board Retreat on January 5th at the Marriott Quorum. One of the items discussed was fare structure and increases.

City Manager Pierson advised that on January 11, 2018 from 4-7 p.m. there is an Annual Open House at the Addison Athletic Club. Registration is in advance.

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6. 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.

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7. Present the **On The Spot Award Recognition Program and Recipients.**

Human Resources Director Passion Hayes provided a brief history of this award program that allows employees to nominate other employees for their outstanding service. The program began in June 2017. The following employees were recognized at this meeting:

Ashley Boatright, Charles Williams, Ryan Wies, Wil Newcomer, Carl Gibson, Julie Wyatt, Pla Chung, Keith Wilson, Michael Brazelton, and Jeremy Schraeder. Several Council members spoke favorably of this program.

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.

8. Consider Action to Approve the **December 12, 2017 Regular Session and the December 15, 2017 Special Session City Council Meeting Minutes.**

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

Regular Items [There was not an agenda item numbered 9 on this agenda.]

10. Present, Discuss, and Consider Action on a **Resolution to Approve an Agreement with Page Southerland Page, Inc., for Architectural Design Services Related to the Design of a Customs and Border Protection Federal Inspection Services (Customs) Building Located at 4553 Jimmy Doolittle on Addison Airport and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$857,663.

Development Services Director Lisa Pyles presented this item, providing the following information.

In November 2016, through a Request for Qualifications process, Page Southerland Page, Inc., (Page) was selected to perform a site analysis and cost alternatives for a new Customs and Border Protection (CBP) Federal Inspection Station (Customs) facility at Addison Airport. In July 2017, the Council directed staff to pursue the design of the Customs facility at the 4.6-acre mid-field site that is near the Addison Toll Tunnel at 4553 Jimmy Doolittle Drive. Council also directed staff to include the design of an option for adding the Airport administration office on that site, either as a stand-alone building or included in the Customs building. An executive summary of the site analysis and cost alternatives report is available.

Since that time, staff has been finalizing the scope and negotiating the design fee. The Scope of Work for the design of the facility will include:

- Design of demolition of the current 40,000 square foot, single-story metal hangar and associated airfield ramp and landside parking area;
- Design of the 3,400sf Customs facility and the 4,700sf airport administration office (if that option is chosen), to include the design of Mechanical, Electrical, and Plumbing (MEP) systems, IT, Audio-Visual, Furniture, Fixtures, and Equipment (FF&E), signage and wayfinding;

- Design of the 45,000 to 72,000 square foot airside ramp and landside pavement area for 12-15 parking spaces;
- Landscaping and irrigation design and site perimeter fencing;
- Coordination with Customs and Border Protection representatives; Cost estimating;
- Bid phase and construction phase services;
- Facility commissioning; and
- Reimbursable costs such as travel and printing and a Texas Accessibility Standards review to ensure ADA compliance.

So that the Council can decide whether to include the airport administration offices with the Customs facility, a separate schematic design of both the Customs facility alone and Customs facility with the airport office will be developed and preliminary cost estimates for both alternatives will be completed. Staff will work with the Town's Finance Department to determine the availability of funds and strategies to close the gap between the estimated cost and the available funds, if needed. At that point, Council will be asked to provide direction as to whether to include the airport administration offices in the design of the Customs facility. Page will develop the design documents for the approved alternative and for the demolition of the existing hangar and the airside ramp. Updated cost estimates will be provided at the 25% construction document design milestone and will be compared to the available funding. If necessary, adjustments will be made to the design or the strategy to close the gap between available funding and estimated cost. When funding decisions are finalized and design complete, the project will be posted on BidSync to solicit construction bids. The design services fee will not exceed \$857,663. The details of the fee are as follows:

Total Fee	\$857,663
Design of demolition of existing hangar	\$7,000
Airfield ramp design	\$132,006
Custom facility design - schematic to construction	\$364,459
Airport administration office (if selected)	\$145,638
CPB coordination	\$7,000
IT/AV design	\$26,350
Furniture, Fixtures, and Equipment	\$10,000
Signage and wayfinding	\$19,000
Commissioning	\$56,100
Reimbursable costs	\$52,750
Cost estimating	\$37,360

The budgeted amount for the design of the facility was \$285,000 in Fiscal Year (FY) 2018. The original budgeted amount was based only on the design of the Customs facility using an estimated per square footage construction cost amount that was derived from similar facilities at other general aviation airport. It did not include the design of the airfield ramp and the possible design of the airport administration offices.

The difference in the budgeted amount and the actual design fee amount,

\$572,663, is proposed to be covered by using excess fund balance reserves in the Airport Fund. The fund balance policy for the Airport Fund is to maintain a minimum fund balance equal to 25 percent of the budgeted operating expenditures. In the adopted budget for FY2018, the available amount of fund balance above 25 percent that has been identified as an available resource for the Airport Fund capital improvements program is \$2,197,381.

The Town will provide geotechnical and survey services under separate contracts. The total cost of those services is estimated to be about \$30,000.

Although no two facilities are the same, even though the use is the same, it is important to know if the design fee is in line with the industry standard when compared as a percentage to construction cost. The industry standard for a complex facility such as this is 10-12%. To determine whether other airport facilities were within this standard, staff gathered information from other airports that have recently designed or constructed Customs facilities. The table below lists the size, estimated construction cost, design fee, and the percent design fee to construction for the Conroe-North Houston Regional Airport and Boca Raton Airport in Florida.

Airport	Size (square feet)	Estimated Construction Cost (\$)	Design Fee (\$)	Design Fee as Percent of Construction Cost
Addison Airport (FIS Only) w/o Airfield and	3,400	2,559,261	346,357*	13.5
Addison Airport (FIS Only) + Airfield and demo costs	3,400	4,181,747	485,363*	11.6
Addison Airport (FIS + Airport Offices) + Airfield and demo costs	8,100	5,836,207	649,103*	11.1
Conroe-North Houston Regional Airport	3,300	2,500,000	341,000	13.6
Boca Raton Airport (Florida)	4,400	4,500,000	1,100,000	24.4

*The fee amount does not include additional costs such as enhanced IT/Audio-Visual, Furniture, Fixtures, and Equipment (FF&E), signage and wayfinding, detailed cost estimating, reimbursable costs such as travel and printing, and commissioning.

The design of the facility will take approximately 8 months. Construction of the Customs facility is estimated to take 12 months for the Customs facility alone, and 18 months if the airport administration offices are included as well. The consultant confirmed that the design fits within the City's budget as it is, however, new regulations could impact that. The City Manager noted that staff presented this information to the Council's Airport Liaisons.

Motion to approve- DMPT Duffy; second by Councilmember Ward; 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.**

Mayor Chow read this agenda item and called for an executive session at 8:47 p.m. pursuant to the Texas Government Code, Section 551.071. Open session was reconvened at 9:38 p.m. Council then recessed from 9:38 p.m. until 9:42 p.m. Upon reconvening he announced that the public hearing [from December 12, 2017] was being continued/reopened.

The applicant Roger DeGregori spoke in favor of this item. He reviewed the location, site, and building specifics that includes on-site manufacturing and a sales area. Art Kline of Thompson Realty also spoke in favor of this item. He briefly discussed a proposed roadway and how it's situated in respect to area buildings, and the number of jobs that would be created with the Fish Gallery project. The public hearing was closed at 10:00 p.m.

Councilmember Walden expressed his concern with the Land Use Analysis, and he added that this use is not compatible with the Inwood Road Study previously adopted by the Council. Council members Braun and Ward also expressed that this may not be the highest and best use for this particular property. Several Council members stated that they appreciated that the applicant provided a proposal that included the roadway in question. Mr. DeGregori spoke again reminding the Council that the Planning and Zoning Commission recommended approval, and the fact that he is willing to accommodate the road could impact future development of this area.

Motion to deny- Councilmember Duffy; second by MPT Hughes; motion passed with a vote of 6-1, with Councilmember Angell voting no.

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12. **Hold a Public Hearing, Discuss, and Consider Action on an Ordinance to Approve Changing the Zoning on Property Located at 5100 Belt Line Road Suite 401, Which Property is Currently Zoned PD, Planned Development, Through Ordinance 012-001, by Approving a Special Use Permit for a Restaurant and a Special Use Permit for the Sale of Alcoholic Beverages for On-Premises Consumption Only. Case 1768-SUP/BoomerJack's**

Assistant Director of Development Services Charles Goff presented this item. He reviewed that this is a sports bar/restaurant complex. He reviewed the location and building size of 10,105 square feet, adding that 3,100 square feet of that is the proposed new patio. Mr. Goff explained that the patio blocks a walkway but that the owner has agreed to accommodate that and keep the walkway clear. The Planning and Zoning Commission recommended approval with the condition of utilizing design elements to differentiate the walkway from the remainder of the patio, and that there shall be no graphic depictions that relate to alcoholic beverages on the exterior. The public hearing was opened and closed at 10:11 p.m. with no speakers.

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

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13. Hold A Public Hearing, Discuss, and Consider Action on an **Ordinance Changing the Zoning on the Vacant Parcel, Directly to the East of 15196 Marsh Lane, Which Property is Currently Zoned Industrial-1 (I-1), to Local Retail (LR-1), Approving a Special Use Permit for a Gasoline Service Station, a Special Use Permit for the Sale of Beer and Wine for Off-Premises Consumption Only, and a Special Use Permit for a Restaurant in Order to Allow the Existing Race Trac Gas Station to Expand Their Operations and to Create Patio Seating. Case 1769-Z/Race Trac.**

Assistant Director of Development Services Charles Goff reviewed the request. Race Trac is requesting to add an outdoor patio area to a new construction building and an additional driveway (a total of three) on the Race Trac property, which will require rezoning the adjacent property from Industrial to Local Retail. Mr. Goff explained in detail the positioning of the additional driveway and potential traffic issues that it may create. The Planning and Zoning Commission recommended approval with the stipulations that the property be replatted prior to the issuance of a building permit; that the applicant not use any graphic depictions that relate to alcoholic beverages on the exterior; and, that staff review the recently submitted traffic engineering study to determine if a variance is warranted for a second access point to the property. Mr. Goff added that staff reviewed the traffic impact study and do not feel the third driveway is warranted. It was clarified that the alcohol sales for off-premises consumption do not include the ability to purchase alcohol inside then take it to the proposed patio for consumption.

The public hearing was opened at 8:15 p.m. Laura Hoffmann and Andrew Malzer spoke on behalf of the applicant. Slides were presented of the proposed building, patio and driveway areas. They stated new traffic patterns on the property may be a concern for pedestrians and the additional new drive on Arapaho would facilitate that movement. The applicant is not in favor of closing the existing drive [in order to still have only one on Arapaho]. Further, it was stated that when the remainder of the adjacent property is developed, the existing drive on Arapaho will be necessary. Several Council members expressed concern over the flow of traffic in and out of the driveways [due to the proximity to the intersection]. The public hearing was closed at 8:40 p.m. [The following motion was made with no comment regarding the proposed third driveway as presented in the site plan.]

Motion to approve with the existing driveway on Arapaho designed to be a right in/right out only, and to include a curb to prohibit left-turn movements in and out of the driveway- DMPT Duffy; second by MPT Hughes; motion passed with a vote of 7-0.

14. Present, Discuss, and Consider Action on a **Status Update of the 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 introduced Angie Flores with Raftelis Financial Consultants, Inc who reviewed information and direction given at the November 14, 2017 Council meeting. This presentation included a proposed Short-Term Staffing Plan, a Fund Balance projection for 2018-2023, and a Finance/Capital plan for years 2018-2022 and for years 2023-2027. Direction from Council was requested as to how they would like to proceed to fund future maintenance and operations. Council direction was to adopt a financial plan that includes cost of service, plus they want to utilize cash and bond funds. Council determined that they will adopt a rate increase policy effective October 1, 2018 and through FY 2023. It will be reviewed each year to determine if the plan is on track or in need of adjustment.

Motion by MPT Hughes to approve a policy to adopt utility rates to fully fund the short-term staffing plan with a mix of cash and bond funding, utilizing cost of service adjustments as set forth in the Raftelis Financial Plan and Rate Model effective October 1, 2018; second by Councilmember Walden; motion passed with a vote of 7-0.

At the conclusion of the discussion on Item 14. City Manager Pierson suggested that due to the late hour Items 15 and 16 be postponed to another meeting. The Work Session Item 3 was discussed at this point.

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15. Present and Discuss the **Finance Department Quarterly Financial Report of the Town for the Quarter Ended September 30, 2017.**

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16. Present and Discuss **Public Safety Technology Options to Increase the Perception of Safety.**
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Meeting Adjourned at 12:00 a.m.

Mayor-Joe Chow

Attest:

Interim City Secretary- Christie
Wilson