

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

June 26, 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 Paul Walden; Deputy Mayor Pro Tempore Tom Braun; Councilmember Ivan Hughes; Councilmember Guillermo Quintanilla; Councilmember Lori Ward; Councilmember Marlin Willesen

Mayor Chow called the June 26, 2018 Meeting to Order at 5:00 pm.

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**

Mayor Chow convened the City Council into Closed (Executive) Session at 5:01 pm.

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.

Mayor Chow reconvened the City Council into Open Session at 5:17 pm.

WORK SESSION

Mayor Chow called the Work Session to order at 5:24 pm.

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3. Present and Discuss an **Overview of the North Texas Emergency Communications Center (NTECC).**

PRESENTATION: North Texas Emergency Communications Center (NTECC)
Executive Director Terry Goswick - The NTECC was created by the cities of Addison, Carrollton, Coppell and Farmers Branch on January 27, 2014 to establish a Regional Public Safety Communications

Center to provide consolidated Dispatching Services for Police, Fire and Emergency Medical Services (EMS). The NTECC was formally incorporated on May 1, 2014 with the City Managers of the four founding cities forming the Board of Directors. The organization also has an Operations Advisory Committee composed of the Police and Fire Chiefs of each city. Each city benefits by more efficient dispatching and coordination of public safety services. An additional benefit is an increased ISO Rating. Statistics presented below:

2017 NTECC CALL VOLUME

Description	Total Calls	Addison Calls	Percentage
911 Emergency Calls	126,675	14,995	11.84%
Non-Emergency Calls - Incoming/Outgoing	261,834	28,482	10.88%
Total Call Load	388,509	43,477	11.19%

2017 DISPATCHED FIRE DEPARTMENT CALLS FOR SERVICE

Call Type	Call Count	Benchmark Process Time	Average Process Time
Medical	1,911	1 min 30 seconds	46 seconds
Fire	1,085	1 min 4 seconds	52 seconds
Total Calls	2,996		48 seconds - AVERAGE

2017 Improvements include: focussed hiring and training; performance based accountability; realigned leadership team; and significantly improved NTECC's IT infrastructure. Future plans includes increased recruiting and more efficient hiring processes; dividing call-taking and dispatch responsibilities; and more efficient warrant processing. Short question and answer period followed.

COUNCIL COMMENT(S): The City Council requested a tour of NTECC facilities. NTECC Staff will coordinate with City Manager's Office.

4. Present and Discuss **Code Compliance Issues and Strategies For Hotels Including Budget Suites of America Located At 15130 Marsh Lane.**

PRESENTATION: *Assistant Director of Development Services Charles Goff*

- Various City Council have expressed their concerns with the Budget Suites Hotel which is operating more as an apartment complex than a hotel. Hotel Occupancy Tax (Tax Code Chapter 156) imposes a tax on a person who, rents a room or space in a hotel. There is no tax collected on a person who uses the room for more than 30 consecutive days, which is the case with the majority of residents at Budget Suites. Staff conducted a financial audit in February 2018 for a period beginning January 1, 2015 to September 30, 2017 and found an additional \$154.09 in Hotel tax payable to the Town. As part of the audit, Budget Suites provided one tenant's receipts showing continuous occupancy dating from January 2010 to February 2017. The Department of Public Safety records show 450 Drivers Licenses with an address of 15130 Marsh Lane the location of Budget Suites. A total of 81 students reside at Budget Suites and are permanently enrolled in the Dallas Independent School District. Of the twenty-three hotels in the corporate city limits, Budget Suites pays the least amount of hotel occupancy taxes to the Town and is advertised as apartments. Question and answer period followed regarding possible remedies.

COUNCIL COMMENTS: Due to the nature of this discussion, City Attorney

McDonald recommended the City Council convene in Executive Session.

CLOSED EXECUTIVE SESSION: Mayor Chow announced the City Council would go into Closed Executive Session as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551.071(2): Consultations with 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 this Chapter. Time - 6:27 pm.

OPEN SESSION: Mayor Chow reconvened the City Council into Open Session at 7:12 pm. The Workshop Session was subsequently recessed.

REGULAR MEETING

Mayor Chow called the June 26, 2018 Regular Meeting to order at 7:30 pm.

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings: No discussion conducted. City Manager Pierson reported of upcoming activities.

5. Presentation of **Recognition for the Addison Fire Department Receiving a Class 1 Rating by the Insurance Services Office (ISO).**

Fire Chief David Jones announced the Town received a Class 1 Rating from the Insurance Service Office (ISO). This is the highest Public Protection Classification (PPC) rating awarded by the Insurance Services Office and approved by the Texas Department of Insurance. The rating is used by most insurance companies to predict and analyze risk when establishing insurance premiums. The Town joins 62 other communities in Texas to achieve a Class 1 rating with only 305 Class 1 ratings awarded nationwide. The effective date of the new classification is August 1, 2018. Addison's previous rating had been a Class 2. The Town's elected officials have recognized the economic benefit of lower property insurance rates and have made significant improvements including increased staffing, updated apparatus, regional consolidation and the formation of the North Texas Emergency Communications Center and the Joint Fire Training Facility. Additionally, infrastructure improvements included a 1.5 million gallon elevated water storage facility and continued repair and replacement of aging water system components to provide water coverage for the entire city. A short public information video prepared by Staff was viewed. Community Mitigation ISO Manager Phillip Bradley, ISO Evaluator Mike McCormack, and PPC Oversight Officer from the State Fire Marshal's Office Jesse Williams were on hand to make this presentation. No action taken - award presentation/notification.

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.

No citizens requested to address the City Council on a topic not on this agenda.

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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7. Consider Action to Approve the **June 11, 2018 Special Meeting and June 12, 2018 Regular Meeting Minutes.**
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8. Consider Action to Approve a **Resolution for an Agreement with Municipal Code Corporation for Website Design Services for the Town's Main Website and Six (6) Microsites and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$58,800.
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9. Consider Action to Approve a **Resolution for Assignment of Ground Leasehold Interest from Mission Aire IV, LP, as Assignor to AQRD-REP, LLC, as Assignee for the Property Located at 4600 Claire Chennault Drive on Addison Airport at the Northeast End of Taxiway Uniform and Authorize the City Manager to Execute the Consent of Landlord.**
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10. Consider Action to Approve a **Resolution for an Amendment to the Ground Lease at 4600 Claire Chennault with AQRD-REP, LLC.**
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11. Consider Action to Approve a **Resolution for an Agreement with FNH, Inc., for Infrastructure Construction and Services from the Addison Capital Improvements Program Phase I Dooley Road & Prestonwood Shopping Center Waterline Improvements and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$793,055.
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12. Consider Action to Approve a **Resolution for a Professional Services Agreement with Nathan D. Maier Consulting Engineers, Inc., for the Design of the Vitruvian Park - Farmers Branch Creek Dredging Project and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$158,000.
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13. Consider Action to Approve an **Ordinance Amending Chapter 62 Signs to Provide a Definition for Flags and to Allow Display of Flags During Certain Periods Proximate to Federal Holidays.**

14. Consider Action to Approve a **Resolution to Adopt the Town of Addison's Strategic Planning Pillars and Milestones for Fiscal Year 2019.**

15. Consider Action to Approve a **Resolution for an Easement and Right Of Way Agreement Between the Town of Addison and Oncor Electric Delivery Company, LLC, to Obtain a Drainage Easement on Oncor Property Associated with the Sherlock Drainage Improvements and Authorizing the City Manager to Execute the Agreement.**

16. Consider Action to Approve a **Resolution for an Easement Between the Town of Addison and Kristin Middleton to Obtain a Drainage Easement on Private Property Located at 3907 Winter Park Lane Associated with the Sherlock Drainage Improvements and Authorize the City Manager to Execute the Agreement.**

CONSENT AGENDA ACTION: Mayor Chow called for any request to remove an item from the CONSENT AGENDA for separate discussion. Council Member Hughes requested that Consent Agenda Item 14 be pulled for discussion. Mayor Chow next called for a motion to approve Consent Agenda Items 7, 8, 9, 10, 11, 12, 13, 15, and 16.

MOTION: Mayor Pro-Tem Walden moved to approve Consent Agenda Items 7, 8, 9, 10, 11, 12, 13, 15, and 16 as presented by Staff. Council Member Ward seconded the motion. Motion carried unanimously.

Resolution No. R18-46: Agreement with Municipal Code Corporation for Website Design Services.

Resolution No. R18-47: Assignment of Ground Leasehold from Mission Aire IV, LP to AQRD-REP, LLC - 4600 Claire Chennault Drive.

Resolution No. R18-48: Amend Ground Lease @ 3600 Claire Chennault with AQRD-REP, LLC.

Resolution No. R18-49: Agreement with FNH, Inc. for Phase I Dooley Road and Prestonwood Shopping Center Waterline Improvements.

Resolution No. R18-50: Agreement with Nathan D. Maier Consulting Engineers, Inc. for design of Vitruvian Park - Farmers Branch Creek Dredging Project.

Ordinance No. O18-21: Amending Chapter 62 "Signs" to provide definition and regulations for display of Flags.

Resolution No. R18-51: Approve Drainage Easement and Right-of-Way Agreement with Oncor Electric Delivery Company, LLC for Sherlock Drainage Improvement Project.

Resolution No. R18-52: Approve Drainage Easement with Kristin Middleton at 3907 Winter Park Lane for Sherlock Drainage Improvement Project.

CONSENT AGENDA ACTION: Council Member Hughes stated he wished to discuss Item 14 separately as he found minor errors, nothing substantial, but since these Milestones and Pillars were being adopted by Resolution that corrections were in order.

TABLE: Councilmember Hughes moved to Table CONSENT AGENDA Item 14 to the July 10, 2018 City Council Meeting. Mayor Pro-Tempore Walden seconded the motion. Motion carried unanimously.

17. Present and Discuss an **Update on the WaterTower Theatre Fiscal Year 2019 Programs and Events.**

Watertower Theatre's Artistic Director Joanie Schultz presented the 2019 Season to the City Council. A brief description of each unique play was presented. Ms. Schultz thanked the City Council for its continued support. No action taken - information only.

18. Present, Discuss, and Consider Action on a **Resolution for a Professional Services Agreement with Clarion Associates, LLC to Review the Town's Current Development Regulations, and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$349,980.

The City Council's Strategic Plan for FY 2018 included a milestone to review the Town's ordinances and regulations with a focus on modernization in order to facilitate redevelopment. Due to the size and cost of this project, funds were budgeted in two separate funding years.

A Request for Qualifications (RFQ) was issued to provide professional services to include but not be limited to, review and development of zoning, subdivision, landscape and signage regulations for the Town. Clarion Associates, LLC representative Jim Spung explained the Scope of Services, Tasks, Consultant and Staff responsibilities. As part of this review and update of the Town's development process, Clarion will develop a Draft Unified Development Code for review by the Community. After a final draft is developed, the Planning & Zoning Commission and the City Council will review. This project is expected to take 24 months to complete. City Manager Pierson stated that this project would be long and at times difficult as Staff and Stakeholders proceed to build a consensus. However, in the end this project will set the stage on how the Town of Addison will develop in the future. Mayor Chow concurred and opined that it was necessary to know what Addison Citizens, our Stakeholders, want for the future of Addison. The project is presented as a lump sum contract in an amount not to exceed \$349,980.00. Staff recommends approval.

MOTION: Council Member Hughes moved to approve Professional Services Agreement with Clarion Associates, LLC. for development of a Unified Development Code for the Town in an amount not to exceed \$349,980.00. Deputy Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

Resolution No. R18-53: Award Professional Services Agreement to Clarion Associates, LLC for Unified Development Code.

19. Present, Discuss, and Consider Action on a **Resolution for an Agreement with FNH, Inc., for Infrastructure Operations and Services on the Sherlock Drive Storm Drain Improvements Project and Authorize the City Manager to Execute the Agreement** in an Amount not to Exceed \$1,324,990.

Assistant Director of Infrastructure Jason Shroyer introduced this agenda item which became a top priority project after two large flooding events in May 2015 and again in June 2016. A storm water system assessment and analysis was conducted that showed the current system to be undersized. During the two heavy rain events approximately 165 cubic feet per second (cfs) of runoff was generated with the current system only capable of approximately 100 cfs. After review Staff developed a scope of work to include (1) replacement and installation of a new storm drain piping at the intersection of Sherlock Drive and Winter Park Lane to Belt Line Road; (2) the installation of several new inlets; (3) regrading and replacement of the intersection of Sherlock Drive and Winter Park Lane; and (4) site restoration.

The total budget for this project was \$1,200,000 with \$160,250 spent on design which was completed in March 2018. The project was subsequently placed on BidSync with 5 bids received and shown as follows:

**Sherlock Drive Storm Drain
Improvements Project**

BIDDER	BID AMOUNT
FNH	\$1,324,990.00
Flow-Line	\$1,411,556.00
Texas Standard	\$1,413,879.20
DDM Construction	\$1,461,461.00
Joe Funk Construction	\$1,656,908.00
Camino	\$2,201,230.00

Staff recommends awarding this project to the low bidder, FNH, with the budget shortfall of \$285,240.00 to come from a budget transfer of \$500,000 from the Oak North & Montford Improvement Project. The balance of funds from the Oak North & Montford Improvement Project will be sufficient to complete design in FY 2018 with construction to begin in early FY 2019.

Council expressed concern with missing another engineering estimate. Staff advised that they too were concerned and therefore reached out to several of the bidders to inquire as to why. The contractors/bidders reported that the volatility of the construction market, coupled with the potential liability of working adjacent to occupied residences contributed to the higher costs. In addition, it was determined that the unit cost for the 54" concrete pipe was actually 80% higher than estimated.

Councilmember Hughes stated that he was in favor of doing this project now and would support the budget transfer but questioned the implications of what this postponement would have on residents from the Oak North Drive and Montford Road area. Deputy Mayor Pro-Tempore Braun opined that a better system of estimating is needed so this type of short-fall does not happen again. Mayor Pro-Tempore Walden expressed his disappointment at yet another engineering estimate issue and suggested some type of penalty or possibly the hiring of a new firm for the Town.

The City Council indicated support for the Oaks North Drive and Montford Road projects for FY 2019 but expressed concern that these residents were anticipating this project to be completed in FY 2018. Staff was asked to insure that the residents would be made aware that the project's status and assured that the project would be moving forward with only a short delay.

MOTION: Deputy Mayor Pro-Tempore Braun moved to approve Resolution awarding the Sherlock Drive Storm Drainage Improvement Project to the low bidder, FNH, Inc. in an amount not to exceed \$1,324,900. Councilmember Hughes seconded the motion. Motion carried unanimously.

RESOLUTION NO. R18-54: Award Sherlock Drive Storm Drainage Improvement Project to FNH, Inc. an amount not to exceed \$1,324,990.

20. Present and Discuss the **Taste Addison 2018 Operations and Financial Reconciliation.**

Interim Director of Special Events/Director of Public Communications Mary Rosenbleeth and Accounting Supervisor Ashley Boatright presented the financial reconciliation from the Taste of Addison 2018. Taste of Addison is one of the special events the Town promotes each year. This event focuses on supporting Addison restaurants and promoting tourism. This three day event held May 18-20 features food, music, and fun. Advertising via paid media, in-kind sponsor media and earned media was presented and discussed. Thirteen Addison hotels offered special rates for this event with a total of 147 room nights reported being

booked. A total of 15,191 visitors attended this event with total revenues of \$740,266 and \$1,115,039 in expenses. The actual shortfall was better than budgeted shortfall. Plans are underway for next year and Staff is looking for ways to improve attendance by possibly providing free admission on Sunday, offering more children's programming on Sunday, expanding the entertainment budget to bring in national acts; and investigating opportunities to expand food-focused activities i.e. Iron Chef Competition. Council expressed thanks for a job well done. No action taken, Information only.

Adjourn Meeting

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Meeting Adjourned at 8:51 p.m.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary