

# DRAFT

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

March 10, 2020

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

1. **Call Meeting to Order**

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2. **CLOSED (EXECUTIVE) SESSION:** Pursuant to Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney pertaining to:
- Bigelow Arizona TX-344, Limited Partnership D/B/A Suites of America and/or Budget Suites of America v. Town of Addison, Cause No. DC-19-09630, 191st Judicial District, Dallas County District Court.

Mayor Chow closed the Open Session and convened the City Council into Executive Session at 6:02 pm.

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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 Open Session at 6:55 pm. No action to be taken.

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## WORK SESSION

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#### 4. **Present and Discuss a Draft Asset Management Policy.**

Acting Chief Financial Officer Bill Hawley presented a timeline of the Town's asset management activities beginning in 2017 when Council authorized Town Staff to begin the process of creating an asset management plan to manage the Town's infrastructure assets. Mr. Hawley introduced the draft asset management policy and explained that the policy's intent is to establish the scope and framework for the Town's asset management plan, to establish key definitions related to asset management, to establish key principles that would govern the Town's asset management activities, and to define the roles and responsibilities of the City Council and Town staff regarding asset management.

COUNCIL COMMENTS: Council Member Quintanilla asked how tools and other consumables would be tracked. City Manager Pierson stated that the Town's Financial Policies define Town assets in two main categories: Capital Equipment and Capital Improvements. Capital Equipment is an item that costs over \$5,000 and has a useful lifespan of least a three-years. Capital Improvements are items that have a cost of over \$25,000 and has a lifespan of ten-years or more. Mr. Pierson explained that items do not meet these criteria are not included in the asset management plan. Council Member Quintanilla asked for an explanation or examples of how the Town plans to monitor performance and benchmarks against similar organizations. Mr. Hawley informed Council that not many communities in the United States are participating at this level of asset management. Most of the comparable cities the Town will compare to are in Canada, Australia and New Zealand. Staff anticipates monitoring several of those comparable cities to track our effectiveness. City Manager Pierson stated that the Town was a trailblazer in establishing this program. Staff will be learning and continuously improving the process to develop management decisions that are supported by the data based on cost and benefit analysis.

Council Member Willesen asked how the Town would comply with the proposed principle that states the Town will balance community expectations and affordability to provide safe and reliable services. City Manager Pierson replied that the City Council would determine the level of service. Staff will provide data from this asset program and include any regulatory and budget requirement for Council discussion and consideration. Deputy Mayor Pro-Tempore Ward added establishment of this plan was included in the adopted Pillars and Milestones of Excellence in Asset Management making the Town a benchmark city. Council Member Hughes commented that he thought the program was great and asked if Council would be receiving an integrated set of financials with asset management data during the budget process. City Manager Pierson advised that Staff planned to provide this information during the budget process.

Council Member Willesen inquired how the Town would provide transparency and accountability to the community. City Manager Pierson stated that the first step in the process of keeping Council and Citizens informed was conducted in December 2019 when Director Public Works and Engineering Services Lisa Pyle presented a Capital Improvement Plan Report. Going forward, regularly scheduled reports would be provided at Council Meetings as well as information posted online on the Town's website.

# 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 matter, including items on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing starts. Citizen comments are limited to three (3) minutes, unless otherwise required by law. To address the Council, please fill out a City Council Appearance Card and submit it to a staff member prior to the Public Comment item on the agenda. The Council is not permitted to take any action or discuss any item not listed on the agenda. The Council may choose to place the item on a future agenda.*

No citizens addressed 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.*

5. **Consider Action to Approve the Minutes of the February 25, 2020 City Council Meeting.**

*(This item pulled from Consent Agenda by Council Member Walden for separate discussion.)*

6. **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 Amend Regulations for Short Term Rentals.**

7. **Consider Action on a Resolution to Approve a License Agreement with Elan Addison Grove Apartments Owner, L.P. for the Use of a Portion of the Town's Right of Way and Easement Area Adjacent to Belt Line Road and Authorize the City Manager to Execute the Agreement.**

8. **Consider Action on a Resolution to Approve a Contract Agreement Between the Town of Addison and Groves Electrical Services, Inc., for the Vitruvian West 2 Streetscape Improvements Project and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$293,332.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. Council Member Walden requested to remove Item Number 5.

**MOTION:** Mayor Pro-Tempore Braun moved to approve Consent Agenda Items 6, 7, and 8.

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Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

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**Regarding Consent Agenda Item Number 5:** There were three (3) corrections requested by Council for the February 25, 2020 City Council Meeting Minutes:

1. Council Member Walden requested to amend Item 13 to correct date of the May 2, 2020 Official Canvass which shows the canvass to take place in March. That should be changed to May;
2. Council Member Hughes requested correction to Work Session Item 2 by adding Midway Road Update in addition to Beltline 1.5 Beautification Master Plan; and
3. Council Member Quintanilla requested correction to Item 9, Resolution for Flow-Line Construction, Inc. by deleting the word “bid” and replace with the word “agenda”. Sentence to read as follows – “Council Member Quintanilla advised that the bid questions submitted by the contractor in the bid packet was a communication tool and recommended this in included in ~~bid~~ **agenda** packages going forward.”

**MOTION:** Council Member Walden moved to approve Consent Agenda Item 5 with amendments. Council Member Hughes seconded the motion. Motion carried unanimously.

**Ordinance No. O20-06:** Amend Chapter 22, Article VIII, Short-Term Rentals

**Resolution No. R20-024:** Elan Addison Grove Apartment Owner, LP Easement and Right-of-Way Agreement

**Resolution No. R20-025:** Groves Electrical Services Contract for Vitruvian West 2 Streetscape

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## Regular Items

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9. **Hold a Public Hearing, Present, Discuss, And Consider Action on an Ordinance Changing the Zoning on Property Located at 5100 Belt Line Road Suite 532, Which Property is Currently Zoned PD, Planned Development, Through Ordinance 012-002, by Approving a Special Use Permit for a New Restaurant. Case 1811-SUP/Cinnaholic.**

Director of Development Services Charles Goff informed Council that this application request is for lease space of property located between Pluckers Wing Bar and Stirr-Addison. He explained that this is a 1,096 square-foot restaurant with a large kitchen area, service counter and minimal dining area with seating for 12 people. Mr. Goff explained that Cinnaholic is a chain restaurant which offers create-your-own 100% vegan cinnamon rolls and other sweet treats. The Planning & Zoning Commission meeting in regular session on February 18 voted to recommend approval of a Special Use Permit for a new restaurant without conditions.

Mayor Chow opened and closed the public hearing with no one wishing to speak.

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

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10. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on a 31-Acre Property Located at 5100 Belt Line Road, Which Property is Currently Zoned PD, Planned Development, Through Ordinance O12-002, by Amending the Development Plans for a New Office Building with Ground Floor Retail. Case 1807-Z/Village on the Parkway.**

Director of Development Services Charles Goff presented this amendment to the existing Planning Development District to allow development of a new 31,006 square foot office building with ground floor retail. Mr. Goff explained that the applicant is proposing changes to the parking layout of the main east to west drive aisle, to close the southwestern drive adjacent to Dallas Parkway to provide some additional landscaping and parking. Mr. Goff shared that this case was presented to the Planning & Zoning Commission on January 21, 2020 and tabled with the direction for Staff and the applicant to discuss additional signage, improved garage utilization and valet technology. Mr. Goff shared that this item was revisited by the Planning and Zoning Commission at their February 18, 2020.

At the February 18, 2020 meeting the Commission recommended approval of an amendment to the existing PD, subject to the following conditions:

1. If valet services are provided, the property owner shall require the use of “park & stroll” or similar concepts that allow customers to drop off and pick up their car from any valet stand on the property.
2. If valet services are provided, then the property owner shall require the use of technology to allow customers to request their vehicle prior to arriving at the valet stand.
3. The applicant shall make the southernmost driveway on the east as a right out only and the southernmost driveway on the west as a right in only and install additional landscaping.
4. The applicant shall remove 7 parking spaces within the visibility triangle south of the driveway to Dallas Parkway adjacent to Suite 600.

Public Hearing: Mayor Chow opened with no citizens addressing the City Council; except for the applicant. The applicant advised that there would be 7 valet stations and a valet application (App) would be made available to all customers at the time of check-in. Deputy Mayor Pro-Tempore Ward stated she has used the valet app and found it to be user-friendly. Mayor Pro-Tempore Braun asked for clarification for the amount the applicant budgets for valet enforcement. The applicant stated that they budget for security personnel, tow-truck calls and general compliance of the valet program. He added that complaints should be addressed to the on-site security at the time of service or violation.

Council Member Quintanilla inquired as to the hours of operation. The applicant stated the hours will depend on the restaurants hours of operation but generally would start between 4 and 5 pm with closing anywhere between 11 pm to 1 am again depending on the restaurants in that location. Council Member Hughes asked how soon the new valet service anticipates being in operation? The valet plan will go into effect as soon as this item is approved by Council and appropriate signage installed. Mayor Chow closed the public hearing.

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

**Ordinance No. O20-08:** Case 1807-Z/Village on the Parkway, 5100 Belt Line Road

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11. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception from the Code of Ordinances Chapter 62 for Addison Pet Yard Located at 15003 Inwood Road, in Order to Permit a 454.5 Square-Foot Mural on the East Facade.**

Director of Development Services Charles Goff presented the Addison Pet Yard request to extend the east façade and build a new wall specifically to provide a large mural visible from Inwood Road. The project is located at 15003 Inwood Road, the former site of the Sigel's Liquor Store, will be a pet-centric commercial retail plaza containing a fish gallery, dog daycare and outdoor dog run, and 2 additional retail/office spaces geared toward pet oriented uses.

The applicant requested a meritorious exception to allow a mural on the east façade in order to provide a more pleasing visual experience, on and off the property. The proposed mural, is a large yellow dog, designed to be 18-feet wide and 25-feet 3-inches tall for a total area of 454.5 square feet. Mr. Goff stated that it was difficult to distinguish between art and signage; however, Staff determined this request was a sign since the services intended on this property are pet and dog related and therefore does not warrant a meritorious exception.

The applicant addressed the City Council and stated that he felt the mural was artwork not a sign. Deputy Mayor Pro-Tempore Ward stated that the Town had approved a mural of a dog on an apartment building; however, this request could be perceived as a sign since the business is dog related. Mayor Pro-Tempore Braun stated that this portion of town could use some excitement. He stated that he understood Staff's perspective but opined that this request should be approved. Council Member Hughes stated he agreed with the comments expressed by Mayor Pro-Tempore Braun; however, he worried approving this project would set a precedent. Council Member Willesen stated that he felt this proposal was a clever large advertising. Mayor Chow stated he considered this proposal to be art. Council Member Quintanilla opined that the scale was a little big and he does consider this proposal to be art; however, he felt that he must support Staff's recommendation.

Council Member Walden, who had expressed concern with future maintenance of signs, suggested that the proposed artwork include something not dog centric. He added that he was in favor of the artwork but suggested that Staff and the applicant work on a compromise. In the essence of time, Mayor Chow requested that the applicant meet with Staff to agree on the mural contents and bring back to the Council for consideration. City Manager Pierson clarified the Code of Ordinances related to signage and a mural's future maintenance and enforcement.

**MOTION:** Mayor Pro-Tempore Braun moved to Table. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

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12. Present, Discuss, and Consider Action on an **Ordinance Granting a Meritorious**

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**Exception for Elan Addison Grove, Located at 4150 Belt Line Road, from the Code of Ordinances, Chapter 62 Sections 62-162. – Premises Signs and 62-186. - Monument Signs, in Order to Permit an Additional Wall Sign on the East Facade of the Building and a Monument Sign Setback 17.8 Feet From the Back of the Belt Line Road Curb.**

Director to Development Services Charles Goff presented the Elan Addison Grove at 4150 Belt Line Road requests. This item consists of 2 distinct requests. The first request relates to 2 parking signs on the east façade of the building. One sign, a blade sign facing north and south, has already been approved through the sign permit process; however, the second sign is not allowed by the Sign Ordinance. An exception to allow the second sign is requested.

The second request is for a meritorious exception for an additional 30.22 square foot wall sign on the east façade of the building, facing east. In order to complete the required sidewalk improvements along Belt Line Road, the developer had to install a retaining wall along the southern edge of the sidewalk. As a result, between the retaining wall, the underling utilities, and the parking spaces along the frontage, there is not enough room to erect a standalone monument sign. The Developer proposes to install vertical, one inch thick, 18-inch-tall aluminum letters spelling Addison Grove on top of a portion of the retaining wall, with an effective area of 33 square feet. This type of sign would be consistent with the Sign Code regulations except of the setback requirement. The applicant is requesting a meritorious exception for this 33 square foot monument sign setback 17.8 feet from the back of the Belt Line Road curb instead of the required 20 feet. Staff recommends approval of both requests.

**MOTION:** Mayor Pro-Tempore Braun moved to approve the item. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

**Ordinance No. O20-09:** Meritorious Exception Signage for Elan Addison Grove, 4150 Belt Line Road

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13. **Present, Discuss, and Consider Action on an Ordinance Amending Various Sections of the Code of Ordinances Relating to Fees for Environmental Health Related Permits, Licenses, and Inspections.**

Director of Development Services Charles Goff presented this proposed Ordinance amending the fees for environmental health services from changes as recommended from the February 25, 2020 Work Session meeting. Staff began discussing new fees during the budget cycle for funding of an environmental health specialist. A review of fees charged by our comparator cities presented at the January 28<sup>th</sup> showed that the Town's current fees were much lower than our comparator cities. The Council requested that staff reconsider the fee structure and present a hybrid option that considers restaurant type and number of employees, and to stay as close to 90% of the average fees charged by the comparator cities as possible.

Mayor Chow made a brief statement after the agenda caption was read. Mayor Chow then announced he would recuse himself from voting on this item due to a conflict of interest. The fully executed Affidavit of Conflict of Interest is attached hereto and made a part of these minutes. The

gavel was passed to Mayor Pro-Tempore Braun to conduct this agenda item.

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

**Ordinance No. O20-10:** Amend Chapter 18 - Building & Building Regulations, Chapter 46 – Health & Sanitation, Chapter 82 – Utilities, Article IV and adding new Article IX.

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### **Adjourn Meeting**

There being no further action to be taken, Mayor Pro-Tempore Braun closed the March 10, 2020 meeting.

**TOWN OF ADDISON, TEXAS**

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Tom Braun, Mayor Pro-Tempore

**ATTEST:**

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Irma G. Parker, City Secretary