

# OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

February 13, 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

Closed (executive) session of the Addison City Council pursuant to:

1. 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**
- **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.**

Executive Session convened at 5:03 p.m.

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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.

Open Session reconvened at 6:57 p.m. There was no action taken.

Work Session convened at 6:58 p.m.

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## WORK SESSION

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3. Present and Discuss the **Town's Americans with Disabilities Act Self-Evaluation and Transition Plan.**

[The Work Session reconvened at 9:10 p.m. to discuss items 3 and 5, following the discussion of all Regular Session items.]

Lisa Pyles, Director of Infrastructure and Development Services, presented this item. She advised the Council that a contract with Kimley Horn with approved in January 2017 to evaluate the Town's policies, procedures, programs, and facilities, and to create a transition plan for the future. The proposed Self-Evaluation and Transition Plan establishes a twenty-year timeframe for the Town to become compliant with the 1990 American with Disabilities Act, Title I and II. Public input was sought and staff training was conducted. An internal committee of Town staff was assembled to assess and advise on the process.

The goals of the Self-Evaluation and Transition Plan are to:

- Improve accessibility for all citizens
- Develop a comprehensive list of barriers to access
- Provide solutions to address those barriers
- Provide cost projections for the removal of the barriers
- Identify funding strategies for any capital improvements that are needed

Director Pyles presented the findings of the self-evaluation that include an assessment of pedestrian pathways, ramps and traffic signal compliance. The interiors and exteriors of all Town buildings, including the airport, were evaluated with the exception of facilities that are for employees only and office spaces that are leased from others. Parking, restrooms, break rooms, drinking fountains, and signage are examples of the components that were evaluated. Town parks were included in the findings as well. A Facility Report has been written for each facility that includes the violations, prioritization, and costs estimates. The estimated cost for the Town to become compliant in 2017 dollars is \$13,254,000.

The Self-Evaluation and Transition Plan will be presented to the City Council for adoption on February 27, 2018. Following that approval an Improvement Plan will be developed with the projects spread out over twenty years and budgetary impacts identified. The internal ADA committee will be re-engaged in March. City Manager Wes Pierson told the Council that the expense for the various items will be incorporated into the Asset Management Plan. However, he reminded Council that the long-term financial plan will include a balance of the needs for ADA compliance along with other capital improvement items.

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4. Present and Discuss the **Addison Athletic Club Heating, Ventilation and Air Conditioning (HVAC) Improvement Design Options.**

[6:58 p.m.] Parks Director Michael Kasuba provided background of the Master Plan for the Addison Athletic Club. One of the top priorities of the plan is to remedy issues with the HVAC system. A consultant, PGAL, was engaged to evaluate the existing mechanical system and make recommendation options for improvement. The budget for HVAC upgrades is \$865,000. This amount includes the original HVAC construction budget plus elevator repair cost savings and miscellaneous unassigned other funds.

The PGAL consultant provided possible solutions for the eight critical HVAC issues in the facility. Director Kasuba presented three options at three price points for Council direction. He presented a chart of what each option includes and the pros and cons for each. Option 2 was recommended by staff at a cost of \$960,000. The 200 ton unit recommended in Option 2 can control the entire facility in the future as other equipment needs to be replaced. This option does not include air duct or boiler replacement. A construction contract should be ready for Council approval with construction to begin in June. The project should be complete by the end of October 2018. Mr. Kashuba added that the proposed ceiling fans can be installed early during the process and the facility will remain open during construction.

Discussion by Council included the differences in the three options presented, how the old and new equipment will be integrated, and the funding needed. City Manager Pierson advised that Option 2 is closest to the budget for this project and allows a phased in approach in future budget years for the remainder of the upgrades. A budget amendment for \$95,000 will be presented in the future for approval.

[Discussion on this item concluded at 7:40 p.m. A brief recess was taken prior to the start of the Regular Session.]

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5. Present and Discuss an **Update on the Records Management System for the Addison Police Department.**

[This item was addressed following the discussion of Item 3.]

Police Chief Paul Spencer reviewed this item with the Council. He stated that the cities of Addison, Carrollton, Coppell and Farmers Branch developed the model for the North Texas Emergency Communication Center (NTECC), a single vendor, SUNGARD/SUPERION, was selected to provide the integrated computer systems necessary for police and fire personnel to do their work in the field. Chief Spencer advised that at that time, there was a verbal understanding among the NTECC cities of a desire to pursue a shared Police Records Management System (RMS) once NTECC was running and stable. Eventually, Farmers Branch and Coppell decided to maintain their existing records management systems because they were relatively new installations.

A RMS is an agency-wide system that provides for the storage, retrieval, retention, manipulations, archiving, and viewing of information, records, documents, or files pertaining to law enforcement operations; it is essentially a backend database that drives operational efficiency and resource management for a police department. The RMS is limited to records directly related to the Town's law enforcement operations, such as incident and accident reports, arrest reports, citations, warrants, case management, field contacts, and other operations oriented records. The RMS does not address the general business functions of law enforcement agency such as budget, finance, payroll, purchasing and human resources functions. Those functions are currently handled by the Town's enterprise system provided by Tyler Technologies.

The Town's existing RMS, including hardware and software, was purchased from TIBURON and IBM in 1999 and was updated in 2009. Since Addison and

Carrollton are in need of new RMS systems respectively, both cities believe it will be more efficient (monetarily and operationally) to partner in the procurement and implementation of a new RMS system that will integrate/interface with the existing systems provided by NTECC. Staff is currently working to develop an Interlocal Agreement with the City of Carrollton to enable this effort. Additionally, a Request for Proposal (RFP) for a joint RMS with input provided by both Addison and Carrollton will be released to identify the best solution. After responses are received, staff will bring this item (including the Interlocal Agreement) back to Council for consideration.

This item was for informational purposed only in order to apprise the Council of staff's activity regarding it.

*This portion of the Work Session concluded at 9:35 p.m.*

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## REGULAR MEETING

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### Pledge of Allegiance

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*Regular Session convened at 7:50 p.m.*

Announcements and Acknowledgements regarding Town and Council Events and Activities

City Manager Wes Pierson announced that the last day for the city secretary to receive Applications for a Place on the Ballot for the May 5, 2018 City Council election is Friday, February 16, 2018 at 5 p.m.

Discussion of Events/Meetings

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6. Presentation of **Best Practices Recognition from the Texas Police Chief Associations for the Addison Police Department.**

Addison Police Chief Paul Spencer advised that a representative from the Texas Police Chief's Association (TCPA) would have been at the meeting to make this presentation however he was unable to attend. Chief Spencer explained that the Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 164 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in their efficient and effective delivery of service, the reduction of risk and the protection of individual's rights. While similar in nature to national accreditation programs, the Best Practices Recognition Program is easier to administer, lower in cost and is designed specifically for Texas Law Enforcement. The Texas Legislature demands a great deal of professional law enforcement in Texas and the Best Practices were specifically designed to aid Texas agencies in meeting those demands and providing the best quality of service to the people of our State.

Since its inception in 2006, over 50 Texas Law Enforcement Agencies have been Recognized and many more are currently in the process to become Recognized

Agencies. The Addison Police Department initially attained the TPCA accreditation in 2007 and 2017 marks its third re-accreditation. This achievement demonstrates our commitment to constant process improvement and allows us to provide superior public safety services – the Addison Way.

Lt. Shawn Allen and Officer Jeremy Schrader, who were instrumental in the Town receiving this award, were on hand for the presentation. City Manager Pierson stated that in the future the Fire Department will be participating in a similar state program in lieu of seeking international accreditation.

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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.

*There were no speakers.*

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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.*

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8. Consider Action to **Approve the January 23, 2018 City Council Meeting Minutes.**

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9. Consider Action to Approve an **Ordinance Amending Chapter 58, Article III, of the Code of Ordinances related to the Addison Athletic Club.**

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10. Consider Action to Approve the **Quarterly Update from the Finance Committee to the City Council for the Period from September 2017 to December 2017.**

***Motion to approve above consent agenda items- DMPT Duffy; second by Councilmember Ward; motion passed with with a vote of 7-0.***

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Regular Items

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11. Present, Discuss, and Consider Action on a **Resolution Amending the Appointments to the Parks Master Plan Special Project Committee.**

Mayor Chow advised that the membership of this committee is being updated due to Liz Oliphant, who had been appointed previously, withdrawing her interest to serve on this committee. He added Vicki Hawarden to the appointees. Councilmember Angell also requested to add Nancy Britton to this committee.

***Motion to approve- Councilmember Braun; second by MPT Hughes; motion***

*passed with a vote of 7-0.*

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12. Present, Discuss, and Consider Action on a **Resolution for Appointments to the Belt Line Streetscape Special Project Committee.**

Assistant Director of Development Services Charles Goff advised Council that staff is recommending the formation of a special project committee to assist with the landscaping improvements along Belt Line Road from Marsh Lane to Midway Road. This portion of the roadway is nearing completion of a project that included moving overhead utilities underground. Belt Line Road is also considered an enhanced pedestrian path that will include wider sidewalks. The committee is expected to meet three times over the coming months to advise on the landscaping portion of the improvements.

City Manager Pierson pointed out that the original list of names that was included in the agenda packet had not included the name of Jane Lenz who was interested in serving, and the list also did not show that another person had already been appointed to a committee. He also reminded Council that even though they have a list of interested people, they are free to appoint whomever they choose. The following individuals were named to this committee:

David Pells, Jane Lenz, Richard Fitzpatrick, Tom Hansen, Matt Horine, Brooks Haley, Russell Graham, Elizabeth Beddow and Lauren Bonfield.

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

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13. Hold a Public Hearing, Present, Discuss, and Consider Action on an **Ordinance Changing the Zoning on Property Located at 5080 Spectrum Drive, Suite 111, the Northwest Corner of Belt Line Road and Dallas Parkway, Which Property is Currently Zoned PD, Planned Development, Through Ordinance 083-007, 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 1770-SUP/Porcinos.

Assistant Development Services Director Charles Goff presented this item. He advised Council that this establishment is located at the former location of Chaucer's. A new special use permit is required because they are relocating the bar area and adding an outdoor patio. The Planning and Zoning Commission recommended approval with two conditions. One condition being that a landscape plan providing for at least 20% landscape coverage is submitted and the other is there shall be no graphic depictions regarding alcoholic beverages on the exterior signage. The applicant submitted an acceptable landscape plan so this condition is not included in the ordinance.

The public hearing was opened at 8:10 p.m. Jim Barren reviewed the development plan. The Mayor commented on the building facing Belt Line and that there are parking issues at that address. It was noted there will be an address change to Belt Line (rather than Spectrum Drive.) A parking garage and valet parking will be available. The owner of the restaurant spoke briefly about the menu options, adding the opening date is March 30th. The public hearing was

closed at 8:17 p.m.

***Motion to approve the SUP- Councilmember Angell; second by Councilmember Ward; motion passed with a vote of 7-0.***

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14. Hold a Public Hearing, Present, Discuss, and Consider Action on an **Ordinance for a Revised Development Plan with a Waiver to Design Standards for the Development of Meridian Square Building #6 Including a Site Plan, Landscape Plan, Building Elevations and Floor Plans for 24 Condominium Units in the Urban Center District Located at the Southwest Corner of Airport Parkway and Spectrum Drive.** Case 1764-Z/Meridian Square Building 6.

Assistant Director of Development Services Charles Goff presented this item. He reviewed the history of the development including previously approved waivers to the Town's design standards. In addition to the previous waivers, the developer is requesting a waiver so that the previously approved setback of 8.7 feet is allowed, rather than the required setback of 10 feet for a building height over 50 feet. The building plan is for a four-story building with a height of 61 feet 6 inches. It is similar in design to the existing three-story buildings. The second waiver request is to allow one additional parking space than required. The landscaping plan will be reviewed by staff. The public hearing was opened and closed at 8:43 p.m. with no one wishing to speak. The Planning and Zoning Commission recommended approval.

***Motion to approve- DMPT Duffy; second by Councilmember Braun; motion passed with a vote of 7-0.***

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15. Hold a Public Hearing, Present, Discuss, and Consider Action on an **Ordinance Changing the Zoning on Property Located at 5280 Belt Line Road, the Southwest Corner of Belt Line Road and Montfort Drive, Which Property is Currently Zoned LR, Local Retail, by Amending the Existing Special Use Permit (Ordinance O16-042) to Allow the Use of Terms or Graphic Depictions Relating to Alcoholic Beverages in Exterior Signage.** Case 1771-SUP/Meso Maya.

Assistant Director of Development Services Charles Goff presented this item. He advised that the Planning and Zoning Commission recommended denial with a vote of 4-2 of this request due to the name of the business, Meso Maya Comida y Copas, being considered a "graphic depiction relating to alcoholic beverages on exterior signage", which is a violation of the Town's ordinances. Due to the denial, the applicant submitted a written appeal to the City Secretary for a public hearing before the Council. A super majority (6 of 7) vote of the Council is required in order to overturn the Planning and Zoning Commission denial. It was noted that on occasion other establishments in Addison have been approved that include alcoholic beverage references on exterior signage, such as in the name of a restaurant.

Mayor Chow opened the public hearing at 8:24 p.m. Brian Livingston spoke regarding the special use permit request. He explained that the name doesn't necessarily imply alcoholic drinks but rather "glass" and drinks. He stated that the name is part of the Meso Maya brand and is a trademarked logo which focuses on the MesoAmerican culinary heritage with the intent to promote food sales, not

alcohol sales. He disagreed with the staff's assessment of the name's translation and presented examples of other Addison restaurant names that included alcohol-related words. The public hearing was closed at 8:30 p.m.

Several Council members spoke in favor of allowing the applicant's request.

***Motion to allow use of the name as requested- MPT Hughes; second by Councilmember Ward; motion passed with a vote of 7-0.***

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16. Present, Discuss, and Consider Action on a **Resolution Supporting the Issuance of a Municipal Settings Designation Certificate for 14.497 Acres Located at 4707 Alpha Road in Farmers Branch, Texas.**

Assistant Director of Development Services Charles Goff presented this item. He explained that a Municipal Settings Designation (MSD) relaxes cleanup standards in urban areas and restricts the use of groundwater for potable purposes. The property addressed at 4707 Alpha Road at the southern end of the MSD Site was historically developed and operated by Van Waters & Rogers (VW&R), which became Univar USA in approximately 1974. The Univar facility operated at this location from 1968 until the facility shut down in 1986. The facility was used for packaging, blending, and distributing chemical products including volatile organic compounds (VOCs), alcohols, acids, and caustics. By 1987, the operations of the facility had moved and the facility was decommissioned.

Soil sampling in 1997 revealed that the soil and groundwater had been contaminated by nine volatile organic compounds (VOCs). Univar entered an Agreed Order with TCEQ to mitigate the contamination on this property as well as five other properties and portions of Farmers Branch Right-of-Way that were downstream of the main property. After remediation efforts, 8 of the 9 VOCs are now below the established clean up goals. Only vinyl chloride exceeds its cleanup goal. The property owner has requested that TCEQ establish a Municipal Settings Designation that would negate the need for further remediation.

The Municipal Settings Designation (MSD) program was established in Texas in 2004 and is used by TCEQ to lower cleanup standards in urban areas and restrict the use of groundwater for potable purposes. TCEQ has certified over 350 MSD sites. This program recognizes that ground water in most urban settings is not used because water is provided by the city. In this area, the potable water is provided by Farmers Branch, which is purchased from Dallas Water Utilities. As part of the application, the property owner must show that no public or private potable water wells are at risk from groundwater contamination. Based on a review by W&M Environmental Group of information regarding the water wells located proximate to the site, there are no known wells that would be affected by the identified contamination.

On November 2, 2016, Univar's representatives met with TCEQ in Austin to discuss the use of an MSD in order to close out the Agreed Order. TCEQ agreed that the MSD could be used as part of Univar's groundwater response actions under the Agreed Order. Once the MSD is approved by the necessary cities and certified by TCEQ, Univar will have satisfied the exposure control requirements of the Agreed Order and TCEQ's Corrective Action Program, and ultimately receive a "No Further Action" letter from TCEQ. Once this has occurred, Univar intends to

sell the site for redevelopment.

In September 2017, the Farmers Branch City Council approved an ordinance supporting an application with the Texas Commission on Environmental Quality (TCEQ) to establish a Municipal Settings Designation (MSD) for approximately 14.5 acres along Welch Road between Alpha Road and Sigma Road in Farmers Branch. To receive a Municipal Settings Designation, the application must also be supported by other municipalities within a half-mile of the designated property. Therefore, in addition to Farmers Branch, the Addison and Dallas City Councils must also approve the application. The staff reviewed the application and found no detrimental impact to Addison or its residents. Following a brief discussion by Council, City Manager Pierson added that the vinyl chloride that remains does not pose issues for the Town. It was noted that potable water is not obtained from groundwater but from Dallas Water Utilities. Pat Larkin with Strasburger and Price addressed the Council on behalf of the property owner. He explained the process and conditions of the property in question, adding that all affected property owners were contacted.

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

The Regular Session ended at 8:57 p.m.

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***Meeting Adjourned at 9:35 p.m.***

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Mayor-Joe Chow

Attest:

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Interim City Secretary- Christie Wilson