

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 13, 2021

**Work Session & Regular Meeting
6:00 p.m.**

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

The Addison City Council conducted its Regular Council Meeting on Tuesday, April 13, 2021 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 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

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.

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

Pledge of Allegiance: Mayor Chow led the Pledge of Allegiance

WORK SESSION

1. Present and Discuss the Planning and Zoning Commission Annual Report for 2020.

Eileen Resnik, Chairperson of the Addison Planning and Zoning Commission presented this item. She reviewed that Addison's Planning and Zoning Commission is governed by the Code of Ordinances Appendix A – Zoning Article XXIX, Section 19 (j) to:

“Submit each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Commission officers.”

Chairperson Resnik advised that due to COVID-19 the Town put a moratorium on non-essential in-person meetings, including Planning and Zoning Commission hearings, from March through May. The Commission transitioned to virtual meetings in June and has maintained that meeting format to this date. She advised that eight regular meetings were held with only one absence for the year. A full attendance report was provided.

Chairperson Resnik advised that the Planning and Zoning Commission reviewed 14 cases in 2020 and provided details of those cases. She also made recommendations for the upcoming year that included the following:

- Revisit the Town’s current policy as it pertains to the use of terms or graphic depictions relating to alcoholic beverages on exterior signage. The Planning and Zoning Commission needs a clear direction from Council.
- The Planning and Zoning Commission needs to review Rules and Procedures, they have not been updated since 2004.

Mayor Chow expressed his appreciation to Chairperson Resnik and also to former Chairperson Kathryn Wheeler.

2. Present and Discuss Addison Athletic Club Services as it Transitions from COVID-19 Operations to Normal Operations.

Janna Tidwell, Director of Parks and Recreation, presented this item. She reviewed that on March 14, 2020 the Addison Athletic Club (AAC) closed due to COVID-19 outbreaks. After that, virtual services only were offered. On May 18, 2020, the AAC began operating again with reduced hours of operation, reduced services, and additional health protocols as established by the Governor’s Minimum Recommendations for Operating Gyms and Exercise Facilities.

Ms. Tidwell advised that recently Governor Greg Abbott issued an Executive Order that fully opened all businesses and ended a statewide mask mandate effective a March 10, 2021. She advised that the AAC’s COVID-19 precautions have remained in place and staff began developing a transition plan for normal operations. Ms. Tidwell added that on April 5, 2021, the CDC updated guidance for cleaning surfaces to protect against COVID-19, saying that once daily cleaning is sufficient except in cases where the following exists:

- Shared Spaces
- Low of Number of People Wear Masks
- Infrequent Hand Hygiene
- Space Occupied by At-Increased-Risk Populations

Ms. Tidwell presented the proposed plan to transition back to normal operations. She reviewed each service provided by Parks and Recreation including the AAC, outdoor and indoor pools, day camp, fitness classes, spa, children’s programs, and 50+ programs. She provided a chart that

included normal operations for each facet of services, as well as the current operations, and a transition phase that will begin April 19, 2021. She advised that normal operations would occur when Dallas County reaches “herd immunity.” She advised that while it is unknown when this will occur, staff is planning for June or July.

Council Member Braun inquired whether the AAC could open on Sundays during the transition phase. Ms. Tidwell responded that the current budget does not allow for additional staff hours to accommodate Sundays. Council Member Braun inquired what it would cost to open on Sundays.

Council Member Willesen inquired whether the sanitation wipes being used at the AAC are effective. Ms. Tidwell responded that they are effective however are not being used properly on all touch points of the equipment. She noted that staff has taken extra effort to clean in order to keep the AAC safe for staff and users. Discussion followed as to how it could be communicated to the users how to best sanitize the equipment before and after use.

Council Member Willesen inquired who determines “herd immunity.” City Manager Wes Pierson responded that the County and the State may have differing opinions on when herd immunity is reached. He added that several health organizations such as the Centers for Disease Control and Prevention (CDC) will likely have input and the Town will assess all the information available when the time comes.

REGULAR MEETING

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.*

Resident Bob Jacobi, 4016 Rive Lane, expressed his concern about trash collecting over the weekends at Addison Circle Park. He also asked the Town to be prepared for potential protests.

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 from the March 23, 2021 Regular Council Meeting.

4. **Consider Action to Reject the Proposals Received in Response to Request for Proposal # 21-54 for Day Porter Disinfecting for Addison Facilities.**
5. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and McKinstry Essention, LLC for Professional Engineering Services Related to the Extension of Staff Services for Planning, Scoping and Scheduling, Design, Procurement and Project Management Within the Town and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$170,000.**
6. **Consider Action on a Resolution Approving the Purchase of One (1) Aerial Bucket Truck from Altec Inc. Through Sourcewell and Authorizing the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$165,033.**
7. **Consider Action on a Resolution Authorizing the City Manager to Execute Easement and Property Acquisition Documents Necessary to Construct Public Improvements Associated with the Airport Parkway and Keller Springs Reconstruction Projects.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. There were none.

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

Resolution No. R21-015: McKinstry Essention, LLC Agreement for Engineering Services

Resolution No. R21-016: Purchase Aerial Bucket Truck from Altec Inc.

Resolution No. R21-017: Authorize Property Acquisition and Easements Documents for Airport Parkway and Keller Springs Reconstruction Projects

Regular Items

8. **Consider Action on a Resolution Approving an Economic Development Program Grant Agreement with American Trailer World Corp. and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$76,000.**

Orlando Campos, Director of Economic Development and Tourism, presented this item. He reviewed that on December 8, 2020, City Council authorized the City Manager to negotiate an incentive grant agreement in the amount of \$76,000 with American Trailer World Corporation (ATW) for relocation to Addison of the company's global headquarters. He advised the grant will be made in three installments pending certain milestones as stated in the agreement.

Mr. Campos advised that ATW will occupy the tenth floor in Greenhill Tower, located at 14131 Midway Road. Within three years of operation the company will have between 60 and 100 employees with an average annual salary of at least \$125,250. The anticipated move-in date is May 1, 2021.

In response to a Council Member question, Mr. Campos advised that the company currently operates from several locations in Richardson and this move to Addison will consolidate those operations to one location.

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

Resolution No. R21-018: Authorize City Manager to Execute Grant Agreement with American Trailer World Corp.

9. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Establishing Minimum Standards of Care for Youth Recreation Programs Conducted by the Town for Elementary Age Children Ages 5 Through 13; Providing for Compliance with Section 42.041(b)(14) of the Texas Human Resources Code.**

Pat White, Assistant Director of Recreation, presented this item. He advised the Town must annually review and adopt Standards of Care to conduct youth programs at the Addison Athletic Club (AAC). This requirement is dictated pursuant to Section 42.041(b)(14) of the Texas Human Resources Code.

Mr. White advised the Standards of Care for all youth programs for children ages 5 through 13 includes but is not limited to the Summer Camp Program and the Spring Break Program at the AAC. The document provides minimum standards for operating youth programs which include guidelines for hiring of program staff, enrollment guidelines, discipline, health, safety, and more. The document also addresses programing and providing activities that promote emotional, social, and mental growth. The AAC not only complies with the minimum standards required in the ordinance but exceeds some of the established standards.

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

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

Ordinance No. O21-12: Adoption of Standards of Care for Youth Recreation Programs

10. **Hold a Public Hearing, Present, Discuss, and Consider Action on a Development Plan for the Development of Block A of the Addison Grove Addition, Including a Site Plan, Landscape Plan, Building Elevations and Floor Plans for 16 Townhomes and 17 Live/Work Units, in an Existing Planned Development District (PD), Through Ordinance O16-003, Located on Approximately 1.034 Acres Addressed as 4120-4126 Belt Line Road, 14991-15015 Oak Street, and 4129-4147 Runyon Road. Case 1821-Z/Addison Grove, Block A.**

Ken Schmidt, Director of Development Services, presented this item. He advised this item is for approval of a development plan for Block A of the Addison Grove Addition. The plan includes

17 live/work units and 16 townhomes. Mr. Schmidt reviewed the location, noting it is in the former Sam's Club tract. He provided an update of the current status of other development plans underway in this development area.

Mr. Schmidt advised that the proposed plan fully complies with development standards and parking requirements and has enhanced landscape treatments. He noted that noise mitigation requirements will be confirmed with a building permit. Parking issues in the area were discussed and it was noted that some can be attributed to the COVID pandemic where people have remained at home at the nearby multifamily units. Mr. Schmidt also noted that the nearby parking garage is not being utilized efficiently and the multifamily developer will be asked to communicate preferred usage of the garage to the residents there.

Mr. Schmidt advised the Council that after the Planning and Zoning Commission met on this item, InTown Homes notified the Town of a design flaw for Building 3 of Block A on the south side. Due to a grade change, four live/work units cannot meet Americans with Disability Act (ADA) requirements. Mr. Schmidt advised that staff is recommending the four units be relocated to Blocks C or D. Staff can approve this amendment administratively; however, no formal request for this change has been received yet. Mr. Schmidt advised that the lower level of the live/work units would be for service type businesses, and the owners of those businesses would live above. There would be no retail establishments. Considerable discussion among Council followed concerning this potential change.

Council Member Willesen expressed that he would agree with such a change as long as the Planning and Zoning Commission and the Council have the opportunity to approve the planned development amendment reflecting the relocation areas of the live/work units to Blocks C or D.

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

MOTION: Mayor Pro Tempore Ward moved to approve as presented. Council Member Hughes seconded the motion. Motion passed unanimously.

Ordinance No. O21-10: Development Plan, Addison Grove Addition, Block A

11. Present, Discuss and Consider Action on an Ordinance Changing the Zoning on Property Located at 4525 Belt Line Road, Currently Zoned Planned Development (PD), Through Ordinance 089-015, by Amending the Permitted Uses and Approving a Special Use Permit for a Brewpub and Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption Only. Case 1823-Z/4525 Belt Line Road-Oak'd Handcrafted BBQ and Brewery.

Ken Schmidt, Director of Development Services, presented this item. He advised this item is for a planned development amendment and special use permit for a brewpub and restaurant located at 4525 Belt Line Road. Brewpub alcohol sales are for off and on-premises consumption. Restaurant alcohol sales are for on-premises consumption only. Mr. Schmidt advised the location is the former site of the Chamberlain's Fish Market Grill restaurant. He reviewed the parking and landscaping and advised the project complies with the Master Transportation Plan requirements.

Mr. Schmidt advised that on March 16th the Planning and Zoning Commission voted to recommend approval with the condition that the applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage. Oak'd Handcrafted BBQ would be the name on the exterior of the building.

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

Two representatives of the applicant, Travis Bousquet, Architect, and Clint North, owner, spoke in favor of the project.

MOTION: Mayor Pro Tempore Ward moved to approve as presented. Council Member Braun seconded the motion. Motion passed unanimously.

Ordinance No. O21-11: Special Use Permit Oak'd Handcrafted BBQ, 4525 Belt Line Road

12. Present, Discuss and Consider Action on a Development Plan for the Development of the First Phase of the Trinity Christian Academy Master Concept Plan, Including a Site Plan, Landscape Plan, Preliminary Utility and Drainage Plans, and Building Elevations for a New Middle School Building, in an Existing Planned Development District (PD), Through Ordinance O16-040, Located on Approximately 19.3 Acres Addressed as 17001 Addison Road. Case 1824-Z/TCA Middle School Addition.

Ken Schmidt, Director of Development Services, presented this item. He reviewed the location of the Trinity Christian Academy (TCA), advising the focus of this request is for the construction of the new middle school building and library north of Sojourn Drive and east of the athletic fields. Mr. Schmidt reviewed that the Master Concept Plan was approved in 2016 and this project is for Phase 1A of the Plan.

Mr. Schmidt advised that the development plan complies with dimensional standards. Parking and exterior facades were presented. He noted that an interim traffic management plan will shift the current drop off point 400 feet to the west, improving off-street stacking.

Mr. Schmidt advised that the Planning and Zoning Commission met on March 16, 2021, and recommended approval with the inclusion of a tree mitigation plan. While some trees will be replaced on-site others will not be due to future construction of the Master Plan. The proposed solution is for the TCA to plant seven additional 8" caliper trees on the campus and would address the outstanding tree mitigation with a cash-in-lieu-of rate of \$175 per caliper inch. Payment would be made to the Parks and Recreation Department who would use those funds to plant trees in other areas. The Planning & Zoning Commission requested to review the tree mitigation plan prior to commencement of construction.

Council Member Braun inquired about whether other cities have a cash-in-lieu-of option for tree mitigation. Mr. Schmidt responded that the city of Denton requires \$200 per caliper inch and Plano requires \$175 per caliper inch.

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

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

Ordinance No. O21-13: Approve Trinity Christian Academy Middle School Development Plan, 17001 Addison Road

13. Hold a Public Hearing, Present, Discuss and Consider Action on an Ordinance Changing the Zoning on Property Located at 5294 Belt Line Road, Suite 106, Which Property is Currently Zoned PD, Planned Development, Through Ordinance O19-22, by Approving a Special Use Permit for a New Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption Only. Case 1822-SUP/The Biscuit Bar.

Ken Schmidt, Director of Development Services, presented this item. He advised this special use permit is for a new restaurant called The Biscuit Bar. This Prestonwood Place address is the sixth restaurant located in the DFW area. The building size, parking, and landscaping were reviewed. On-premises consumption of alcohol would be permitted. Mr. Schmidt noted that the existing building will not be significantly remodeled.

Mr. Schmidt advised that the Planning & Zoning Commission met on March 16, 2021, and recommended approval with the condition that the applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage, except for their full business name “The Biscuit Bar”.

Alicia Barsoum who was in attendance telephonically and representing the owner, spoke in favor of the project, advising this is a sandwich type restaurant using biscuits. She advised the restaurant should be open by late October.

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

MOTION: Council Member Hughes moved to approve as presented. Mayor Pro Tempore Ward seconded the motion. Motion passed unanimously.

After the motion was made and prior to the vote being taken, Council Member Willeesen expressed concern that using the word “Bar” in the exterior signage may seem contrary to Addison’s ordinances, due to the sale of alcoholic beverages in the establishment. Alicia Barsoum responded with some background on how the founder began using the name. Mayor Chow expressed that the name of the business “The Biscuit Bar” has no intent of promoting alcoholic beverages. Several Council Members expressed that the word Bar is often used to describe other food service, such as salad bar or baked potato bar.

Ordinance No. O21-14: Special Use Permit The Biscuit Bar, 5924 Belt Line Road

14. Hold a Public Hearing, Present, Discuss and Consider Action on an Ordinance Changing the Zoning on Property Located at 14310 Marsh Lane, Which Property is Currently Zoned Planned Development (PD) Through Ordinance 007-034, as Amended by Ordinances O13-026, O16-017, O16-018, and O19-06, by Approving a Special Use Permit for a New Restaurant with Drive-Thru Only Service. Case 1825-SUP/ Dutch Bros Coffee.

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for a special use permit for a drive-through or walk-up coffee restaurant in the Brookhaven Village Shopping Center. He added this is an Oregon based coffee chain with the first one in North Texas being built now in McKinney. The building size and parking were reviewed. Mr. Schmidt noted that a new access drive on Marsh lane will be established. He advised the plan complies with standards and parking requirements, has new landscaping, and complies with the Master Transportation Plan.

Mr. Schmidt advised that the Planning and Zoning Commission met on March 16, 2021, and recommended approval with the condition that the applicant work with staff on a traffic control plan for the site. Mr. Schmidt advised that the traffic mitigation plan includes the use of two drive through lanes and “runners” who will take orders, take payments, and deliver orders. He advised staff has no concern with the plan during normal operations. He added that during the grand opening there will be third-party on-site traffic control available.

Mayor Pro Tempore Ward expressed concern regarding the potential for traffic to back up onto Marsh Lane. Representatives from Dutch Bros in attendance telephonically responded saying that their goal is to have their customers served within 45 – 60 seconds in the drive through. It was noted that there may be a soft opening prior to the grand opening, and during the grand opening there will be experienced staff on-hand to facilitate service. Company representatives advised that there is no food prep on-site; only prepacked food will be available, so the line moves quickly.

Council Member Willesen expressed concern about the on-site parking and potential issues for people backing out of straight in parking spaces. He also inquired about the southeast corner of the site having a driveway. Representatives stated that is a public safety access drive required by the Town and it is not for customers to drive in or out. City Manager Pierson reviewed that this is primarily a drive-through establishment with no indoor seating, so except for those customers who choose the walk-up ordering window there should be fewer people choosing to park.

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

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

Ordinance No. O21-15: Special Use Permit Dutch Bros Coffee, 14310 Marsh Lane

15. Present, Discuss, and Consider Action on a Resolution Approving Brokers, Dealers, and Financial Institutions to Conduct Investment Transactions for Fiscal Year 2020-2021.

Steven Glickman, Chief Financial Officer, presented this item. He advised that the Town of Addison previously contracted with Hilltop Securities Asset Management (HSAM) to provide investment advisory services. As the Town's investment advisor, HSAM would propose investment transactions for the Town to consider from a list of approved brokers, dealers, and financial institutions which they were responsible for performing due diligence on and maintaining. During the first quarter of Fiscal Year 2021, Town staff notified HSAM of the intention to terminate the investment advisory contract effective April 1, 2021 and perform those services with existing Town staff who possess the necessary Public Funds Investment Act training and experience in the management of municipal funds. The cost of the investment advisory contract was based on the average size of the Town's investment portfolio and totaled approximately \$70,000 annually. In addition to the savings, Town staff believes the portfolio will be managed more effectively utilizing staff resources.

Council Member Hughes advised that during the Finance Committee meeting he learned that having staff handle the investments is normal for cities and with the staff's background it is appropriate. Council Member Willesen agreed. Mr. Glickman added that Frisco uses Hilltop Securities, but other cities use internal staff.

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

Resolution No. R21-019: Approving Brokers, Dealers, and Financial Institutions to Conduct Investment Transactions for Fiscal Year 2020-2021

Adjourn Meeting

There being no further business to come before the Council, Mayor Chow adjourned the meeting.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary