

# OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

July 9, 2019

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 Tom Braun; Deputy Mayor Pro-Tempore Lori Ward; Council Member Ivan Hughes; Council Member Guillermo Quintanilla; Council Member Paul Walden; Council Member Marlin Willesen

1. **CALL MEETING TO ORDER:** Mayor Chow called the meeting to order.

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2. **CLOSED (EXECUTIVE) SESSION OF THE ADDISON CITY COUNCIL PURSUANT TO:**

**Section 551.087, Tex. Gov. Code**, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects:

- **Project Madison**

**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:

- **Spruill Dog Park Naming and Recognition Policy**

Mayor Chow closed the open session at 5:15 pm to convene the City Council into Closed Executive Session.

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3. **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 Regular Open Session at 6:11 pm. No action taken.

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## WORK SESSION

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4. **Present and Discuss the Leadership Metrocrest Program.**

**Presentation:** Erin Carney, Metrocrest Chamber of Commerce President. Ms. Carney provided Council with an update on the Leadership Metrocrest Program including the participant selection process.

COUNCIL COMMENTS: Council's role is to nominate community members, encourage participation and tuition assistance. City Manager Pierson suggested that the Council wait until the Metrocrest Chamber of Commerce selects Leadership Metrocrest participants before any funding decisions for applicants are made. Once the participants are selected the Town can apply its funding matrix to those applicants that are successful in being selected as a Leadership Metrocrest participant. Council responded positively to this suggestion. Priority will be given to citizens and then Town employees.

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5. **Present and Discuss the Addison Community Bond Advisory Committee's Final Report on a Recommendation for a Bond Program and Review the Program's Propositions, Projects, Financing, and Process.**

**Presentation:** Lisa Pyles, Director of Infrastructure and Public Works. The purpose of this agenda item was for Council and Staff to discuss the recommended bond program's propositions, projects, financing, and process. A brief review of timeline was provided. The Committee chose 15 projects that they believe should be included in a bond program. These projects were also divided into five proposed propositions. The total cost of the recommended projects is \$85,620,002 and shown as follows:

- Proposition 1 - Roads (East West) \$22,900,000
- Proposition 2 - Roads (North South) \$33,602,000
- Proposition 3 - Buildings \$7,395,000
- Proposition 4 - Recreation and Lifestyle \$6,723,002
- Proposition 5 - Investment in the Future \$15,000,000

Council asked questions relating to the impact of the bond program on future Town tax rates. Ms. Julie Partain, Bond Attorney for the Town of Addison answered questions and provided information related the proposed Proposition 5 - \$15,000,000 for strategic land acquisition for economic development purposes. Ms. Partain also shared pertinent information related to the bond sale process, tax laws associated with the sale of bonds, and the ability for the Town to reimburse itself for bond eligible project expenses.

This and future presentations are intended to facilitate discussion, provide information, and

answer questions in order for the City Council to decide whether or not to call for a bond election. Information about the Bond Advisory Committee's meetings can be found on the Town's website by visiting: <https://addisontexas.net/vbc/community-bond-advisory-committee>

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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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**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 requests from any audience members to address the City Council.

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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.*

6. **Consider Action to Approve the June 24, 2019 City Council Work Session and Regular Meeting Minutes.**
  7. **Consider Action to Reject All Bids for the Addison Town Hall Drive and Lake Forest Drive Pavement Replacement Projects.**
  8. **Consider Action to Approve a Resolution Approving the Agreement for Professional Engineering Services Between the Town of Addison and Icon Consulting Engineers, Inc., for Design, Bid, and Construction Phase Services Associated with the Public Streetscape Services to Serve Vitruvian West 2 and Vitruvian West 3 Improvements Project, and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$64,375.**
  9. **Consider Action to Approve Change Order #1 to the Contract with Jim Bowman Construction Company LP, for Concrete and Asphalt Repairs and Authorize the City Manager to Execute the Change Order in an Amount Not to Exceed \$610,645.**
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- 10. Consider Action to Approve an Ordinance Amending the Code of Ordinances Chapter 62 Section 62-247. - Political Signs by Adopting New Regulations for Political Signs in the Public Right-of-Way and on Town-Owned Property.
- 11. Consider Action to Approve Change Order #1 to Flow-Line Construction, Inc., for the Construction of the Vitruvian Phase 8 Public Infrastructure Project Increasing the Construction Fee and Authorize the City Manager to Execute the Change Order in an Amount Not to Exceed \$87,646.37.
- 12. Consider Action to Approve Change Order #3 to Flow-Line Construction, Inc., for the Construction of the Vitruvian Phase 5 Public Infrastructure Project Increasing the Construction Fee and Authorize the City Manager to Execute the Change Order in an Amount Not to Exceed \$58,498.

Mayor Chow called for any requests to remove an item from the Consent Agenda for separate discussion. The following requests were made to discuss various Items from the Consent Agenda separately: City Manager Pierson - Items 6 and 12; Council Member Hughes – Item 10; and Council Member Quintanilla – Items 7 and 9. Mayor Chow called for a motion to approve Consent Agenda Items 8 and 11.

**MOTION:** Deputy Mayor Pro-Tempore Ward moved to approve Consent Agenda Items 8 and 11. Council Member Walden seconded the motion. Motion carried unanimously.

**Resolution No. R19-046:** Icon Consulting Engineers, Inc. Streetscape Services Vitruvian West 2 and 3.

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**Consent Agenda Item 6 – June 24, 2019 Meeting Minutes:** City Manager Pierson reported that at the June 24<sup>th</sup> Meeting Minutes the Meritorious Exception request for signage at 3802 Belt Line Road in the Addison Town Center for a proposed ‘Ross Dress for Less’ was tabled to the July 9<sup>th</sup> Council Meeting. This request for a Meritorious Exception is not included in the agenda for July 9. A Meritorious Exception has no requirement to be brought back at a certain date. The Applicant did not prepare the additional information for Staff and Council review and consideration for presentation at tonight’s meeting. That action will be considered at a future date. This was presented for information only, no changes and/or additions to the Minutes of June 24. Mayor Chow called for a motion on Consent Item #6.

**MOTION:** Mayor Pro-Tempore Braun moved to approve Consent Agenda Item #6 – June 24, 2019 Meeting Minutes. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

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**Consent Agenda Item 7 – Reject Bids for Pavement Replacement Projects:** Public Works Director Lisa Pyles reported that a bid for construction of the pavement replacement of Town Hall Drive and Lake Forest Drive was posted on April 25<sup>th</sup> and closed on May 9<sup>th</sup>. One bid was found to be non-responsive and disqualified. Since only one bid was received, Staff recommends the Bid be rejected.

COUNCIL COMMENTS: Council Member Quintanilla stated that he requested this Item to provide information to the public regarding the questions asked by Council on this Item with the response from Staff. Director Lisa Pyles responded as follows:

Question: Where was this request for bids posted?

Response: The request for bids was posted on BidSync (for 26 days) which is our normal process.

Question: Were any representatives of EJ Smith, HQS or Jim Bowman Construction in attendance at this pre-bid meeting?

Response: HQS sent one representative. No representatives from the other bidder, EJ Smith, were in attendance. Jim Bowman Construction was not a bidder on the Town Hall Drive and Lake Forest Drive Pavement Replacement Projects. As such, no one from Jim Bowman Construction attended the pre-bid meeting. The pre-bid meeting is not mandatory.

Question: Please provide historical background, if available, about the projects EJ Smith and HQS have undertaken or bid on for the town.

Response: Current Town Staff does not know of any work done for the Town by either EJ Smith or HQS.

Question: Please provide a copy of the scope of work posted.

Response: The scope of work for this project is outlined in the bid documents provided to bidders. The bid documents include the 108-page Specification and Contract Documents as well as the engineering plans prepared for the projects. Copies of both documents were uploaded to the Council One Drive.

Council Member Quintanilla asked for clarification as it appears there is a parallel bidding process taking place. City Manager Pierson stated there was no parallel bidding going on. This project was let for bid in April and closed in May. Since one bid was found to be non-responsive that bid was disqualified. With only one bid received our IDIQ contract was reviewed and found to provide a cost savings to the Town for these projects.

**MOTION:** Council Member Quintanilla moved to approve as submitted. Council Member Willesen seconded the motion. Motion carried unanimously.

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**Consent Agenda Item 9 – Change Order #1, Jim Bowman Construction Co., LP:** This Change Order #1 will add three projects to the IDIQ contract for (1) fire station #1 and #2 driveways, (2) Town Hall Drive Pavement Replacement and (3) Lake Forest Drive Pavement Replacement.

COUNCIL COMMENTS: Council Member Willesen stated his focus was on the Lake Forest Drive pavement replacement project as it was his understanding that maybe a lot of this is being driven by some work that needs to be done over the bridge that separates the private part of the street from the public. Director of Public Works Lisa Pyles reported that the portion of Lake Forest Drive from Belt Line Road to the southern limit of the bridge was to be reconstructed.

The bridge will receive an overlay only. Council Member Willesen asked if the Finance Building's parking lot would be repaired. Director Pyles stated that the parking lot was not included in this project.

Mayor Pro-Tempore Braun inquired as to how quantities were determined. Director Pyles reported that the design engineer determines quantities and provides them in the bid specifications for each project. The design engineer works with Staff and the contractor throughout the project and on occasion additions or deletions are made due to conditions in the field.

Council Member Quintanilla inquired as to the timing of these projects. Director Pyles advised that the projects are scheduled to commence in September. Dates are determined by the contractor's availability. This provides a cost savings when the contractor is provided leeway in determining start and end dates. Council Member Quintanilla and Mayor Chow thanked the Public Works Department for their efforts to save money by the use of the IDIQ program.

**MOTION:** Council Member Quintanilla moved to approve Change Order #1 as submitted. Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

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**Consent Agenda Item 10 – Chapter 62, §62-247 Political Signs:** Director of Development Services Charles Goff summarized the changes which includes: prohibition of political signs within the public right-of-way (ROW); prohibition of political signs on Town-owned property i.e. parks, facilities; and the establishment of limits on the number and size of signs placed at a polling location. Amendments to the Code were prepared in response to City Council request after receiving complaints received.

**COUNCIL COMMENTS:** Council Member Hughes stated he requested this Ordinance be removed from the Consent Agenda to provide information to the public. During this discussion Council expressed concern with the language contained in §62-247(d)(1) related to placement of signage in single-family neighborhoods. Wording suggested by City Attorney McDonald for amendment to sign placement was accepted and a motion made to provide direction to Staff.

**MOTION:** Council Member Hughes moved to amend §62-247(d)(1) to read as follows: *'(1) In single family neighborhoods, political signs may be placed in any portion of the front or side yard that may include the public right-of-way, if the political sign is placed at least three (3') feet away from the edge of the street, or, in locations with sidewalks, located so as not to obstruct the sidewalk.'* Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

Additionally, Council Member Willesen suggested that §62-247(d)(2) be reconsidered due to the limitation placed on the signage size. Council opined that most signs were approximately three (3 sf) square feet; however, Council Member Willesen stated his signs were larger. Council Member Willesen was asked to provide the exact dimensions of his signs to Staff and Council for possible consideration and inclusion in this ordinance.

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

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**Consent Agenda Item 12 – Change Order #1 Flow-Line Construction, Inc.:** City Manager Pierson requested this Item be Tabled to a future date to allow Staff time to address concerns associated with this Change Order. Mayor Chow called for any questions, there being none, he requested a motion.

**MOTION:** Council Member Walden moved to Table Consent Item 12. Council Member Hughes seconded the motion. Motion carried unanimously.

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## Regular Items

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13. **Hold a Public Hearing, Present, Discuss and Consider Action on a Resolution Relating to the Giving of Notice of Intention to Issue Town of Addison, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019 and Providing an Effective Date.**

City Manager Pierson advised that an updated Resolution was provided to the Council at the dais. The only change to the resolution includes, as part of the allowable project costs, an expenditure for the improvements to a groundwater well to supply water to the Town’s Vitruvian Park. This is an additional well at the pond at Vitruvian to be built into the Trinity Aquifer.

Chief Financial Officer Olivia Riley reported that the proposed \$18 million in Certificates of Obligation are to fund Midway Road reconstruction, streets projects related to Vitruvian Park West 2 and 3, and well-site improvements. The Town’s Financial Advisor Nick Bulaich (Hilltop Securities) and Julie Partain, the Town’s Bond Counsel (Bracewell LLP) were also in attendance. Mr. Bulaich advised this 20-year Certificate would cost the Town an estimated annual payment of \$1.2 million. These Certificate of Obligations would be sold via competitive sale on September 10, 2019. A review of the timeline was presented and discussed.

**COUNCIL COMMENTS:** Council Member Hughes wished to get on the record, how the recently adopted House Bill 2, the Property Tax Reform Bill which caps property tax revenue growth, would affect the Town’s ability to sell these Certificates of Obligation. He added that bond rating agencies consider this legislation a net credit negative. Mr. Bulaich stated that it should not affect the Town’s Bond Rating. It will affect all cities’ ability to pay cash for a projects in the future, which could result in more debt being issued in lieu of cash funded projects.

City Manager Pierson reported that the all State Laws have been followed for this issuance, just as had been done for the last issuance. The difference between the Series 2019 Issuance and

Series 2018 Issuance sold in December of 2018 is that the debt service was supported by airport and utility funds and had no net impact to our debt service tax rate. The Series 2019 Issuance will be supported by our debt service tax rate and as a result the debt service tax will require a small increase for Fiscal Year 2020. Specific to the debt service portion of the tax rate.

**PUBLIC HEARING:** There were no requests to address the Council at this Public Hearing.

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

**Resolution No. R19-045:** Notice of Intention to Issue Certificates of Obligation, Series 2019

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14. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on Property Located at 4355 Beltway Drive, Which Property is Currently Zoned Planned Development (PD) Through Ordinance O95-007, by Amending the Permitted Uses to Allow for the Sale of Alcoholic Beverages for On-Premises Consumption Only Upon Approval of a Special Use Permit, and by Approving Such Special Use Permit. Case 1801-Z/Holiday Inn.**

Charles Goff, Director of Development Services, presented this item to Council. The Planning & Zoning Commission, meeting on June 18, 2019, voted to recommend approval the requested Special Use Permit to change the zoning to allow for the sale of alcoholic beverages for on-premises consumption only on property located at 4355 Beltway Drive. Staff recommended approval subject to a condition which requires the applicant to not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage.

**COUNCIL COMMENTS:** Deputy Mayor Pro-Tempore Ward inquired as to the status of the monument sign. Mr. Goff reported there was no damage to the monument sign, it was covered since the branding or logo was not applicable to the current facility and is scheduled to be updated. Council Member Hughes inquired as to the restrictions and general provision of serving alcohol, i.e. hours of sale, late-night sale. Mr. Goff advised that the Texas Alcohol and Beverage Commission regulates the sale of alcohol.

**PUBLIC HEARING:** There were no requests to address the Council at this Public Hearing.

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

**Ordinance No. O19-28:** Case 1801-Z/Holiday Inn, 4355 Beltway Drive

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15. **Present, Discuss and Consider Action on the Status of Construction Along the Cotton Belt Regional Rail Corridor and the Development of Properties Adjacent to the Rail Corridor.**
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Charles Goff, Director of Development Services, presented the status of the three projects – DART’S Cotton Belt Regional Commuter Rail Project, North Central Texas Council of Governments (NCTCOG) and the Town’s implementation of the Special Area Study findings.

Director Goff updated the Council on Dallas Area Rapid Transit’s (DART) progress the Cotton Belt Rail Project and indicated that DART is still scheduled to complete the project in time to start revenue service by the end of 2022. Director Goff explained that in December 2018, DART awarded a contract to Archer Western Herzog Joint Venture (AWH) for the design and construction of the Cotton Belt Regional Rail Project. AWH's work is progressing with design development and some preliminary construction activities within the corridor.

Director Goff explained that the North Central Texas Council of Government (NCTCOG) has been coordinating with DART, Dallas County, and the cities along the rail line to construct a hike and bike trail within the corridor. Mr. Goff explained that NCTCOG's goal is to coordinate funding for the trail among the various stakeholders so that as much of the trail as possible can be built by DART and AWH while the rail line is being constructed. Mr. Goff discussed the the funding for the trail project, explaining that the project is federally funded, which require a 20% local match. Mr. Goff explained that Dallas County has agreed to cover half of the cost of the local match and they have agreed to completely fund certain portions of the trail not included in the Regional Transportation Council's funding approvals. For Addison, this means that the entire trail, as it runs through the Town, will be constructed as the rail line is built. The Town's required contribution to this project is expected to total \$307,469.

Director Goff also discussed the Town’s work to create a new transit-oriented development surrounding the planned rail station in Addison. This process began with the creation of a vision established through the Addison Circle Special Area Study, which was adopted by Council earlier in 2019. Since then, staff has been working on a plan to solicit developer interest before releasing a call for developers in the first quarter of 2020.

COUNCIL COMMENTS: Council Member Hughes asked if developers had been in contact with Town employees to inquire about possible participation. Mr. Goff said there had been interest. Council Member Willesen wanted more information regarding the Town’s match. Mr. Goff stated that the \$307,469 match was determined during the design phase. The local match may go down but will not exceed that amount. Council Member Quintanilla inquired as to the plans for integration of the two-mile hike and bike trail and the Town’s sidewalk and trail system. Mr. Goff stated that entry points are included for the safe transition from the DART system and the Town’s trail system. Provided for information only. No action taken.

16. **Present, Discuss, and Consider Action on a Resolution Indicating Addison's Commitment to Provide the Required Local Match for the Cotton Belt Hike and Bike Trail in Fiscal Year 2021 in an Amount Not to Exceed \$307,469.**

Charles Goff, Director of Development Services, presented this Resolution for consideration and adoption. North Central Texas Council of Governments (NCTCOG) coordinated with stakeholders along the rail line to construct a hike and bike trail within the corridor with the

Regional Transportation Council funding design of the hike and bike trail and covering 80% of the construction costs for the segments of trail that were deemed critical. The remaining 20% of the construction costs to be covered by a local match. Dallas County has agreed to cover half of the required 20 percent local match. This resolution formally adopts and records the Town of Addison's commitment to fund a local match equal up to 10% of the cost to construct the two critical trail sections located in Addison in an amount not to exceed \$307,469..

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

**Resolution No. R19-047:** Commitment to provide local match for Cotton Belt (now known as Silver Line) Hike and Bike Trail in FY 2021.

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17. **Present, Discuss and Consider Action on a Resolution Amending the Spruill Dog Park Naming and Recognition Policy to Remove the Requirement Allowing a Minimum Donation to Rename Spruill Dog Park to be Included on Elements for a Minimum Donation and Limiting the Naming Nomenclature to Only Include Dog Name, Family or Individual Name, or Business Name.**

Janna Tidwell, Director of Parks & Recreation, presented the Resolution amending the Naming and Recognition Policy. In June, Staff brought this Policy before Council for discussion at the request of Council. As a result of those comments and suggestions, Staff brought forward policy amendments for consideration.

COUNCIL COMMENTS: Council Member Willesen asked questions related to when and how much of the donations from the Legacy Foundation for Spruill Dog Park were received by the Town. Ms. Tidwell explained that in the short-term, the Town is reimbursed for the costs associated with engraving and installing brick pavers at Spruill Dog Park. She also reported ultimately, the intent is that 100% of the donations received by the Legacy Foundation for Spruill Dog Park would be given to the Town for projects at the dog park. Additional questions regarding the relationship between the Town and the Legacy Foundation were discussed. Regarding the brick program, Council Member Willesen inquired as to the procedure and cost. City Manager Pierson explained the cost to the Town and how much was paid to the Town by the Legacy Foundation.

Amendments were discussed with Deputy Mayor Pro-Tempore Ward asking about the inclusion of 'dog-centric' language in the policy. City Manager Pierson advising that in last approved Policy, Section 2 (a) and (b) did not have 'dog-centric'. Council may add that back or keep it the same. No change was recommended by Council. Council Member Hughes recommended adding Section 3(a) (iv) to read: 'no names shall include profanity or offensive language.' There being no other comments, Mayor Chow called for a motion.

**MOTION:** Council Member Hughes moved to approve this Resolution with the following amendment in Section 3 (a) "Naming Nomenclature" to read '*The naming of elements in Spruill Dog Park may only include the following:*' and the addition of Section (a)(iv) '*No names shall*

*include profanity or offensive language.* Mayor Pro-Tempore Braun seconded. Motion carried 6 to 1 with Council Member Willesen voting against.

**Resolution No. R19-048:** Amending Spruill Dog Park Naming and Recognition Policy.

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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 Parker, City Secretary