

# **DRAFT**

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

**June 8, 2021**

**Executive Session, Work Session & Regular Meeting  
5:00 p.m.**

**Addison TreeHouse  
14681 Midway Rd., Suite 200, Addison, TX 75001**

The Addison City Council conducted its Regular Council Meeting on Tuesday, June 8, 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](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 Guillermo Quintanilla; Deputy Mayor Pro Tempore Paul Walden; Council Member Tom Braun; Council Member Kathryn Wheeler; 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, Texas Government Code, to discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:**

- City Attorney

**Section 551.071, Tex. Gov. Code, Consultation with an attorney to seek legal advice regarding pending or contemplated litigation or settlement offer regarding:**

- Town of Addison, Texas v. CP Greenhill, LLC, and BBVA USA, f/k/a Compass Bank, Cause No. CC-20-01139-B, County Court at Law No. 2, Dallas County, Texas. (Greenhill Towers)

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 5:04 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 8:22 pm and called for any action as a result of the Executive Session.

**MOTION:** Deputy Mayor Pro-Tempore Walden moved to direct the City Manager to begin negotiations with the law firm which was qualified by the city council in Executive Session and to report the status of negotiations to Council as needed. Council Member Ward seconded the motion. Motion carried unanimously.

No other action taken regarding Town of Addison, Texas v. CP Greenhill, LLC, and BBVA USA, f/k/a Compass Bank.

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## **WORK SESSION**

**1. Present and Discuss the Future Operation of the Addison Conference Centre.**

Jasmine Lee, Director of Special Events, presented this item. She reviewed that the Addison Conference Centre was temporarily closed in March 2020 due to the Covid-19 pandemic. The closure was extended through Fiscal Year 2021 due to the negative impact the pandemic has had on the Hotel Fund revenue which supports the Conference Centre. Ms. Lee provided an overview of the Conference Centre facility and its usage. Prior to closing in March 2020, the facility operated seven days a week and had eight full-time staff.

Ms. Lee provided financial details for the Conference Centre from 2014 to 2020. She advised that there is an average annual net loss of \$441,620 per year. Ms. Lee noted that currently the facility is occasionally used by the Town of Addison for training or meetings, and Dallas County has held elections there. Upkeep of the building for Fiscal Year 2021 is budgeted at \$200,977.

Ms. Lee reviewed several factors for Council to consider regarding the future of the Conference Centre. Those included: (1) Financial sustainability of the facility; (2) Financial impact on the

Hotel Fund; (3) Coordination versus competition with local hotels; (4) Community impact on restaurants, businesses, residents; and (5) Alternate use options.

Four (4) options were presented, along with the anticipated financial implications for Council to consider for the future use and operation of the Conference Centre:

- Option 1: Resume Full-Service Operations
- Option 2: Resume Limited-Service Operations
- Option 3: Extend Temporary Closure
- Option 4: Repurpose Facility

City Manager Wes Pierson recommended Option 3, which would extend the temporary closure of the Conference Centre. He reminded the Council that per the Town's Financial Policy, an amount equal to 25 percent of the operating budget, must remain as a fund balance. He advised that since the Town is continuing to have decreased Hotel Occupancy Tax revenues the priority should be to utilize Hotel Fund revenues to promote special events. Since there is sufficient private meeting space available at local hotels and restaurants, it would be beneficial for those businesses if the Town is not competing for rentals.

Council Member Walden inquired about selecting Option 3 and simultaneously seek alternatives as in Option 4. Mr. Pierson responded that while it is an option, it should not be pursued until Council is clear that the Town does not want to be in the conference center business. Mayor Chow advised that his recommendation is to select Option 3 for another year then discuss the matter again. Council Member Wheeler expressed concern about the amount of money lost each year in operating the Conference Centre facility. Council Member Willesen expressed support for Option 2. The Council concluded its discussion expressing a consensus for Option 3.

## **2. Present and Discuss Proposed Updates to the Town of Addison Park and Recreation Ordinance.**

Janna Tidwell, Director of Parks and Recreation, presented this item. Ms. Tidwell reviewed that Addison's Park ordinances do not address gatherings in public parks except for setting rental requirements for the Pavilion at Les Lacs Park and the Pavilion at the Addison Athletic Club outdoor pool. There is a provision for a special event permit for gatherings that exceed 1,500 people.

Ms. Tidwell advised that there are issues with group gatherings at urban and neighborhood parks, some of which are not designed to accommodate large groups. Those issues include: (1) group sizes have exceeded parking capacity; (2) groups have told residents the park is closed for their private use; (3) park grounds and amenities have been damaged; (4) demands on park staff have increased due to increased cleanup of trash and debris; (5) park staff are typically not on-site during evenings when events typically occur so clean up is not immediate.; (6) many group gatherings are not initiated by Addison Residents or Businesses; and (7) the current ordinance does not provide the Addison Police Department with a means to address issues related to gatherings in Addison parks.

Ms. Tidwell added that staff receives calls from residents, businesses and non-residents requesting to reserve a space for small gatherings, such as weddings and neighborhood parties. Many of the requests are for reserving park spaces other than the pavilion at Les Lacs Park.

Ms. Tidwell told the Council that a proposed solution would be to implement a Park Use Permit. The proposed permit would address the following criteria:

- Who can Apply for a Park Use Permit? Addison Residents and Businesses.
- What is the cost of the permit? Residents - \$150 Refundable Deposit; Businesses -\$150 Refundable Deposit plus \$75 first 3 hours and \$25/ Hour thereafter.
- What are the hours of use? 8:00 AM - 8:00 PM.
- What locations are appropriate for park use by groups? Urban Parks; Neighborhood Parks - Addison residents for neighborhood gatherings only.
- What size group requires a permit? Groups of 20-100 would require a Park Use Permit; A group size greater than 100 would require a Special Event Permit.
- What are the rules? Individual making the reservation is responsible for any damage and cleanup. Approval is required for the setup of portable items, music, alcohol, games, and food trucks.
- What is the recourse if the rules are broken? Park Use Permit Applicant will lose their deposit plus charges will incur for replacement or repair of any damage to the park or park facilities.

If a Park Use Permit was not secured for a group gathering, a citation can be issued and a fine up to \$500 may be levied by the Municipal Court.

Councilmembers spoke in favor of the Park Use Permit. A suggestion was made for the Town to provide signage with the issued permit to post at the permitted area. Ms. Tidwell advised staff will bring a proposed ordinance to Council for consideration at a future meeting.

\* \* \* **ANNOUNCEMENTS AND ACKNOWLEDGEMENTS** \* \* \*

Mayor Chow acknowledged Margaret Somereve, Executive Director of the Texas Coalition for Affordable Power (TCAP), who presented an appreciation plaque to acknowledge the Town for being a founding member of this organization. Electrical coalitions were authorized in 2001, to allow cities and other political subdivisions to purchase electricity for governmental use saving tax dollars.

\* \* \* **RETURN TO POSTED AGENDA** \* \* \*

**3. Present and Discuss Council Liaison Opportunities and Appointments.**

Irma Parker, City Secretary, introduced this agenda item. Council Member Ward stated that she would like to discuss whether there is a need or desire to consolidate some of the listed

appointments, due to the time commitment involved for each council member. She advised that the funded organizations come to the entire Council when seeking grants and perhaps individual liaison appointments are not necessary for funded organizations.

Council members discussed the individual organizations and the liaisons appointments. By consensus, the Council agreed to sunset the Outcry Theatre, Ad Hoc Committee with Farmers Branch, and Education liaisons. The Greater Dallas Regional Chamber and Texas Municipal League (TML), Dallas Area Regional Transportation (DART), Texas Municipal Retirement System (TMRS) are all organizations that each event it submitted to all Council Members and not required to specific all or any liaison. Regarding the Metrocrest Mayors Association, consensus was to eliminate from listing as only the Town’s Mayor is a member. Regarding the Finance Committee, City Manager Pierson advised that the Committee Bylaws will be reviewed before any recommendations can be made. A report on findings from the Finance Committee Bylaws will be provided at a future council meeting. Consensus of appointments is as follows:

<b>ORGANIZATION - Funded</b>	<b>Mayor Chow</b>	<b>Mayor Pro-Tem Quintanilla</b>	<b>Deputy Mayor Pro-Tem Walden</b>	<b>Council Member Braun</b>	<b>Council Member Ward</b>	<b>Council Member Wheeler</b>	<b>Council Member Willesen</b>
Addison Arbor Foundation			X				
Metrocrest Chamber of Commerce						X	
Water Tower Theatre				X			
World Affairs Council of Dallas/Fort Worth					X		
North Dallas Chamber		X					
North Texas Commission				X			
Regional Transportation Council/North Central Texas Council of Governments		X					

Formal action on liaison appointments is planned for the June 22, 2021, 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.

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## Regular Items

- 4. Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on Property Located at 5100 Belt Line Road, Suite 544, Currently Zoned Planned Development (PD), through Ordinances 012-002 and O20-08, by Approving a Special Use Permit for a Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption Only. Case 1828-SUP - District.**

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for approval of a Special Use Permit (SUP) for a restaurant with the sale of alcoholic beverages for on-premises consumption. This SUP meets all requirements for parking, open space, and landscaping. The applicant intends to retain the existing façade design with the exception of painting and removal of the existing patio cover. The property location was reviewed as well as the zoning history. Mr. Schmidt added that the interior floor space is 3,108 square feet and the patio area is 716 square feet.

Mr. Schmidt advised that five (5) public notices were sent to nearby property owners with no responses were received. The Planning and Zoning Commission met in May and recommended approval with the condition that no terms or graphic depictions that relate to alcoholic beverages be on exterior signage. Mr. Schmidt added that previous adopted ordinances authorizing alcohol for this address will be repealed.

In response to a Council question, applicant and President of the District Restaurant Group, Jon D'Angelica, reported that food selections will include diverse cuisine to compliment wine and the restaurant should be open in September.

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

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

**Ordinance No. O21-21:** Case 1828-SUP, 5100 Belt Line Road, Ste 544, District Restaurant Group

- 5. Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Vitruvian West Phase II, Located at 3725 Vitruvian Way, in Order to Allow a 2,376.2 Square-Foot Mural on Portions of the East and South Facades.**

Ken Schmidt, Director of Development Services presented this item. He advised this is a request for a Meritorious Exception to the Town's sign ordinance to complete a mural spanning two (2) adjacent facades of the southeastern portion of a building located at the northeast corner of Marsh Lane and Vitruvian Way, visible from Vitruvian Way. The proposed mural is defined as an attached sign by the Town's sign ordinance. With this mural encompassing 2,376.2 square-foot in effective area (45 feet and 11 inches tall and 51 feet and 9 inches wide), this sign is well in excess

of the area requirements prescribed for attached signs. The applicant is pursuing a Meritorious Exception to the sign ordinance based on the below code provision:

Town of Addison Code of Ordinances, Chapter 62 (Signs)  
Section 62-33. – Meritorious exceptions.

(d)(3) The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a "sign," constitutes art that makes a positive contribution to the visual environment.

Mr. Schmidt advised that the applicant's mural highlights key elements of our state heritage, the northern mockingbird, and bluebonnets. The design builds on the bluebonnet theme that began with the previously approved parking garage mural for Vitruvian West Phase I and honors the color palette of the Vitruvian West development.

The applicant provided two options, Option A which paints over the existing cementitious panels, and Option B which preserves the current condition of those panels. Staff believes that the proposed mural constitutes art that makes a positive contribution to the visual environment of the surrounding area, with Option A for the eastern mural façade best meeting this Meritorious Exception approval criteria. Staff is recommending approval of Option A.

Council Member Willesen inquired how long these types of signs last. The applicant, UDR, Inc.'s Development Manager Rob St. John, responded that the previous mural was installed in 2018 and is in good condition.

**MOTION:** Council Member Braun moved to approve. Council Member Ward seconded the motion. Motion carried with a vote of 6-1. Council Member Willesen voted against the motion.

**Ordinance No. O21-22:** Meritorious Exception 2,376.2 Sq. Ft. Mural of East and South Facades at 3725 Vitruvian Way

## **6. Present and Discuss an Update on Addison Kaboom Town 2021.**

Jasmine Lee, Director of Special Events, presented this item. She advised that the event is scheduled for Saturday, July 3<sup>rd</sup> from 5 pm to 10 pm at Addison Circle Park. Attendance is free however tickets are required. Attractions include live bands and food vendors. She noted that this year there will be a live jazz band near the entrance, as well as a merchandise tent. A dedicated VIP Area will include air-conditioned seating and restrooms inside the Addison Conference Centre, umbrella tables on the lawn and complementary catering.

Ms. Lee advised that this year's air show will be different. It will include a series of flyovers and include Cavanaugh Flight Museum Warbirds, aerobatic planes, and others. Each formation will fly a route that is visible from throughout Addison approximately every 10-15 minutes. The Freedom Flyover will begin at 7:15 pm and last until 9:15 pm.



The fireworks show will begin at approximately 9:35 pm at the Addison Airport. Music will be broadcast on STAR 102.1 FM.

Ms. Lee advised that health and safety protocols for this festival were developed in accordance with CDC guidance, and have been adapted to account for recent changes as follows:

- Reduced daily capacity to 75% of pre-pandemic levels. Scaling back up to 100% takes additional time and resources that are not readily available this close to the event. This also allows for some distancing between groups as the majority of Texas is not fully vaccinated.
- Carnival field along Festival Way will be used for expanded seating area.
- Hand sanitizer stations will be stationed throughout the venue and enhanced site cleaning will be conducted.
- Face coverings are not required; but recommended for those who are not fully vaccinated.

Mayor Chow inquired is there was sufficient off-duty law enforcement to support this event? City Manager Pierson responded that there will be enough. Mayor Chow recognized staff for the hard work put into the special events.

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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