

# DRAFT

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

August 13, 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 Texas Government Code:
- Section 551.074. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to: **City Attorney Annual Review;**
  - Section 551.071(1)(A). Consultation with Attorney to discuss pending or contemplated litigation: **Cause No. DC-19-09630 – Bigelow Arizona TX-344, Limited Partnership dba Suites of America, TX-344 and/or Budget Suites of America vs-Town of Addison;** and
  - Section 551.072. Deliberation about Real Property - to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party: **Basin I Property.**

Mayor Chow closed the Regular Session at 5:07 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
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action, if any, on matters discussed in Executive Session.

Mayor Chow closed the Closed Executive Session at 8:12 pm and reconvened the City Council into Open Session. Mayor Chow then called for any questions, comments or action to be taken from the Closed Executive Session.

**MOTION:** Council Member Hughes moved that the City Manager be authorized to acquire easements and other real property interests necessary to allow completion of the Basin I Project on terms which the City Manager may determine, in his discretion, are advantageous to the Town which agreements may include payment by the Town for the portions acquired in the amounts related thereto. The City Manager is hereby authorized under this motion to execute on behalf of the Town such instruments as maybe necessary or required to document and consummate the agreement and to cause the expenditure of Town funds such acquisition or related costs. Mayor Pro-Tempore Braun seconded the motion. Motion carried unanimously.

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## WORK SESSION

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4. **Present and Discuss an Update on the Customs and Border Protection Facility at Addison Airport.**

**Presentation:** Lisa Pyles, Director of Public Works and Engineering Services, and Page Southerland Page, Inc. representative Jeff Mechlem provided updates on the status from the second bidding process including funding sources, value engineering options, material alternates, reduction of scope, the possible rejection of all bids to begin the bid process again, or award contract to the lowest, qualified bidder. It was noted that after the bidding process was initiated for the second time, the architectural design consultant firm revealed they had made a significant error in their estimate. This mistake, combined with current conditions in the construction market, resulted in bids that exceeded both the project estimate and budget. The Town received six bids on May 2, 2019. Staff, together with Page Southerland Page, Inc., worked with the lowest qualified bidder, J.C. Commercial, to review the project looking for ways to reduce the project costs. The team also identified additional funding sources such as the TxDOT Non-Primary Entitlement (NPE) funding. The estimated cost of the proposed total project is \$9,129,163.

**COUNCIL COMMENTS:** Councilmembers asked about the building per square foot costs of approximately \$1,250. Town staff and the consultant explained that this mainly the result of building requirements for the Customs portion of the facility. Council questioned why a \$500,000 contingency amount was included, City Manager Pierson advised that the costs for the air-side elements of the project (new ramps, aprons, etc.) are still estimates and that a high contingency should be maintained until actual air-side costs are received through the bidding process. A review of additional funding sources including the Non-Primary Entitlement funding were discussed by City Manager Pierson and Airport Director Jenkinson. Design costs for this project total \$857,000 and if the Council were to reject these bids and start again, the Town would incur additional design costs. City Manager Pierson informed Council that all costs for

this project are funded directly from the Airport Fund. Council discussed whether to continue to complete the vision of this facility and move forward or start over - reject all bids, re-design to a one-story facility, get design approval for the new facility from Customs and Boarder Protection. Consensus was to move forward.

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5. **Present and Discuss Texas Election Code Chapter 255 Regulating Political Advertising and Campaign Communications During a Bond Election.**

**Presentation:** Lisa Pyles, Director of Public Works and Engineering Services, provided information regarding the Election Code to inform the City Council and Staff of the rules, regulations, permitted and prohibited activities of utilizing public resources for the upcoming Bond Election. Staff will prepare documents for distribution detailing Bond Election information in accordance with the Election Code.

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6. **Present and Discuss an Update on the WaterTower Theatre.**

Mayor Pro-Tempore Braun and Council Member Walden requested an update and introduction of the WaterTower Theatre's Producing Artistic Director Shane Peterman.

**Presentation:** Mr. Peterman updated the City Council with the new artistic vision, business strategy, and other new initiatives adopted by the Board. Mr. Peterman reported that early results show season ticket sales are up 10%, an increase in new patrons and a decrease in spending. No action taken or required, provided for information only.

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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 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 appeared to discuss any topic not on this agenda.

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**Consent Agenda:** *All items listed under the Consent Agenda are considered routine by the City*

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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.

Mayor Chow called for any items to be removed from the Consent Agenda and discussed separately. City Manager requested to pull Consent Agenda Item 8 to be presented and discussed at a future City Council Meeting. Council Member Quintanilla requested to address Consent Agenda Item 11 separately.

7. **Consider Action to Approve the Third Quarter Update from the Finance Committee to the City Council for the Period from April 2019 to June 2019.**
8. *Consider Action to Approve a Resolution Selecting The Frost National Bank as the Primary Depository Bank for the Town of Addison and Directing the City Manager to Negotiate a Treasury Management Services Agreement and a Security Agreement with the Bank. **(Moved to another meeting – no action taken)***
9. **Consider Action to Approve a Resolution Approving an Assignment of Ground Lease Between Mission Aire V, L.P. and Aerospace Development, LLC for Commercial Aviation use on Property Located at 4400 Westgrove Drive and Authorizing the City Manager to Execute the Consent of Landlord and Providing an Effective Date.**
10. **Consider Action to Approve a Resolution Approving a First Amendment to Ground Lease Between the Town of Addison and Aerospace Development, LLC for Commercial Aviation use on Property Located at 4400 Westgrove Drive and Authorizing the City Manager to Execute the Agreement and Providing an Effective Date.**

Mayor Chow called for a motion to approve Consent Agenda Items 7, 9, and 10.

**MOTION:** Mayor Pro-Tempore Braun moved to approve Consent Agenda Items 7, 9, and 10. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

**Resolution No. R19-049:** Ground Lease Assignment Mission Aire V, LP & Aerospace Development, LLC, 4400 Westgrove Drive

**Resolution No. R19-050:** 1<sup>st</sup> Amendment Ground Lease Aerospace Development, LLC, 4400 Westgrove Drive

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11. **Consider Action to Approve Change Order #2 to Flow-Line Construction, Inc., for the Construction of the Vitruvian Phase 5 Public Infrastructure Project Increasing the Construction Fee and Days to Complete and Authorize the City Manager to Execute the Change Order in an Amount Not to Exceed \$103,690.56.**

Council Member Quintanilla stated he had submitted some questions regarding this Change

Order which were answered by Director Pyles. The questions and responses to those questions were read aloud by City Manager Pierson. Mayor Chow called for a motion.

**MOTION:** Council Member Quintanilla moved to accept Consent Agenda Item 11 as presented. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

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## Regular Items

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12. **Present, Discuss, and Consider Action on a Resolution to Propose a Property Tax Rate of 0.591133 cents per \$100 of Property Valuation for the Town's Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020, and Scheduling Public Hearings Regarding the Proposed Tax Rate and Proposed Budget for the 2019-2020 Fiscal Year.**

Terri Doby, Budget Manager, presented this Resolution proposing the potential maximum property tax rate of \$0.591133 per \$100 of property valuation for Fiscal Year 2019-2020. Ms. Doby stated that the Dallas County Tax Assessor/Collector, the City's tax assessor/collector, has calculated the City's effective tax rate to be \$0.552371 and the rollback tax rate of \$0.591133. Ms. Doby explained that the effective tax rate is the total tax rate needed to raise the same amount of property tax revenue from the same properties in both the 2018 tax year and the 2019 tax year. The rollback tax rate is the highest tax rate that the Town may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

Ms. Doby explained that the Town must hold and conduct two public hearings on the proposed tax rate. The first public hearing is scheduled for Tuesday, August 27 at 7:30 pm and the second public hearing on Tuesday, September 3, 2019 at 5:00 pm. Each public hearing will be conducted at Town Hall and notice of each meeting and public hearing to be published and posted in the City's official newspaper in accordance with the law.

City Manager Pierson acknowledged that the Agenda Caption for this item should read "*A Resolution Proposing a Potential Maximum Property Tax Rate of \$0.591133...*".

**MOTION:** Council Member Walden moved approval of Item 12. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

**Resolution No. R19-051:** Proposed Potential Property Tax Rate of \$0.591133/\$100 property valuation.

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13. **Present, Discuss, and Consider Action on an Ordinance Calling a Bond Election to be Held on Tuesday, November 5, 2019, a Uniform Election Date, within the Town of Addison, Making Provision for the Conduct of the Election and Other Provisions Relating Thereof; and Providing an Effective Date.**

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Lisa Pyles, Director of Public Works and Engineering Services, presented the Ordinance calling a November 5, 2019 Bond Election. A previous DRAFT ordinance included a proposition for land acquisition for economic development subject to approval by the Texas Attorney General. The Attorney General opined that bond funds cannot be utilized for the desired purpose because the Town Charter does not specifically allow it. At the dais, an updated Ordinance was presented showing a new Proposition E in the amount of \$600,000 for the purpose of providing funds for an Advance Traffic Management System; this item was recommended by the Community Bond Advisory Committee. This item was removed from Proposition A, the east/west road project, at the direction of the Bond Counsel since this item was a city-wide project not any specific roadway system. Propositions total \$70,620,000 – Proposition A \$22,300,000; Proposition B \$33,602,000; Proposition C \$6,723,000; Proposition D \$7,395,000; Proposition E \$600,000.

Council Member Hughes stated he had been asked by citizens why the road projects were all grouped together versus listed separately thereby allowing citizens to vote separately for the projects they wished to vote for? Staff explained that the Bond Committee believed that grouping the Propositions by road direction, east/west and north/south roadways, was the most efficient and reasonable approach.

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

**Ordinance No. 019-29:** Calling November 5, 2019 Bond Election.

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14. **Present, Discuss, and Consider Action on a Resolution Supporting the Town of Addison's Application to the Texas Department of Transportation's 2019 Transportation Alternatives Set-Aside (TASA) / Safe Routes to School-Infrastructure (SRTS) Call for Projects.**

Jana Tidwell, Director of Parks & Recreation, presented the Resolution supporting an application to the Texas Department of Transportation (TxDOT) 2019 Safe Routes to School (SRTS) Grant Program. Ms. Tidwell explained that SRTS grant funds can be used for development of plans, specifications, estimates, environmental documentation and construction of pedestrian and/or bicycle infrastructure. No matching grant funds are required. Proposition C of the proposed November Bond Election includes an extension of the Redding Trail and is not part of the grant but will extend the trail system within the Town.

Ms. Tidwell explained that staff completed a preliminary application for this grant and were recently notified that the Town qualified for the second round of this grant application. The second round requires the Town to submit a resolution from the governing body accepting responsibility of any non-reimbursable costs if the Town's \$910,000 grant application is approved. The grant includes three project segments of Shared Use Path or Sidewalk segments which will, once constructed, close sidewalk gaps and provide connection to George Bush Elementary and Greenhill School. This is a competitive grant program, so the Town will be competing with other entities for these same dollars. If grant funds are not awarded, then alternative funding for these projects will need to be identified.

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

**Resolution No. R19-052:** Texas Department of Transportation 2019 Transportation Alternatives Set-Aside (TASA)/Safe Routes to School-Infrastructure (SRTS) Grant Application

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15. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception from the Code of Ordinances Chapter 62 Section 62-289 (a) Special District Addison Town Center for Ross Dress for Less Located at 3802 Belt Line Road, in Order to Permit a 258.8 Square Foot Wall Sign on the North Facade.**

Charles Goff, Director of Development Services, introduced the meritorious exception as requested by 'Ross Dress for Less'. This was originally submitted to the City Council for consideration at the June 24<sup>th</sup> meeting. At that time, the Council voted to table consideration so that the size of the proposed sign could be compared to other existing signs in the shopping center. The applicant requested a meritorious exception to allow an increase to the maximum allowed effective area, from 132.48 to 258.8 square feet. The 132.48 square feet is allowed in this location consistent with the Code. Staff recommended denial of this meritorious exception requiring the applicant to comply with the Code of Ordinances as approved. Council asked several technical questions.

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

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16. **Present, Discuss and Consider Action on 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.**

Charles Goff, Director of Development Services advised that at the City Council had directed Staff to draft changes to the Code of Ordinances (§ 62-247) regarding Political Signs after discussion at the May 28 Council Meeting. An amendment was presented, discussed and a public hearing held at the June 24 Council Meeting with staff directed to clarify language regarding signage allowed at an active polling location. On July 9, Staff again presented amendments for Council consideration. Staff was then directed to adjust the language related to where signs could be placed adjacent to the sidewalks and tabled approval to determine the typical yard-size political signs.

The changes presented and proposed by Staff remove the existing regulations on political signs in the ROW and replace it with new language expressly prohibiting signs in the ROW and on Town-owned property with two exceptions. The first exception allows signs in the front and side yards of single-family residential properties that overlap the public ROW as long as the signs are at least three feet away from the edge of the street, or in locations with sidewalks, behind the

back edge of the sidewalk without overhanging the walk way. The second exception would allow signs on Town-owned property that has been designated as an active polling place but would be subject to restrictions on the location and timing of the placement of signs, as well as the size and number of signs allowed. Signs in these locations would be limited in size to no more than 18 inches x 24 inches with a maximum area of three-square feet and would prohibit illuminated signs or signs with moving elements.

**MOTION:** Council Member Walden moved to approve Ordinance as presented by Staff with those two exceptions. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried 6-1 with Council Member Willesen voting Against.

**Ordinance No. O19-30:** Amending Chapter 62, Section 62-247 Political Signs

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17. **Present, Discuss, and Consider Action on the Town's Process to Accept and Evaluate Applications for Grant Funding from Non-Profit Organizations that Serve the Addison Community.**

Mayor Chow stated he asked City Manager Pierson to include this item on the Agenda. Mayor Chow stated that he and some of the newer Council Members had not been given the opportunity to meet and know the what these non-profit organizations did in the community, how many Addison residents they serve and just general information about those organizations. Currently the Council Members who serve as the Community Partner Bureau Liaisons review and evaluate requests from agencies that do not have specific Council liaisons. Council liaisons make recommendations for the organizations they represent. The recommendations are then presented during the Budget Work Sessions.

Deputy Mayor Pro-Tempore Ward, who currently serves on the Community Partner Bureau, commented that having all the Council Members hear from these organizations would be good especially since it would be conducted at an open meeting. Consensus was to allow the non-profit agencies who made requests and presentations to the Community Partner Bureau be offered an opportunity to also make presentations to the entire Council. The agencies requesting funding for Fiscal Year 2020 will be contacted and offered the opportunity to make a presentation at the August 27 Council Meeting. There were questions raised as part of the discussion about how these presentations might change the non-profit application review process. After some Council discussion, City Manager Pierson stated that a future Council discussion about the non-profit application review process would be needed to settle unresolved questions raised during Council discussion. No action required, presented for information only.

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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