

# **DRAFT**

## **OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION & REGULAR MEETING**

**March 12, 2019**

**Addison Town Hall, 5300 Belt Line Rd.,  
Dallas, TX 75254**

**6:00 p.m. Work Session  
7:30 p.m. 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; and Council Member Marlin Willesen

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### **WORK SESSION**

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1. **Present and Discuss a Personal Transport Vehicle Pilot Program to Regulate Bikesharing and Scootersharing Companies in the Public Right-of-Way and on Town Property.**

**Presentation:** *Charles Goff, Assistant Director of Development Services.* At the November 27, 2018 work session Staff presented various rules/regulations from neighboring cities that have bikesharing and scootersharing companies in their communities. Staff was directed to develop a pilot program with similar requirements to those utilized by the City of Plano.

A draft ordinance was proposed for Council review and consideration with a new broader title by grouping bicycles, scooters and similar vehicles under a new term – ‘Personal Transport Vehicles (PTV)’. COUNCIL COMMENTS: Council requested that Staff research the liability insurance coverage carried by PTV companies and required by other cities. Amendments to proposed ordinance included: (1) consolidation to one fee/permit schedule; (2) establish a data collection system to track staff time to regulate the program to include code enforcement issues; and (3) inquire about an integrated complaint system between Town and vendor. Mr. Goff advised he could have answers available for the next meeting and could have the ordinance available for action by the April 23, 2019 meeting.

2. **Present and Discuss the Format for the Town Meeting on April 15, 2019.**

**Presentation:** *Mary Rosenbleeth, Director of Marketing & Communications.* Council was asked what topics they would like to present at the Town Hall Meeting. The following topics were assigned and agreed to:

- Mayor Joe Chow – open/close meeting, introductions, miscellaneous information i.e. election, special events, meeting format;
- Mayor Pro-Tempore Paul Walden – update on License Plate Recognition (LPR) Program;
- Deputy Mayor Pro-Tempore Tom Braun – Bond Committee, Midway Road Project;
- Council Member Ivan Hughes – Parks, Addison Circle Park;
- Council Member Guillermo Quintanilla – Update on Airport & Customs Bldg., Midway Road;
- Council Member Lori Ward – Economic Development update i.e. new companies relocating/expanding in Addison, Unified Development Code; and
- Council Member Marlin Willesen – Non-profit organizations.

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## REGULAR MEETING

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### Pledge of Allegiance

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### Announcements and Acknowledgements regarding Town and Council Events and Activities

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### Discussion of Events/Meetings

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3. **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.*
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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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4. **Consider Action to Approve the February 20, 2019 Work Session and Regular Meeting Minutes.**

**MOTION:** Council Member Hughes moved to approve the February 20<sup>th</sup> minutes with the

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following amendment to Work Session Item #2 to add the following statement to ‘COUNCIL COMMENTS’ to read as follows:

*‘Favorable comments were received **however residents voiced concerns about the trails section of the DRAFT Parks, Recreation and Open Space Master Plan, particularly that residents are uncomfortable without knowing more specifically where trails would be located. Many residents voiced strong support for the suggestion in the DRAFT Parks, Recreation and Open Space Master Plan that a separate Trails Master Plan be created.***

Mayor Pro-Tempore Walden seconded the motion. Motion carried unanimously.

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## Regular Items

5. **Consider Action to Approve a Resolution for a Performance Contract Between the Town of Addison and Gary Osier Presents, Inc. for the Personal Services of Musicians, Josh Abbott Band and to Authorize the City Manager to Execute the Contract in an Amount not to Exceed \$130,000.**

Jasmine Lee, Director of Special Events, presented the performance contract with the Josh Abbott Band for Council consideration and approval. Talent producer Gary Osier Presents, Inc., has secured this entertainment headliner for Taste Addison. The fee for services is 8.75% of the band’s proceeds, with no commission from the gate or merchandise sales. Contract documents remain the same as previous years. The Town has contracted with this agency in the past and have been pleased with the services provided. Ms. Lee advised that a total of five bands would be performing from 1:30 pm to 10 pm in hopes of generating a larger attendance throughout the day not just after 8pm as had been the practice. A short Taste Addison promotional video was presented. Upon approval of these entertainment contracts, the video will be released.

City Attorney McDonald requested that this item be corrected to indicate that the contract is between the Town and the Josh Abbott Band. That correction/amendment was made and indicated in the header record of this item and the finalized Resolution.

**MOTION:** Council Member Hughes moved to approve the Performance Contract as amended with the Josh Abbott Band and to Authorize the City Manager to Execute the Contract in an Amount not to Exceed \$130,000. Council Member Ward seconded the motion. Motion carried unanimously.

**Resolution No. R19-017:** Josh Abbott Band Contract - Taste Addison

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6. **Consider Action to Approve a Resolution for a Performance Contract Between the Town of Addison and The All-American Rejects Corp. O'Touring for the Personal Services of Musicians and to Authorize the City Manager to Execute the Contract in an Amount not to Exceed \$80,000.**

Jasmine Lee, Director of Special Events, presented the performance contract for the All-

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American Rejects Corporation O'Touring for personal services of musicians at Taste Addison of an amount not to exceed the \$80,000 budgeted funding. The talent producer Degy Booking International, Inc. will be on site for all performances for a fee of 10% of the band's proceeds, and no commission from the gate or merchandise sales.

**MOTION:** Council Member Ward moved to approve Performance Contract with The All-American Rejects Corp. O'Touring and to Authorize the City Manager to Execute the Contract in an Amount not to Exceed \$80,000. Deputy Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

**Resolution No. R19-018:** All-American Rejects Corp. O'Touring -Taste Addison

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7. **Hold a Public Hearing, Present, Discuss, and Consider Action to Approve an Ordinance Amending Planned Development Ordinance 007-034, as Amended by Ordinances O13-026, O16-017, and O16-018, Which Zones that Area of the Town Known as Vitruvian Park, Containing Approximately 121 Acres of Land Generally Located at the Southeast Corner of Marsh Lane and Spring Valley Road in Order to Add Veterinary Clinic as an Additional Permitted Use. Case 1791-Z/Vitruvian Park.**

Charles Goff, Assistant Director of Development Services, presented Case 1791-Z/Vitruvian Park for consideration to add a veterinary clinic as an additional permitted use without conditions to this Planned Development District. Following the original zoning approval, UDR purchased four additional tracts and integrated a shopping center into the project. The District was amended to establish development standards for the shopping center and the addition of permitted used including pet grooming and overnight boarding.

UDR representative, Rob St. John, addressed the City Council and was available to answer any questions. He stated that a veterinarian had approached UDR for the 2,500 sq. ft. site to serve as a veterinary clinic. The change proposed is the addition of veterinary clinic as an additional permitted use. Council Member Hughes inquired about possible noise issues from this facility. Mr. Goff stated that there were no noise issues with the current boarding and pet grooming facility with enough pathways and landscape areas. Mr. St. John advised that this area has a lot of pets and pet owners, so the synergy is there for a veterinary facility to compliment the residential/retail area. A landscape area located behind the proposed site will provide a buffer to future residences.

Mayor Chow opened and closed the Public Hearing as no citizen requested to speak at the public hearing.

**MOTION:** Deputy Mayor Pro-Tempore Braun moved to approve. Council Member Hughes seconded the motion. Motion carried unanimously.

**Ordinance No. O19-06:** Case 1791-Z/Vitruvian Park additional zoning use of Veterinary Clinic

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8. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception for Make-A-Wish, Located at 16803 Dallas Parkway, from the Code of Ordinances, Chapter 62 Section 62-163. – Area, in Order to Permit a Sign Exceeding the Allowed Letter/Logo Height Requirement.**

Charles Goff, Assistant Director of Development Services, presented this request for a meritorious exception to install a 58.75-inch-tall letter/logo on the south facade of the building located at 16803 Dallas Parkway which will serve as Make-A-Wish Foundation’s regional headquarters. The proposed letter/logo does not comply with the height requirements set forth in the Code Section 62-163, because it exceeds the allowed height by 13.75 inches. Staff recommended denial of the request.

Representatives for the Make-A-Wish Foundation presented their case for the exception and answered questions from Council. Council discussed how reducing the size of the letters would render the sign ineffective since it is over 200 feet from the tollway.

**MOTION:** Deputy Mayor Pro-Tempore Braun moved to grant the meritorious exception. Council Member Ward seconded the motion. Motion carried unanimously.

**Ordinance No. O19-07:** Make-A-Wish, 16803 Dallas Parkway – Signage Meritorious

Exception

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9. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception for Lupe Tortilla, Located at 4535 BeltLine Road, from the Code of Ordinances, Chapter 62 Section 62-163. – Area, in Order to Permit a Sign Exceeding the Allowed Letter/Logo Height Requirement.**

Charles Goff, Assistant Director of Development Services, presented the Meritorious Exception request from Lupe Tortilla to permit a sign exceeding the allowable letter/logo height requirement. The letters ‘Lupe Tortilla’ are proposed at 12 inches tall, the letters ‘Breakfast-Lunch-Dinner’ are proposed at 9.8 inches tall, and the “pepper” logo is proposed at 57 inches tall. While the letter heights of 9.8-14 inches meet the Sign Code requirements for attached signage, the pepper logo does not comply because it exceeds the allowed letter/logo height by 37 inches. Staff recommended denial of the request.

Lupe Tortilla Representative Jessica Jones addressed the City Council to request a meritorious exception for their trademark “pepper”. This restaurant will be the flagship store in the DFW metroplex. Lupe Tortilla has multiple locations in Houston, Austin and San Antonio areas. After review and discussion, Council Members asked Staff to negotiate a justifiable and formulaic compromise regarding letter/logo height to resolve this issue to the satisfaction of Lupe Tortilla and the Town.

**MOTION:** Council Member Willesen moved to table this item until the next meeting (3/26/19). Mayor Pro-Tempore Walden seconded the motion. Motion carried unanimously.

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10. **Present, Discuss, and Consider Action to Approve an Ordinance Amending Chapter 22 - Businesses of the Code of Ordinances by Adding Article VIII, Short Term Rentals, in order to Establish Regulations for Short Term Rentals, and Amending Chapter 74 - Taxation of the Code of Ordinances to Amend the Definition of a Hotel to Include Short Term Rentals.**

Charles Goff, Assistant Director of Development Services, presented the proposed ordinance to introduce regulations to short-term rentals. At the January 22 meeting staff presented various model ordinances from cities who had regulations in place for short-term rentals. The ordinance presented is a result of direction received by the City Council. This pilot program will require short-term rental owners to register on an annual basis at a cost of \$25. A sunset provision was included to allow review of the policy after one-year. The requirements include a process to notify property owners within 100 feet of the short-term rental property. Council suggested that Section 22-256 – “Notification of Approval of Short-Term Rental” be amended to read as follows:

*“Within ten (10) days of the approval of a Short-Term Rental, the Town will send notice to all property owners within ~~one-two-hundred (100 200) feet~~ of the property and shall include the twenty-four (24) hour compliant line, and pertinent information about this Ordinance”.*

The amendment proposed for Chapter 74 “Taxation” would amend the definition of a hotel to include short-term rentals. This change will allow the Town to collect hotel occupancy taxes for these rentals.

**MOTION:** Mayor Pro-Tempore Walden moved to approve this ordinance with the amendment to the notification distance from 100 feet to 200 feet as shown in Section 22-256. Council Member Hughes seconded the motion. Motion carried unanimously.

**Ordinance No. O19-08:** Amend Chapter 22 by addition of Article VIII. “Short-Term Rentals”, Chapter 74 Taxation add definition of Short-Term Rental.

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11. **Present, Discuss and Consider Action on a Resolution Authorizing the Submission of a Grant Application to The State of Texas, Office of the Governor, Public Safety Office - Criminal Justice Division for the National Crime Statistics Exchange (NCS-X) Implementation Assistance Program; Authorizing the City Manager to Apply for, Accept, Reject, Alter, Terminate or Execute the Grant Agreement; and Providing an Effective Date.**

Police Chief Paul Spencer presented his request for authorization to submit a grant application to the Governor’s Public Safety Office. Chief Spencer explained that funds received from this grant will offset the costs associated with the current Record Management System (RMS) project to collect and process data that can then be submitted to the Texas Department of Public Safety (DPS) UCR Program in the NIBRS format. The State requires this reporting change to be completed by September 2019. The Police Department anticipates an award of up to \$95,000 with no matching funds required.

**MOTION:** Deputy Mayor Pro-Tempore Braun moved approval. Council Member Ward seconded the motion. Motion carried unanimously.

**Resolution No. R19-019:** Authorize National Crime Statistics Exchange Grant Application

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12. **Present, Discuss and Consider Action on Acceptance of the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR).**

Chief Financial Officer Olivia Riley introduced auditors from the auditing firm of BKD, LLP who briefly reviewed the Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) 2018. It was noted that the Finance Department Staff prepared the CAFR with the exception of the Independent Auditor's Report that includes an "unmodified" or clean opinion of the Town's financial records. It was noted that the Town has been awarded forty-two consecutive Certificates of Achievement for Excellence in Financial Reporting through Fiscal Year ending 2017 from the Government Finance Officers Association. The FY2018 CAFR will be submitted by the end of March for consideration of a forty-third consecutive award. City Manager Pierson thanked Mrs. Riley and her staff for their work on the FY2018 CAFR.

**MOTION:** Council Member Hughes moved to approve Item 12. Deputy Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

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**Adjourn Meeting**

There being no further business to come before the Council, Mayor Chow adjourned the meeting.

**TOWN OF ADDISON, TEXAS**

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Joe Chow, Mayor

**ATTEST:**

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Irma G. Parker, City Secretary