

# **DRAFT**

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

**April 28, 2020**

**Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254  
6:30 p.m. Work Session & Regular Meeting**

The Addison City Council, using electronic medium, conducted its Regularly Scheduled Meeting on Tuesday, April 14, 2020. The meeting was not conducted at Town Hall. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. Members of the public were entitled to participate; detailed instructions were provided, and the meeting was live streamed on Addison's website at [www.addisontexas.net](http://www.addisontexas.net).

**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.

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**Mayor Chow led the Pledge of Allegiance.**

1. **Call Meeting to Order:** Mayor Chow called the meeting to order.

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### **WORK SESSION**

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2. **Present and Discuss Any Action Necessary or New Information Regarding the COVID-19 Pandemic.**

City Manager Wes Pierson advised that on April 27, 2020 Governor Greg Abbott announced a new order that includes a multi-phased plan to open the Texas economy and is effective until May 15<sup>th</sup> and subject to extension. The new order still emphasizes minimal social gatherings and in-person contact. Individuals over the age of 65 are strongly encouraged to stay at home as much as possible, and limit to contact with other household members who have been out of the home. Mr. Pierson added that Dallas County's orders are being updated to match the state orders with minor language variations.

In addition to current take-out, pick-up and delivery of food and other items currently allowed, beginning on May 1<sup>st</sup> the Governor's new order will allow, with certain provisions, dine-in restaurants, in-store retail shopping, movie theaters, and shopping malls to open at 25 percent occupancy. Museums, golf courses and libraries are included in this however, the opening of city libraries will be up to the local governments. Individual person sole-proprietorship offices will be allowed to open as well. Religious services may be held. Certain counties in the state that have five or fewer cases of COVID-19 are being given more lenient guidelines. Conditions and limitations do not apply to essential businesses. Mr. Pierson reviewed the list of business types that shall remain closed for the time being that includes restaurants that have 51 percent of gross receipts from the sale of alcohol. He also noted that valet parking is prohibited except for vehicles that have handicap plates or placards. Mr. Pierson reiterated that everyone should continue to follow the Centers for Disease Control and Prevention (CDC) guidelines. Complete information on the newly issued order from the Governor is available on the Town website.

Mr. Pierson advised that the Town is currently evaluating when to open its facilities to the public. He noted that when that does happen the Athletic Club, playing courts and public pools will remain closed. Council Member Willesen inquired about group sports activities. Mr. Pierson advised that the Governor's order states that groups of four can gather however, Town facilities are not yet available for those activities. He added that local regulations cannot conflict with state law. Council Member Hughes inquired about dog parks. Mr. Pierson responded that those are being evaluated as well.

Mayor Chow asked Mr. Pierson to obtain some clarification on whether the staff working in a restaurant must be counted in the 25 percent occupancy when considering how many people may dine in. He reminded everyone that there may be only six people to a table.

Council Member Willesen asked about mask usage (previously included in the Dallas County orders.) Mr. Pierson advised that face coverings (of any type) are recommended however the Governor's order states that there are no penalties and no enforcement of the recommendation.

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### **3. Present and Discuss a Status Update on the Midway Road Reconstruction Project.**

Shannon Hicks, Director of Public Works and Engineering Services presented this item. He reviewed that in 2012 Addison voters approved \$16 million in General Obligation Bonds for the revitalization of Midway Road from Spring Valley Road to Keller Springs Road. In April 2018, Council authorized staff to proceed with including the newly adopted Master Transportation Plan that includes wider medians and an off-street trail. The total project includes paving improvements, drainage, water, and sanitary sewer line improvements, traffic signal and lighting upgrades, a ten-foot path on the west side from Spring Valley to Belt Line Road, and a connection to Cotton Belt Trail at Wheeler Bridge at Arapaho Road.

Mr. Hicks reviewed the funding sources for this project that include \$16 million (2012 Bonds), \$25 million in Certificates of Obligation (\$15 million were authorized by Council and sold in 2019), and a Dallas County Trail Grant for \$2,781,873.50. Expenditures (as of April 28, 2020) include \$543,816 for Design Management, \$2,935,359 for Design, and \$46,985 for Geotechnical Analysis.

Twenty-five parcels of property are to be acquired for additional right-of-way for the project. Mr. Hicks advised that 12 of the 25 are under contract or already acquired. Six properties are being negotiated and seven will be acquired using eminent domain. The current estimated cost for the parcels is \$3.8 million.

Mr. Hicks reviewed Texas purchasing laws that require projects over \$50,000 to be bid, either through a competitive bidding process or in cooperation with another entity that has already procured such a service through the bidding process. In November of 2019 staff presented an update to Council on the Midway Road Reconstruction Project that included investigating the possibility of using Archer Western Herzog (AWH), Dallas Area Rapid Transit's (DART) contractor, who is designing and building the Silver Line Rail Project, as the construction contractor for the reconstruction of Midway Road.

The final design plans were sent to DART for a price proposal from AWH. The price estimate received from AWH was not in line with Addison's Engineer's Opinion of Probable Cost. Addison's estimate was reviewed and as a result, the Engineer's Opinion of Probable Cost (OPCC) estimate increased from \$26.6 million to \$28.5 million. Additionally, the cost and schedule was evaluated to assess doing the project in one or two phases. Pursuing a two-phased project would result in a cost and time increase so staff is recommending the project be bid as a single-phase project.

Mr. Hicks advised that staff is recommending the Town use the Competitive Sealed Proposal method for bidding this project. He said that this method provides the best value not only by price but by construction time and the experience of the company and key personnel. Mr. Hicks advised that Construction Management fees were estimated at \$3 million however staff is recommending handling these services in-house by adding three full-time positions with a three-year cost of \$1.5 million that includes salaries, benefits, and equipment. Those individuals would remain on staff after this project for other bond projects at a cost of approximately \$300,000-\$350,000 per year.

The project budget is \$41,000,000. The total estimated cost for this project is:

Project Costs Expended / Committed to Date	\$3,526,160
Construction OPCC	\$28,510,000
Construction Contingency (5%)	\$1,500,000
Materials Testing	\$400,000
Right-of-Way Acquisition	\$3,800,000
Construction Management	\$1,500,000
Construction Administration	\$900,000
Total estimated cost:	\$40,136,160

Mr. Hicks reviewed that the Competitive Sealed Proposal method will be used to obtain bids after the shelter-in-place orders end and material availability is confirmed, likely sometime later this summer. Project completion is expected to occur in early 2024. It was clarified that the \$2.7 million Trails Grant is just for the path along Midway Road. Mayor Chow added that these funds were converted from other Dallas County projects programmed in Addison.

# REGULAR MEETING

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

### Discussion of Events/Meetings

**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.*

City Secretary Irma Parker advised that no citizens had requested to address the City Council via telephonic means and no emails or other written correspondence was submitted.

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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 Minutes for the April 14, 2020 Work Session and Regular Meeting.**
  5. **Consider Action to Approve a Resolution Denying Oncor Electric Delivery Company LLC's Application for Approval of a Distribution Cost Recovery Factor.**
  6. **Consider Action to Approve a Resolution to Appoint a Voting Member and Alternative Representative of the Advisory Committee for the Trinity River Authority's Central Wastewater Treatment System.**
  7. **Consider Action to Approve a Resolution Supporting the Town of Addison's Application to the North Central Council of Governments 2020 Transportation Alternatives Call for Projects.**
  8. **Consider Action to Approve an Ordinance Repealing Article I "In General" of Chapter 18 "Buildings and Building Regulations" of the Addison Code of Ordinances, Renaming and Adopting a New Article I Entitled "General Provisions".**
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9. Consider Action to Approve an Ordinance Amending Chapter 18 Article II "Building Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Building Code With Amendments Save and Except For Section 18-63 "Automatic Fire-Extinguishing Systems" Which Shall Be Renumbered to Section 18-22.
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10. Consider Action to Approve an Ordinance Amending Chapter 18 Article III "Existing Building Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Existing Building Code With Amendments.
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11. Consider Action to Approve an Ordinance Amending Chapter 18 To Add a New Article IV "Residential Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Residential Code With Amendments, Save and Except for the Requirement to Provide an Automatic Fire Sprinkler System In All Buildings of Any Area, Size, or Occupancy Built, Added To or Moved Into the Town Of Addison After December 8, 1992 And Excluding the Noted Exceptions.
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12. Consider Action to Approve an Ordinance Amending Chapter 18 Article V "Electrical Code" of the Addison Code of Ordinances, Adopting the 2017 Edition of the National Electrical Code With Amendments.
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13. Consider Action to Approve an Ordinance Amending Chapter 18 Article VI "Mechanical Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Mechanical Code With Amendments.
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14. Consider Action to Approve an Ordinance Amending Chapter 18 Article VII "Plumbing Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Plumbing Code With Amendments.
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15. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article VIII "Fuel Gas Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Fuel Gas Code With Amendments.
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16. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article IX "Energy Conservation Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Energy Conservation Code With Amendments.
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17. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article X "Solar Energy Provisions Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Solar Energy Provisions Code With Amendments.
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18. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article XI "Swimming Pool and Spa Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Swimming Pool and Spa Code With Amendments.
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19. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article XII "Building Numbers" of the Addison Code of Ordinances.
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20. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article XII "Building Numbers" of the Addison Code of Ordinances.
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21. Consider Action to Approve an Ordinance Amending Chapter 18 to Add a New Article XIV "Fences" of the Addison Code of Ordinances.
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22. Consider Action to Approve an Ordinance Amending Chapter 34 "Environment", Article VII "Property Maintenance Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Property Maintenance Code With Amendments.
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23. Consider Action to Approve an Ordinance Amending Chapter 34 "Environment", to Add a New Article VIII "Landlord-Tenant Affairs" of the Addison Code of Ordinances.
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24. Consider Action to Approve an Ordinance Amending Chapter 38 "Fire and Fire Prevention", Article II "Fire Code" of the Addison Code of Ordinances, Adopting the 2018 Edition of the International Fire Code With Amendments.
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City Manager Pierson advised that there are a few minor edits in the ordinances for Item 22 and Item 24 on the Consent Agenda as follows:

Consent Item No. 22, Section K should have the times corrected.

**Section [A] 108.1.5 Dangerous structure or premises.**

12.

A-J. ....

K. Noise nuisances.

1) .....

2) .....

3) The following acts, among others, are declared to be nuisances, but such enumerations shall not be deemed to be exclusive:

a) Musical instruments. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 ~~a.m.~~ **p.m.** and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.

b) Loudspeakers and amplifiers. The use of any stationary loudspeaker or amplifier of such intensity as to annoy and disturb persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of ~~11:30~~ **11:00** p.m. and 7:00 a.m., or at any time on Sunday.

c) .....

Consent Item No. 24 should read 500 square feet.

**Section 38-53 Provisions for Fire Safety**

**Section 903.2**

(1) .....

(2) In any existing building of any size, .....when one of the following apply:

a) .....

b) Where residential additions exceed ~~1000~~ **500** square feet in area, in which case an approved fire sprinkler system must be installed in the new addition space in accordance with this code, or

c) Where commercial additions exceed ~~1000~~ **500** square feet in area, in which case an approved fire sprinkler system must be installed in the new addition space in accordance with this code, or

d) .....

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. There were no requests to remove any Consent items.

**MOTION:** Council Member Hughes moved to approve Consent Agenda Items 4-24 as described by the City Manager. Council Member Walden seconded the motion. Motion carried unanimously.

**Resolution No. R20-034:** Oncor Electric Delivery Deny Cost Recovery

**Resolution No. R20-035:** Trinity River Authority Central Wastewater Treatment System

**Resolution No. R20-036:** NCTCOG 2020 Transportation Alternatives Call for Projects

**Ordinance No. O20-12:** Ch. 18 Art. I General Provisions

**Ordinance No. O20-13:** Ch. 18 Art. II 2018 International Building Codes

<b><u>Ordinance No. O20-14:</u></b>	Ch. 18 Art. III 2018 International Existing Building Codes
<b><u>Ordinance No. O20-15:</u></b>	Ch. 18 Art. IV 2018 International Residential Code
<b><u>Ordinance No. O20-16:</u></b>	Ch. 18 Art. V 2017 National Electrical Code
<b><u>Ordinance No. O20-17:</u></b>	Ch. 18 Art. VI 2018 International Mechanical Code
<b><u>Ordinance No. O20-18:</u></b>	Ch. 18 Art. VII 2018 International Plumbing Code
<b><u>Ordinance No. O20-19:</u></b>	Ch. 18 Art. VIII 2018 International Fuel Gas Code
<b><u>Ordinance No. O20-20:</u></b>	Ch. 18 Art. IX 2018 International Energy Conservation Code
<b><u>Ordinance No. O20-21:</u></b>	Ch. 18 Art. X 2018 International Solar Energy Provisions Code
<b><u>Ordinance No. O20-22:</u></b>	Ch. 18 Art. XI International Swimming Pool and Spa Code
<b><u>Ordinance No. O20-23:</u></b>	Ch. 18 Art. XII Building Numbers
<b><u>Ordinance No. O20-24:</u></b>	Ch. 18 Art. XIII Satellite Earth Stations
<b><u>Ordinance No. O20-25:</u></b>	Ch. 18 Art. XIV Fences
<b><u>Ordinance No. O20-26:</u></b>	Ch. 34 Art. VII 2018 International Property Maintenance Code
<b><u>Ordinance No. O20-27:</u></b>	Ch. 34 Art. VIII Landlord-Tenant Affairs
<b><u>Ordinance No. O20-28:</u></b>	Ch. 38 Art. II 2018 International Fire Code

Council Member Hughes requested that Mr. Pierson explain the difference between these amendments and the Unified Development Code (UDC) project currently under review by a committee. Mr. Pierson advised that the purpose of the UDC project is to review land uses and development standards, and all ordinances will be reviewed in that regard. The ordinances just adopted regulate the technical aspects of the building codes.

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## Regular Items

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### **25. Present, Discuss and Consider Action on a Resolution Updating the Adopted Addison Athletic Club Master Plan to Include Changing Suites.**

Parks and Recreation Director Jana Tidwell presented this item. She advised that Council adopted the Addison Athletic Club Master Plan on October 20, 2016. The plan identified the following four priority areas for future improvements:

1. HVAC (Heating, Ventilation & Air Conditioning)
2. Lobby / Core Building
3. Gymnasium and Track Improvements
4. Locker Room Renovations - Including updating and bringing the locker rooms into compliance with Texas Accessibility Standards. Improvements included new floor and wall finishes, updated lighting, new lockers and fixtures.

During the Master Plan presentation Council asked if family changing suites were included in the Plan. The consultant confirmed that changing suites were included and indicated they were accounted for in the locker room floor plan on page 10 of the report. The floor plan does not include labels for the locker room elements. Page 17 of the report includes a description of the proposed locker room upgrades which does not include changing suites.



Ms. Tidwell advised that staff is requesting Council consider updates to the Addison Athletic Club Master plan to clarify that changing suites are included in the locker room renovations. Council was provided a copy of the adopted Master Plan for the Athletic Club with proposed revisions in red to reflect the inclusion of changing suites. Locker room renovations, including changing suites, were included in the 2019 bond election projects that were approved by voters.

Council Member Willesen clarified with Ms. Tidwell that this item only clarifies the inclusion of changing suites in the Master Plan.

**MOTION:** Mayor Pro Tempore Braun moved to approve Item 25 as presented. Deputy Mayor Pro Tempore Ward seconded the motion. Motion carried unanimously.

**Resolution No. R20-037:** Update Adopted Addison Athletic Club Master Plan

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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