

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

Addison Town Hall
5300 Belt Line Rd., Dallas, TX 75254
Tuesday, November 13, 2018
5:30 pm Reception & Work Session
7:30 Regular Meeting

Present: Mayor Joe Chow; Mayor Pro Tempore Paul Walden; Deputy Mayor Pro Tempore Tom Braun; Council Member Ivan Hughes; Council Member Guillermo Quintanilla; Council Member Lori Ward; Council Member Marlin Willesen

Call Meeting to Order: Mayor Chow called the meeting to order 6:01 pm.

WORK SESSION

1. **Reception for the 2018 Addison Citizens Academy Graduates.**
2. **Present and Discuss Midway Road Landscape Coordination with the Master Transportation Plan.**

PRESENTATION: *Director of Parks & Recreation Janna Tidwell* – Council directed staff to apply the Master Transportation Plan (MTP) and to replace as many trees as possible to Midway Road. The MTP had been presented at a previous meeting; however, due to various conditions along the roadway staff recommends deviating from the plan making the overall corridor width to 20’ to 21’ wide. This would apply to approximately 67% of the corridor. Where the Preferred Scenario is not feasible, plans are to decrease the landscape buffer by the roadway from 6’ to 3’ wide, creating a 4’ wide planting area between the ROW and multi-use path to accommodate planting of canopy trees. Overall corridor width would be 17’ wide. This would apply to 33% of the corridor, excluding transitions to corners. The next step would be to reach out to the adjacent property owners searching a consensus and then bringing back to the City Council for approval.

In addition to the MTP, Staff is proposing to apply the Belt Line 1.5 Design Palette to Midway Road. Regarding the landscape areas between the back of the curb and ROW is often utilized by the property owners to meet landscape ordinance requirements and is maintained by the property owner. Staff is recommending applying this standard to Midway Road. COUNCIL COMMENTS: Proceed and return at a future date for approval.

3. **Present and Discuss the Findings of the Addison Circle/Cotton Belt Special Area Study.**

Presentation: *Assistant Director of Development Services Charles Goff* – This was a follow up discussion to what was originally presented at the August 14th meeting for Council information. Mark Bowers with Kimley-Horn and Karen Walz with Strategic Community Solutions addressed the City Council to provide an overview of the study process and findings. Karen Walz then facilitated a discussion with Council to get direction on various elements of the study findings. COUNCIL COMMENTS: The Council agreed with the proposed vision statement for the study area and provided input on minor revisions to the guiding principles. With regards to the Addison Central area, Council discussed the proposed density around the station and agreed with the level presented in the Study. Council also stated that future development should create an integrated, year-round, multifaceted regional destination. Additionally, Council agreed that future development should be integrated into the open space and development character that exists in Addison Circle and that additional connections between the transit center and other Addison destinations should be encouraged through a variety of means. With regards to the Addison Circle West area, Council discussed that a hotel near the Addison Conference and Theatre Centre would be an appropriate use if it was determined to be economically viable. Staff indicated that Council's direction would be incorporated into the Study report and that a Comprehensive Plan Amendment would be brought forward to formally adopt the study findings.

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

4. **Present Certificates to the 2018 Citizens Academy Graduates.**

Mayor Chow presented certificates of completion to 2018 Citizens Academy Graduates Angie Fields, Avery Lovelady, Bill Gofrey, Bob Catalani, Brooks Haley, Donna Duffy, George Pena, Glenn Levy, Kent Domingue, and Nancy Craig. Assistant Director of Infrastructure and Engineering Services Jason Shroyer and Assistant Director of Development Services Charles Goff facilitated the 2018 Class.

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5. **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 signed up to speak on any item not on the 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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6. **Consider Action to Approve the October 22, 2018 Special Meeting, October 23, 2018 Work Session and Regular Meeting and October 29, 2018 Town Meeting Minutes.**
7. **Consider Action to Approve a Resolution for a Professional Engineering Services Agreement with Eikon Consulting Group, LLC, for the Construction Management Services Associated with the Addison Athletic Club HVAC Project and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$66,720.**
8. **Consider Action to Approve a Resolution for a Conduit Occupancy License Agreement Between the Town of Addison and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services, for Occupancy of the Town of Addison Underground Conduit System on Belt Line Road Between Midway Road and Marsh Lane and Authorizing the City Manager to Execute the Agreement.**
9. **Present, Discuss, and Consider Action on a Resolution for a Construction Agreement with Felix Construction Company for the Construction Operations and Installation Services Associated with Surveyor Pump Station Pump #1 Replacement and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$79,000.**
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10. **Consider Action to Approve a Resolution for an Events Sponsorship Agreement with DCO Reality, Inc., (UDR) for the Purposes of Sponsoring Events at Vitruvian Park to Include, but not limited to, Vitruvian Nights Live, Vitruvian Salsa Nights and the Vitruvian Holiday Lights Display and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$185,000.**
11. **Consider Action to Approve a Resolution for a Contract with The World Affairs Council of Dallas/Fort Worth for Consulting Services and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$60,000.**

Mayor Chow called for any requests to pull any item from the Consent Agenda to discuss separately. Council Member Quintanilla requested Item # 10 be pulled from the Consent Agenda to be discussed separately and Council Member Hughes called for Item #12 to be discussed separate.

Mayor Chow called for a motion to approve and adopt Consent Agenda Items 7-9, and 11.

MOTION: Mayor Pro-Tempore Walden moved to adopt Consent Agenda Items 7-9, and 11. Motion was seconded by Council Member Ward. Motion carried unanimously.

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CONSENT AGENDA Item 10. Present, Discuss, and Consider Action on a Resolution for a Construction Agreement with Felix Construction Company for the Construction Operations and Installation Services Associated with Surveyor Pump Station Pump #1 Replacement and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$79,000.

Council Member Quintanilla stated Staff is working to memorialize the history of various city assets as noted by the current packet which contains 800+ pages of information and in the future will be able to provide to the City Council.

MOTION: Council Member Quintanilla moved to approve Consent Agenda Item #10 as presented. Deputy Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

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CONSENT AGENDA ITEM 12. Consider Action to Approve a Resolution for a Contract with The World Affairs Council of Dallas/Fort Worth for Consulting Services and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$60,000.

Council Member Hughes reported that Executive Vice President Beth Huddleston of the World Affairs Council was in attendance. He expressed thanks for the work done by Ms. Huddleston and President/CEO Jim Falk on behalf of the Town of Addison. Highlights of the international promotional work accomplished for the Town was presented.

MOTION: Council Member Hughes moved to approve Resolution for a Contract with The World Affairs Council of Dallas/Fort Worth for Consulting Services. Council Member Ward seconded the motion. Motion carried unanimously.

Resolution No. R18-092: Construction Management Services for the Athletic Club HVAC Project - Eikon Consulting Group, LLC

Resolution No. R18-093: Conduit Occupancy License Agreement – MCImetro Access Transmission Services Corp. dba Verizon Access – Underground Conduit System.

Resolution No. R18-094: Construction Agreement - Felix Construction Co. - Surveyor Pump Station Pump #1

Resolution No. R18-095: Events Sponsorship Agreement – DCO Realty, Inc. – sponsoring events at Vitruvian Park

Resolution No. R18-096: Consulting Services Agreement – World Affairs Council of Dallas/Fort Worth

REGULAR ITEMS

12. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance to Amend Article XX, Special Uses, Item (39) Microbrewery, and Article XXX, Definitions, By Revising the Definition of Microbrewery.Case 1785-Z/Town of Addison.**

Senior Planner Olga Chernomorets presented this addition to the Code of Ordinances for Council consideration. Currently, Special Use Permits for the sale of beer and wine for off-premises consumption may only be approved for properties zoned Local Retail, Urban Center or in certain Planned Development Districts. In order to bring the Town's ordinances in compliance with Texas Alcohol & Beverage Commission (TABC) rules Staff proposes to revise and update the Town's guidelines for a microbrewery and include a definition without conditions. This amendment was presented to the Planning & Zoning Commission on 10/16 and recommended for approval.

Mayor Chow opened the Public Hearing to allow for public comment. Matt Ehinger, Bitter Sisters Brew master, addressed the Council to speak in favor of this amendment to the Code. He stated that with this amendment the Brewery would be able to increase their production from 1,300 barrels to 10,000 barrels. Additionally, the changes will make the Brewery a visitor designation and allow for on-site purchases and allow the purchaser to take their purchase home. There being no other comments at the Public Hearing Mayor Chow closed the Public Hearing.

MOTION: Council Member Hughes moved to approve Ordinance Amending Article XX, Special Uses, Item (39) Microbrewery, and Article XXX, Definitions, By Revising the Definition of Microbrewery for Case 1785-Z/Town of Addison as submitted. Deputy Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

13. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving Development Plans for the Development of Vitruvian West Phase II and III, Including Site Plan, Landscape Plan, Building Elevations, and Floor Plans for 767 Multifamily Units, Including Amenities, on a 6.854 Acre Property in an Existing Planned Development District (PD 007-034 as Amended By 016-017), Generally Located on the Northeast Corner of Marsh Lane and Vitruvian Way, and Approving Waivers to Construction Materials. Case 1786-Z/Vitruvian West Phase II and III.**

Senior Planner Olga Chernomorets presented the item and advised that Vitruvian West is a three (3) phase Planned Development project located on the NE corner of Marsh Lane and Vitruvian Way. Phase I is already constructed with Plans are for 361 units in Phase II and 406 units in Phase III. The buildings will be five stories with a parking garage. Ms. Chernomorets advised that the Development Plan approval is a ministerial act and therefore differs from zoning cases. The Code does allow for three (3) different materials to be used; however, Council had previously approved the use of a 4th material, metal paneling. To provide for unity and consistency, UDR requested waivers to the construction materials, without conditions to allow for metal paneling. UDR Director of Development Elizabeth Likovich provided a PowerPoint presentation of the project. Mayor Pro-Tempore Walden inquired about the trees currently in the greenspace where Phase II and III will be constructed. Ms. Likovich advised that some of the trees would be moved, saved if possible and re-planted in other locations. New ornamental trees will be added.

Mayor Chow opened the Public Hearing and called for requests to address the City Council. There being none, Mayor Chow closed the Public Hearing.

MOTION: Council Member Willesen moved to approve Development Plans Ordinance for the Development of Vitruvian West Phase II and III, Case 1786-Z/Vitruvian West Phase II and III as submitted. Council Member Quintanilla seconded the motion. Motion carried unanimously.

14. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception from Various Sections of Chapter 62 of the Code of Ordinances for Flower Child Located at 5290 Belt Line Road Suite 100 on the South Side of Belt Line Road east of Montfort Drive in Order to Permit Additional Attached Signage and Window Signage.**

Assistant Director of Development Services Charles Goff presented an appeal from a new restaurant, Flower Child, to install external wall murals and window graphics. Chapter 62 of the Code of Ordinances allows for a meritorious exception to the sign ordinance that do not conform

to the Code but make a positive contribution to the visual environment. Council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a "sign," constitutes art that makes a positive contribution to the visual environment. Design Project Manager for Flower Child Megan O'Malley stated that the mural "Flower Child" is present at nearly every Flower Child restaurant and has become recognized synonymous the brand. A total of eight (8) signs were presented for meritorious exception.

Murals 1, 2, 3 and 6 were proposed for the façade of the building. The murals proposed do exceed the ordinance requirements for effective area as noted in Section 62-163 of the Code. In addition to the exterior murals, vinyl window signs were presented as Items 4,5, 7 and 8. The Code limits window signage to 10% of the window area.

Mayor Pro-Tempore Walden moved to approve the granting of a Meritorious Exception allowing both the wall murals and window graphics. The motion died for lack of a second.

After additional discussion, the consensus of the Council was to not cover the windows, but that the stark white building could use the façade art.

MOTION: Deputy Mayor Pro-Tempore Braun moved to approve murals #1 – Flower Child; #2 – Sun Burst; #3 – Lemon; and #6 – Peace Sign without wording 'Flower Child'. Council Member Ward seconded the motion. Motion carried unanimously.

15. **Present, Discuss, and Consider Action on a Resolution for an agreement with Infinity Contractors International, LTD., for Construction Operations and Installation Services on the Addison Athletic Club HVAC Project and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$1,180,035.**

Assistant Director of Infrastructure and Engineering Services Jason Shroyer presented this item. A brief history of the project was presented. The original project was released for bid in April 2018 and closed in May 2018. At that time only one bid was submitted and was rejected by Council. Staff was directed to update the plans and specifications and re-bid the project. It was determined that the timing of the project, during the summer months, was not favorable and the scheduled needed to be relaxed to give the contractor more time to complete the work. With those considerations made, the project was re-bid in September. A total of four (4) bids received with Infinity Contractors International, LTD. Determined to be the lowest responsible bidder with a base bid of \$913,329 and Additive Alternate Bid of \$266,706 for a total of \$1,180,035. The project is expected to take five (5) months to complete upon approval of the HVAC submittals. Staff has reviewed their references and recommend awarding this bid to them.

Several questions were asked regarding the specific design and specification of the equipment being installed. Staff explained the process from design, bid to installation. The bid sub-total is \$1,180,035 with additions of \$100,000 for contingency, \$20,973.63 for remaining design funds to PGAL and \$66,720 to Eikon for construction management which was approved earlier this

evening. This makes the project total of \$1,367,728.63 with a budget re-allocation request of \$363,088.63. Deputy Mayor Pro-Tempore Braun reminded Council that the 'contingency' is the Town's contingency so these funds may or may not be spent. Council Member Hughes requested to go on record to state that the Town can cover the \$363,088.63 re-allocation and the \$300,000 that the Town will end up spending for the trail segments related to the Cotton Belt and still be well above the reserve level that the Town likes to keep in the general fund.

MOTION: Council Member Hughes moved to approve the agreement with Infinity Contractors International, LTD., as submitted. Mayor Pro-Tempore Walden seconded the motion. Motion carried 6 to 1 with Council Member Willesen casting the sole dissenting vote.

MOTION: Council Member Hughes moved to bring forward a budget amendment at an appropriate time as determined by the city manager in the amount of \$363,088.63. Council Member Ward seconded the motion. Motion carried unanimously.

16. **Present, Discuss, and Consider Action to Approve a Resolution for a Grant Funding Agreement with Metrocrest Chamber of Commerce and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed \$35,000.**

This item was Tabled at the 10/23/2018 City Council meeting due to answer questions regarding the refund of \$5,000 and to update the Council on projected services to the Town for Fiscal Year 2018-2019. At the 10/23 meeting Mayor Pro-Tempore Walden requested that the Metrocrest Chamber of Commerce Board be asked to consider refunding \$5,000 to the Town for a lack of performance deliverables from the Fiscal Year 2018 contract agreement. Metrocrest Chamber of Commerce President Erin Carney made a presentation on the services the Chamber provides to the Town of Addison. Metrocrest Chamber of Commerce Chair-Elect James Weichel addressed the City Council to discuss the history and partnership of the Chamber with the Town.

Mayor Chow opined that problems have occurred between the Town and the Chamber due to a lack of communication. He added that he wanted better communication between both entities especially with appointments to the Metrocrest Leadership program. He stressed that emphasis must be placed on appointing members of the community and use employees to fill-in empty spots to help the Chamber have a full class. He concluded by saying that the Town does receive a value from partnering with the Chamber and thanked Liaisons, Council Member Hughes and Deputy Mayor Pro-Tempore Braun, for their service. Mayor Chow requested that City Manager Pierson look at setting-up a meeting between Council and Grantees prior to approving the Budget and awarding grant funding agreements.

Council Member Willesen moved to approve this item with the condition that the Addison City Council is the one that appoints the coming year Metrocrest Class. That motion died for a lack of a second.

Council Members Hughes, Ward and Quintanilla opined that Leadership Metrocrest appointments are a separate topic and should not be tied to this contract agreement. A recommendation was made for Council to discuss the appointment process prior to selection of

the next Leadership Class appointments.

MOTION: Council Member Hughes moved to approve Grant Funding Agreement with Metrocrest Chamber of Commerce for \$35,000 as submitted. Council Member Ward seconded the motion. Motion carried 6 to 1 with Mayor Pro-Tempore Walden casting the sole dissenting vote.

17. **Present, Discuss, and Consider Action Related to Potential Municipal Debt Issuances for the Midway Road Rehabilitation Project and Funding of the Addison Grove Development Incentive.**

City Manager Pierson presented the item and posed the following policy questions to the discussed by the City Council:

- 1) Should the funding gap for the Midway Road Reconstruction Project be funded through additional voter approved bonds or should the City Council authorize the sale of Certificates of Obligation to complete a project that is already authorized by voters?
- 2) Should the Addison Grove Public Infrastructure Incentive continue to be funded on a cash basis or should the City Council authorize the sale of Certificates of Obligation to pay for the project?

Midway Road Reconstruction Project Funding

City Manager Pierson explained that in 2012 voters approved \$16 million in funding for the reconstruction of Midway Road. \$3 million is being spent on the design of the reconstruction project. \$13 million is available for construction of the project. The total project estimate is \$41 million in (\$38 million 2016 dollars + \$3 million to add Master Transportation Plan elements). The funding gap is approximately \$25 million.

City Manager Pierson advised that it is estimated that this reconstruction project, six lanes of traffic from Spring Valley to Keller Springs, may take 3 to 3 ½ years to complete and will be disruptive to the community during the reconstruction period. Additionally, the construction related to the Dallas Area Rapid Transit's (DART) Cotton Belt Commuter Rail project, which will also cross Midway Road would also be disruptive to the community. To minimize community disruption and to potentially realize some cost savings by working with DART on the construction phase of this project. Mr. Pierson advised that Certificates of Obligation provide the Town the ability to close the funding gap while being able to work with DART and others to reduce community disruption and pursue cost savings for the project.

City Manager Pierson also discussed including the additional Midway Road project funding as part of a potential Bond Program in 2019. City Manager Pierson asked the Council to decide whether the Midway Road Reconstruction Project should be funded through additional voter approved bonds or should the City Council authorize the sale of Certificates of Obligation to complete a project that is already authorized by voters.

Council Member Hughes asked if the project scope from the 2012 Bond Election was different from what is being designed now. Assistant Director of Infrastructure and Engineering Services

Shoyer advised that there are differences in the scope of work from 2012 and now and the differences include improvements to the water, wastewater, and storm water infrastructure as well as the additional mobility elements associated with incorporating the Master Transportation Plan elements as directed by Council previously.

City Manager Pierson informed Council that grant funds for expansion of the Master Transportation Plan elements are available through Dallas County at a 50-50 match. In addition, Staff believes there may be opportunities to receive funding from the Council of Governments (NTCOG) for parts of the project that promote improved mobility. The impact to the tax rate of this project were discussed. Council Member Quintanilla stated he was in favor of proceeding with this project which was approved by the voters in 2012. He added that the costs of repairs and construction would only increase. City Manager Pierson advised that this motion was only providing Staff direction at this time. Specific project information and the approval process as required by state law for the issuance of Certificates of Obligation would be provided at a future meeting.

MOTION: Council Member Hughes moved to direct the City Manager to proceed with the issuance of Certificates of Obligation based on the need for the project as identified by the design estimate for the Midway Road Reconstruction Project. Council Member Ward seconded the motion. Motion carried unanimously.

Addison Grove Public Infrastructure Incentive Funding

City Manager Pierson explained that in 2016 the City Council approved an economic development incentive agreement to reimburse the developer for the cost of the public infrastructure related to the redevelopment of the former Sam's Club site (Addison Grove). The incentive was to be cash funded from multiple Town funding sources. The cash funding will impact the financial resources from those funding sources, particularly the General Fund, to deliver Town services. Additionally, there were requests by Councilmembers to discuss the existing funding plan for the Addison Grove Development Incentive.

Deputy Mayor Pro-Tempore Braun stated that this Addison Grove Project will reimburse the developer for the public infrastructure installed by them for this project but owned by the Town. This type of agreement is no different than other incentive projects the Town has participated in the past. A summary of the cost for this \$6.5 million Project was presented and discussed. By the end of Fiscal Year 2019, \$3 million in cash will be saved to meet this commitment. Mayor Pro-Tempore Walden asked what would be done with the funds already on hand if a Certificates of Obligation were used to fund the entire commitment. City Manager Pierson advised that there were plenty of unfunded capital improvement projects that the cash funds could be applied to. Council Member Willesen stated he would like to stick with the funding plan which was already approved and not take on any more debt. Mayor Pro-Tempore Walden stated he preferred to finance the commitment through long-term debt in the form of Certificates of Obligation. Council discussed a number of options.

MOTION: Deputy Mayor Pro-Tempore Walden moved to direct the City Manager to proceed to fund this \$6.25M incentive project thru the issuance of Certificates of Obligation. Council Member Quintanilla seconded the motion. Motion failed 5 to 2 with Mayor Chow, Deputy

Mayor Pro-Tempore Braun, Council Members Hughes, Ward and Willesen voting against.

MOTION: Deputy Mayor Pro-Tempore Braun moved to direct the city manager to proceed with the issuance of Certificates of Obligation to fund the \$3.25M balance of the Addison Grove Development Incentive Program. Council Member Ward seconded the motion. Motion carried 4-3 with Mayor Pro-Tempore Walden, Council Members Hughes and Willesen voting against.

Adjourn Meeting

There being no further business to come before the Council, Mayor Chow adjourned the meeting at 10:58 pm.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary