

# **DRAFT**

## **OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL**

**December 8, 2020**

**Executive Session, Work Session & Regular Meeting  
5:30 p.m.**

**Addison TreeHouse  
14681 Midway Rd., Addison, TX 75001**

The Addison City Council conducted its Regular Council Meeting on Tuesday, December 8, 2020 at the Addison TreeHouse with a quorum of the City Council physically present. Limited seating for members of the public was available using CDC recommended social distancing measures. The Town utilized telephone and videoconferencing to facilitate participation in the meeting. Interested parties were able to make public comments and address the Council via emailed comments submitted to the City Secretary at [iparker@addisontx.gov](mailto:iparker@addisontx.gov) by 3:00 pm on the meeting day. Members of the public were also entitled to participate remotely via Toll-Free Dial-in Number: 877.853.5247; Meeting ID: 409.327.0683 Participant ID: #. Detailed instructions on how to participate in this meeting were available on the Town's website on the Agenda Page. The meeting was live streamed on Addison's website at [www.addisontexas.net](http://www.addisontexas.net)

**Present:** Mayor Joe Chow; Mayor Pro Tempore Lori Ward; Deputy Mayor Pro Tempore Guillermo Quintanilla; Council Member Ivan Hughes; Council Member Tom Braun; Council Member Paul Walden; Council Member Marlin Willesen.

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

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

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### **EXECUTIVE SESSION**

**Closed (Executive) Session of the Addison City Council pursuant to: Section 551.074, Tex. Gov. Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:**

- City Manager's Annual Evaluation

**Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business**

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**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 Trailer

Mayor Chow advised that the City Manager's evaluation will be discussed in Executive Session at the end of the meeting. The Executive Session will be reconvened to discuss this item following the conclusion of the Regular Items discussion.

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 5:39 p.m.

**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 5:52 p.m. No action was taken as a result of Executive Session.

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## WORK SESSION

### **1. Present and Discuss Regulations for Residential Sign Regulations and Flags.**

Phyllis Jerrell, Interim Director of Development Services presented this item. She provided an overview of the Town's current ordinance regarding regulations for residential signs and flags, adding that the ordinance does not address non-governmental signs such as school participation, religion, or celebrations. The current ordinance for flags only allows the display of United States, Texas, and Addison flags.

Ms. Jerrell provided some proposed ordinance language that would add a provision allowing no more than three signs, not exceeding six square feet each, for residential premises. This provision would not apply to political signs that are regulated by the Texas Election Code. Council Members voiced agreement with this language.

Ms. Jerrell advised that a new section could be added regarding flags. She provided suggested language as follows:

**Sec. 62-148. –Flags**

- (a) Nothing in this chapter shall be construed to prevent the display of the United States, Texas or Addison flag whose size does not exceed forty (40 sf) square feet and which flag is displayed upon a flagpole which does not exceed thirty (30') feet in height above the natural grade, or when attached to a building, above the finished elevation of the ground floor as defined by the Building Code. The

number of flags on a premise shall not exceed three. All national flags or state flags more than the foregoing sizes must apply for a meritorious exception as set forth in subsection 62-32(a).

- (b) Other flags are limited to one (1) per premises and are subject to the same height and placement requirements in (a) above and may not exceed fifteen (15 sf) square feet in size.

Ms. Jerrell requested direction from Council. Considerable discussion followed among Council Members, City Attorney Brenda McDonald, and staff. The consensus among Council was as follows:

- Flags:
  - New definition of flag that allows text to be displayed as well as other graphics, symbols, etc.
  - Limit of three flags per premises, with a maximum size for each flag of 40 square feet
  - If used, flagpoles are limited to 30 feet in height
  - Flags less than 6 square feet in size are exempt from regulation. This covers the American Flags on a stick, which range in size from 4" x 6" to 24" x 36". Garden banners are typically 12" x 18" or 28" x 40". A large garden banner would be considered a flag and regulated as such.
  - The meritorious exception process for flags and flagpoles that exceed the maximum height and size has been retained.
- Signs
  - Limitation of 3 signs a maximum of 6 square feet in size, plus garage sale or for sale/lease signs
  - Political signs, state statue allows 4'x8' size

Council Member Willesen requested City Attorney McDonald provide Council with a copy of the Supreme Court ruling regarding "content neutral" as it relates to signage.

## **2. Present and Discuss updates to the Town's Public Safety Data Management Policy.**

Police Chief Paul Spencer reported that the Town's Public Safety Data Management Policy which provides transparency and accountability for the usage of data collected by the license plate recognition and optical cameras was adopted by the Council in January 2019. Chief Spencer advised the Texas Department of Public Safety (DPS) recently identified a Criminal Justice Information Security (CJIS) concern after discovering the Town's license plate recognition vendor was distributing the Texas Crime Information Center (TCIC) hotlists directly to its other Texas customers. CJIS rules authorizes the distribution of information to only Texas law enforcement agencies.

Chief Spencer advised that the Texas Department of Public Safety implemented changes to how license plate data can be shared specifically:

- a. TCIC hotlists are now only available if agencies sign on with the DPS License Plate Regional Data Repository.
- b. Addison Police Department must agree to let the State share Addison's data with other law enforcement agencies.

These changes will assure DPS can control and protect access to the data in the National Crime Information Center (NCIC) and the TCIC databases to facilitate sharing the data with other law enforcement agencies in Texas.

Chief Spencer reviewed the proposed change to Item Number 4 in the Public Safety Data Management Policy that will read:

*“The Town will not share plate data with non-law enforcement, third-parties. The Town will comply with the Texas DPS License Plate Depository Recognition Program and abide by their rules.”*

Chief Spencer added that DPS will honor the 45-day records retention period. He confirmed that any law enforcement data collected cannot be sold. The proposed changes to the policy will be presented at a future Council meeting.

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## REGULAR MEETING

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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.*

City Secretary Parker advised that no citizens had requested to address the City Council via telephonic means. One email was received regarding signage which was distributed to 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.*

3. **Consider Action to Approve the Minutes for the November 10, 2020 Regular Meeting and the November 16, 2020 Special Meeting.**
4. **Consider Action to Approve the Purchase of Water Meters from Thirkettle Corporation DBA as Aqua-Metric Sales Company, Inc Through HGACBuy and Authorize the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$100,000.**

5. **Consider Action to Approve the Purchase of Two (2) Cardiac Monitors from Stryker Corporation Through BuyBoard and Authorize the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$88,297.66.**
6. **Consider Action on a Resolution Approving a Contract for Services Between the Town of Addison and Solid IT Networks, Inc. for the Installation of Wireless Equipment, Management Software, Related Warranties and Technical Support; and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$131,256.12.**
7. **Consider Action on a Resolution Approving a License Agreement Between the Town of Addison and Dallas Area Rapid Transit (DART) for the Construction, Installation, Maintenance, and Operation of a Waterline Along Midway Road; Approving the Abandonment of an Existing Waterline and Sanitary Sewer Line; and Authorizing the City Manager to Execute the Agreement.**
8. **Consider Action on a Resolution Adopting the 2021 Legislative Priorities for the Town of Addison, Texas.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. Council Member Willesen requested to remove Item 8.

**MOTION:** Mayor Pro Tempore Ward moved to approve Consent Agenda Items 3, 4, 5, 6, and 7 as submitted. Deputy Mayor Pro Tempore Quintanilla seconded the motion. Motion carried unanimously.

**\*\*\*\*\* Consent Item 8 \*\*\*\*\***

Council Member Willesen asked whether a dollar amount should be included as a part of this Resolution. City Manager Pierson responded that this is not an expenditure agenda item. Council Member Willesen also requested some clarification regarding Exhibit A, statement “Oppose any legislation that would limit local governments from adopting budgets that they deem appropriate for their respective communities or that would require voter approval for increases in Expenditures.” as listed under the category Revenue, Finance, and Budget. Bill Hawley, Director of Administrative Services, responded that Senate Bill 2 requires that any tax increase over 3.5 percent be approved by voters. He advised this statement in the Resolution expresses support of cities having the ability to adopt budgets at the local level based on community needs. City Manager Pierson added that the Town does not want the state to further erode its ability to adopt budgets that the City Council believes serve the purposes of this community. He advised that discussions at the state level are not in favor of raising taxes but to further take that ability away from the cities or limit that ability. Council Member Hughes expressed that he does not want the state to dictate any percentage to the cities.

Council Member Willesen inquired why Addison would support transportation issues. City Manager Pierson advised that the Town would have the ability to support specific issues of the Regional Transportation Commission, the North Texas Commission, and the Texas Municipal

League in the event those organizations requested, for example, a letter of support on an issue. There would not be a financial commitment on any transportation issue based on the item listed in the Resolution.

**MOTION:** Council Member Willesen moved to approve Item 8 as presented. Council Member Hughes seconded the motion. Motion carried unanimously.

**Resolution No. R20-104:** Solid IT Networks Contract

**Resolution No. R20-105:** DART License Agreement Midway Road Waterline

**Resolution No. R20-106:** Adopt 2021 Legislative Priorities

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## Regular Items

9. **Present, Discuss, and Consider Action on a Resolution Approving a Contract Agreement Between the Town of Addison and Tiseo Paving Company, Inc. for Construction Services for the Midway Road Revitalization Project, and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$30,996,834.25.**

Shannon Hicks, Director of Public Works and Engineering Services, presented this item. He provided background on the Midway Road Reconstruction Project from Spring Valley Road to Keller Springs Road. Mr. Hicks discussed the Project's history, scope, funding, and timeline.

Mr. Hicks advised that the project is designed to be done in phases to minimize disruption and inconvenience for businesses and motorists. The construction project is expected to begin in January 2021 at the intersection of Belt Line and Midway Road which will take an estimated six months to complete. The overall project will take an estimated 36 months for substantial completion. Mr. Hicks reviewed the measures taken by the Town to educate and inform residents and business owners of the project. He also reviewed that 15 parcels of property needed for this project have been acquired and the remaining 10 properties are progressing through the eminent domain process. It was noted that 423 trees have been removed and only a portion of those will be replaced due to spacing.

Mr. Hicks reviewed the bidding process and advised that five bids were received on October 29, 2020. The bids were evaluated and scored on specific criteria by an Evaluation Committee. Tiseo Paving Company, Inc. received the highest score, and staff is recommending awarding the bid to Tiseo Paving Company, Inc. Two alternates included in the bid package did not result in cost savings, so they were not recommended.

Mr. Art Tiseo representing the contractor expressed his appreciation for the opportunity to build this road. He added that he is a resident of Addison.

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

**Resolution No. R20-107:** Tiseo Paving Company, Inc. Agreement for Midway Road Revitalization.

**10. Present, Discuss, and Consider Action on a Resolution Approving an Agreement for Professional Engineering Services Between the Town of Addison and Teague Nall and Perkins, Inc. for Design Support During Construction Related to the Midway Road Revitalization Project and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$882,401.**

Shannon Hicks, Director of Public Works and Engineering Services, presented this item. He explained this item is for design support during the Midway Road Revitalization Project. He advised that the Scope of Work includes meeting attendance and preparation; review of requests for information; review and acceptance of submittals; change order/field order reviews; landscape and irrigation reviews; traffic signalization reviews; other reviews and assistance; preparation of record drawings; and additional services as requested by the Town.

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

**Resolution No. R20-108:** Engineering Services Agreement with Teague Nall and Perkins, Inc. for Design Support Related to the Midway Road Revitalization

**11. Present, Discuss, and Consider Action on a Resolution Approving an Agreement for Professional Engineering Services Between the Town of Addison and Kleinfelder, Inc. to Perform Materials Testing Services as Quality Assurance for the Materials Utilized in the Construction of the Midway Road Revitalization Project and Authorize the City Manager to Execute the Agreement in an Amount Not to Exceed \$225,289.00.**

Shannon Hicks, Director of Public Works and Engineering Services, presented this item. He advised this item is for materials testing services for the Midway Road Revitalization Project. The Scope of Work includes soils identification; compaction and control testing; aggregate and concrete testing; asphalt testing; coring services; structural steel and drilled shaft inspections; and special services as requested by the Town. Such a contract will ensure the construction meets the Town's specifications.

Mr. Hicks advised that Kleinfelder, Inc. is on the Town's pre-qualified list of contractors for engineering services.

**MOTION:** Deputy Mayor Pro Tempore Quintanilla moved to approve as presented. Mayor Pro Tempore Ward seconded the motion. Motion passed unanimously.

**Resolution No. R20-109:** Engineering Services Agreement Kleinfelder, Inc. for Materials Testing Related to the Midway Road Revitalization

**12. Present, Discuss and Consider Action on a Resolution Appointing Three (3) Members to Serve on the Board of Zoning Adjustment for Two-Year Terms Commencing January 1, 2021 and Providing an Effective Date.**

*\* \* \* Note: This item was addressed following Item 13 \* \* \**

City Secretary Irma Parker advised that an updated list of applicants was sent to Council this afternoon. Council Member Willesen re-appointed Lary Brown to Place 1 for his second two-year term. Ms. Gilchrist-Ploss in Place 2 did not seek re-appointment. Mayor Pro-Tempore Quintanilla appointed Darren Gardner to Place 2 for his first two-year term of office. Ms. Denise Fansler who held Place #3 was appointed to the Planning & Zoning Commission in previous action and cannot serve in both Commissions. Council Member Walden appointed Jimmy Niemann to Place 3 for his first two-year appointment to the Board of Zoning Adjustment. The 2021 Appointments are as follows:

Place #	First Name	Last Name	Appt. Date	Effective Date	Expiration	Appt #	Appointed By
1	Lary	Brown	12/8/2020	1/1/2021	12/31/2022	2	Council Member Willesen
2	Darren	Gardner	12/8/2020	1/1/2021	12/31/2022	1	Deputy Mayor Pro-Tempore Quintanilla
3	Jimmy	Niemann	12/8/2020	1/1/2021	12/31/2022	1	Council Member Walden

Councilmembers voiced their appreciation to outgoing members of the Board of Zoning Adjustment for their past service.

**MOTION:** Council Member Willesen moved to approve the nominations as presented. Deputy Mayor Pro Tempore Quintanilla seconded the motion. Motion passed unanimously.

**Resolution No. R20-111:** Board of Zoning Adjustment Appointments 2021-2022

**13. Present, Discuss and Consider Action on a Resolution Appointing Three (3) Members to Serve on the Planning & Zoning Commission for Two-Year Terms Commencing January 1, 2021 and Providing an Effect Date.**

*\* \* \* Note: Item 13 was addressed prior to Item 12 \* \* \**

City Secretary Irma Parker advised that an updated list of applicants was sent to Council this afternoon. She added that she was able to confirm voter registration for all applicants except one which is a new requirement adopted at the November Charter Amendment Election.

Council Member Willesen nominated Denise Fansler to her first two-year term to Place 1. Deputy Mayor Pro Tempore Quintanilla nominated Nancy Craig to Place 2 for her first full-term in compliance with Section 2-310 of the Code of Ordinances. In 2019, Ms. Craig was appointed to serve an unexpired term of 12 months or less effective January 1, 2020. Council Member Walden nominated John Meleky to Place 3 for his third and final consecutive two-year term of office. The 2021 Appointments are as follows:



Place #	First Name	Last Name	Appt. Date	Effective Date	Termination Date	Appt #	Appt. By:
1	Denise	Fansler	12/8/2020	1/1/2021	12/31/2022	1	Council Member Willesen
2	Nancy	Craig	12/8/2020	1/1/2021	12/31/2022	1	Deputy Mayor Pro-Tempore Quintanilla
3	John	Meleky	12/8/2020	1/1/2021	12/31/2022	3	Council Member Walden

Councilmembers voiced their appreciation to outgoing members of the Planning and Zoning Commission for their past service.

**MOTION:** Council Member Willesen moved to approve the nominations as presented. Council Member Walden seconded the motion. Motion passed unanimously.

**Resolution No. R20-110:** Planning and Zoning Commission Appointments 2021-2022

**14. Present, Discuss and Consider Action on a Resolution Appointing Individuals to Serve on the Community Partner Bureau for Three-Year Terms Commencing January 1, 2021 and Providing an Effective Date.**

Bill Hawley, Director of Administrative Services, presented this item. He advised that Metrocrest Services, The Family Place, Dallas Cat Lady, and Metrocare Services will be without a Community Partner Bureau Member beginning January 1, 2021. The current policy provides for 3-year terms and does not allow for reappointments. He added that staff plans to bring a discussion to the Council in January regarding amendments this policy.

Council Member Willesen inquired whether these appointments are time-sensitive or could they be delayed allowing for reopening the application acceptance period to have time to revisit the policy. City Manager Pierson advised that the appointments could be delayed.

**MOTION:** Council Member Willesen moved to table this item. Council Member Hughes seconded the motion. Motion passed unanimously.

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\* \* \* *Note: Resume Executive Session* \* \* \*

**Closed (Executive) Session of the Addison City Council pursuant to: Section 551.074, Tex. Gov. Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:**

- City Manager's Annual Evaluation

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 8:23 p.m.

**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 11:37 p.m. No action was taken as a result of Executive Session.

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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