

# **DRAFT**

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

**March 26, 2019**

**ADDISON TOWN HALL**  
5300 Belt Line Rd., Dallas, TX 75254  
6:00 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; Council Member Ivan Hughes; Council Member Lori Ward; Council Member Guillermo Quintanilla; and Council Member Marlin Willesen

1. **Call Meeting to Order:** Mayor Chow called the meeting to order at 6:03 pm

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**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:**

- **Budget Suites of America located at 15130 Marsh Lane, Addison, Texas 75001**

Mayor Chow closed the open meeting and convened the City Council into Closed Executive Session at 6:03 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 6:39 pm. No action taken.

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## **WORK SESSION**

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

Mary Rosenbleeth, Director of Public Communications, facilitated a discussion regarding the format for the upcoming Town Meeting. Council Member Marlin Willesen and Deputy Mayor Pro-Tempore Paul Walden requested further discussion of concerns about the use of Facebook Live during the upcoming Town Meeting. This topic was previously considered during a Work Session on March 12.

Council Members reviewed their topic assignments, time allocations, and sequence of presentations for the Town Meeting. Council asked if the technical difficulties experienced at the Fall Town Meeting had been resolved. Staff replied that they believe they have. Council confirmed that the meeting will be broadcast live via multiple sources but not via Facebook Live.

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### **3. Present and Discuss the Appointment of a Special Project Committee to Provide Input on Art and Station Design Elements Associated with the DART Cotton Belt Regional Rail Project.**

Charles Goff, Assistant Director of Development Services, presented information concerning a Special Project Committee. In December 2018, Dallas Area Rapid Transit (DART) awarded a contract for the design and construction of the Cotton Belt Regional Rail Project. As part of the design process, DART proposed the creation of an Art & Design Committee that would help design features/art to reflect the community in which a new station will be located. Staff requested direction to establish membership, composition and the appointment process. Committee membership is limited to 8 to 14 individuals for participation in five (5) workshops in a four (4) month period. Council directed staff to reach out to the community, including the Addison Arbor Foundation Board, to obtain applications from those interested in serving on the Committee. Council will consider appointments at the second meeting in April. Deputy Mayor Pro-Tempore Braun inquired whether Council Members could be selected for the Committee. Staff indicated they would research that question and provide a response.

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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**

### **Discussion of Events/Meetings**

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**Public Comment:** *The City Council invites citizens to address the City Council on any topic not on*

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*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 or audience members requested to address the City Council on a topic not on the 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.*

4. **Consider Action to Approve the March 12, 2019 Work Session and Regular Meeting Minutes and the March 14, 2019 Economic Development Work Session Minutes.**
5. **Consider Action to Approve a Resolution for an Agreement with Fello, Inc. for the Rental of Point of Sale Hardware Systems for Addison's Major Special Events (Taste Addison, Kaboom Town! and Oktoberfest) and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$92,110.**
6. **Consider Action to Approve a Resolution Authorizing the Town of Addison, Texas to Enter into an Inter-Local Agreement with the City of Carrollton, Texas for the Utilization of Carrollton's Fleet Service Garage for the Maintenance and Repair of Addison Fire Apparatus Equipment and Emergency Vehicles for a Term Expiring September 30, 2019 and Authorize the City Manager to Execute the Agreement.**
7. **Consider Action to Approve a Resolution to Authorize an Agreement Between the Town of Addison and Joe Goddard Enterprises, LLC, for the Purchase and Installation of Six (6) New Outdoor Early Warning Systems Speakers and Additional Amplifier Modules and Authorize the City Manager to Execute the Agreement in an Amount not to Exceed ~~\$144,619.48.~~ \$114,619.48.**
8. **Consider Action to Approve the Purchase of Belt Line Street Light Poles, Base Covers, Luminaries, Pulse Start Lamps, and Breakaway Support Systems and Authorize the City Manager to Execute the Purchase in an Amount not to Exceed \$76,746.40.**
9. **Consider Action to Approve the Purchase of Traffic Signal Controllers, Traffic Signal Lights, Communications Units, Traffic Signal Backup Batteries, Video Detection Upgrades, Associated Components; Renewal of Traffic Signal Software; an Agreement for the Maintenance and Testing of the Back-Up Battery System and Authorize the City Manager to Execute the Purchase in an Amount not to Exceed \$240,265.**

Mayor Chow called for any requests from the City Council to pull any item from the Consent Agenda for separate discussion. There were no requests; however, City Manager Wesley Pierson advised there was an error in CONSENT AGENDA Item (7). The amount not to exceed is shown incorrectly on the agenda caption but is correct in the Agenda Memo, Resolution and Contract. Correction was noted above. The correction/amendment is to be made a part of the motion.

**MOTION:** Council Member Ward moved to approve CONSENT AGENDA Items 4 through 9 with correction/amendment to Item 7. Motion was seconded by Council Member Hughes. Motion carried unanimously.

**Resolution No. R19-20:** Fello, Inc. rental agreement for software Special Events

**Resolution No. R19-21:** City of Carrollton interlocal agreement to utilize Fleet Service Garage

**Resolution No. R19-22:** Joe Goddard Enterprises, LLC agreement for outdoor warning system.

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## REGULAR ITEMS

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10. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception for Lupe Tortilla, Located at 4535 Belt Line 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 Ordinance for Lupe Tortilla. This item was presented and discussed at the March 12<sup>th</sup> City Council meeting and Tabled to allow Staff and Lupe Tortilla Representatives an opportunity to negotiate a compromise regarding the size of the pepper logo. Council requested that any proposed solution be justifiable and formulaic. Based on this direction, Staff developed a formula based on the set-back of the building from the street. This formula would allow the Lupe Tortilla Pepper Logo, that will be located seventy (70') feet from the street, to be authorized at thirty-four (34") inches tall. Lupe Tortilla's Representative expressed agreement with to this compromise as it would allow their brand, the pepper, visible from the street.

Council inquired whether this new Letter/Logo Distance-Height formula would be incorporated in a future ordinance amendment. Mr. Goff advised that this formula would be discussed and considered during the Unified Code Development process.

**MOTION:** Council Member Hughes moved to approve ordinance as submitted. Council Motion was seconded by Member Willesen. Motion carried unanimously.

**Ordinance No. O19-09:** Meritorious Exception Lupe Tortilla Sign/Logo, 4535 Belt Line Road

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11. **Present, Discuss, and Consider Action on an Ordinance Amending Chapter 22 -**

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**Businesses, of the Code of Ordinances by Adding Article IX, Hotel/Motel Maximum Exemptions from the Payment of Hotel Occupancy Tax, in order to Set a Cap on the Number of Room Nights that May be Exempt from the Payment of Hotel Occupancy Tax.**

Charles Goff, Assistant Director of Development Services, presented the proposed amendment to Chapter 22 regarding Hotel/Motel maximum exemptions for payment of hotel occupancy taxes. The City Council has held discussions since 2017 regarding area hotels operating as a long-term housing accommodation rather than a short-term rental. The hotel occupancy tax is paid by the guest for a short-term rental of less than 30 days and is remitted by the hotel/motel owner. Funds from this tax promote tourism and the convention and hotel industry. The Town of Addison is a tourist and convention destination with twenty-three hotels and various events held throughout the year.

This amendment requires hotels to operate so that no more than thirty (30%) percent of room nights may claim the permanent, long-term resident exemption. Any hotel that operates in violation of this requirement is subject to a fine of up to \$500 per occurrence. In addition, a hotel that continues to operate in violation of this requirement for three (3) months within a twelve (12) month period, may have their hotel's certificate of occupancy revoked.

Mr. Goff provided a corrected copy of the proposed ordinance for Council action. Council deliberated on Section 6 of the proposed ordinance regarding the date this ordinance would become effective. Staff was directed to add an effective date of June 1, 2019 and to notify all hotels of the adoption of this ordinance.

**MOTION:** Council Member Hughes moved to approve this ordinance with the change to Section 6 by adding an effective date of June 1, 2019. Deputy Mayor Pro-Tempore Braun seconded this motion. Motion carried unanimously.

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12. **Present, Discuss and Consider Action on an Ordinance Amending Chapter 2 - Administration of the Code of Ordinances to Allow for the Sale of Unclaimed Impounded Personal Transport Vehicles, and Amending Chapter 70 - Streets, Sidewalks and Other Public Places of the Code of Ordinances by Adding Article VII, Division 2. Personal Transport Vehicles to Regulate Bikesharing and Scootersharing Companies in the Public Right-of-Way and on Town Property.**

Charles Goff, Assistant Director of Development Services, presented this ordinance to regulate personal transport vehicles in the Town. During the March 12 Work Session, Staff presented a draft ordinance and permit agreement. After receiving input and direction at that meeting this ordinance was presented for action. This is a pilot program with all permit agreements with personal transport vehicle companies to expire in December 31, 2019 if not sooner. A 30-day clause is included at which time the Town or company may terminate the contract and cease operation.

Council Members expressed various health, safety and clutter concerns associated with PTVs. In addition, they advised they had received negative comments from constituents regarding allowing these companies to operate in the Town. Mayor Chow commented that if the PTV concept is unprofitable, the companies will not stay. They provide a mobility option for our visitors. Council reiterated the ability to end the pilot program with 30 days' notice if the PTVs become a problem.

**MOTION:** Mayor Pro-Tempore Walden moved to approve Item #12. Council Member Quintanilla seconded the motion. Motion carried 4 to 3 with Deputy Mayor Pro-Tempore Braun, Council Member Ward and Council Member Willesen voting against.

**Ordinance No. O19-11:** Addition of Personal Transport Vehicles to Chapter 2 & 70.

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13. **Present, Discuss and Consider Action on a Resolution Authorizing the City Manager to Execute Easement and Property Acquisition Documents Necessary to Construct Public Improvements Associated with the Midway Road Reconstruction Project.**

Jason Shroyer, Assistant Director of Infrastructure, presented this resolution authorizing the city manager to execute easement and property acquisition documents to proceed with the Midway Road Reconstruction Project authorized in the 2012 Bond Election. The \$16M General Obligation Bond will make necessary roadway improvements to Midway Road from Spring Valley Road to Keller Springs Road. Acquisition of parcels of property along the roadway will expand the current right-of-way to accommodate the wider sidewalks associated with this project. Plans are to start the land acquisition in early May with introduction letters and property owner meetings scheduled for April 10<sup>th</sup>.

Staff advised that this is an established practice used by the Town in previous roadway improvement projects. This resolution authorizes the city manager to sign the purchase documents for properties where the project will require additional right-of-way. The overall process of land acquisition i.e. right-of-way survey, appraisals, negotiations, acceptance and condemnation, if necessary, were explained.

**MOTION:** Mayor Pro-Tempore Walden moved to approve. Council Member Ward seconded the motion. Motion carried unanimously.

**Resolution No. R19-023:** Authorize city manager to acquire right-of-way associated with Midway Road Reconstruction Project.

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14. **Present and Discuss an Update on the Design of the Midway Road Reconstruction Project.**

Jason Shroyer, Assistant Director of Infrastructure, presented an update on the \$39.3 million-dollar Midway Road Reconstruction Project. At the 2012 Bond Election \$16M was approved for

this Project and in November 2018, Council directed the City Manager to proceed with the issuance of Certificates of Obligation in the amount of \$25 million to construct the project. To date, approximately 60% of the design is complete. The project design is expected to be 90% complete in April 2019. Staff indicated they will continue to meet with Dallas Area Rapid Transit (DART) to discuss and coordinate the Midway Road Reconstruction Project with DART's Cotton Belt Line. Staff stated they anticipate the civil plans, design, land acquisition, and procurement to take approximately three (3) years. City Manager Pierson informed Council that this will be a long, disruptive project. In anticipation of the disruption it will cause, Staff has developed a marketing and communication plan to keep citizens informed. Council expressed concern of how this construction project could affect adjacent businesses and property owners. Discussion only, no action required or taken.

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15. **Present, Discuss, and Consider Action to Reject the Proposal Received in Response to Request for Proposal #19-16 for Debris Monitoring Services for the Cities of Addison, Carrollton, Coppell, and Farmers Branch.**

Shawn Cheairs, Infrastructure & Development Services Management Assistant, requested the City Council reject Bid Proposal #19-16 Debris Monitoring Services. This project would be a joint venture between the Cities of Carrollton, Coppell, Farmers Branch and the Town of Addison for debris monitoring services that would only be activated in the aftermath of a large-scale debris producing disaster such as a tornado. The Request for Proposal (RFP) was solicited on October 19, 2018 with a due date of November 8, 2018. Since only one (1) bid was received (DebrisTech LLC), the cities' representatives recommend the bid be rejected. A new RFP will be re-issued in April with DebrisTech LLC encouraged to re-submit a bid.

**MOTION:** Council Member Hughes moved to reject Proposal #19-16. Council Member Willesen seconded the motion. Motion carried unanimously.

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**Adjourn**

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