

# **DRAFT**

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

**August 10, 2021**

**Executive Session, 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, August 10, 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 Lori Ward; and, Council Member Marlin Willesen

**Absent:** Council Member Kathryn Wheeler

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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, evaluation, reassignment, duties, 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 6:04 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 8:08 p.m. He asked if Council had a motion regarding the City Attorney Executive Session item.

**MOTION:** Deputy Mayor Pro Tempore Paul Walden made a motion directing the City Manager to begin negotiations with the law firm ranked next most qualified by the City Council during the Executive Session and to report the status of the negotiations to the Council as needed. Mayor Pro Tempore Guillermo Quintanilla seconded the motion. Motion carried unanimously.

Mayor Chow indicated that no motion would be made regarding the Executive Session item on 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.

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**WORK SESSION**

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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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**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.

1. **Consider Action on the Minutes from the June 17, 2021 Special Joint Meeting of the City Council and Planning & Zoning Commission.**
2. **Consider Action on the Minutes from the July 13, 2021 Regular Meeting and Work Session.**
3. **Consider Action on a Resolution Establishing the Town's Intention to Reimburse Itself for Prior Lawful Expenditures of Funds Relating to Constructing Various City Improvements (Authorized 2019 Bond Projects such as Improvements to Parks Facilities and Repairs at Existing Municipal Facilities) in the Amount of \$8,095,000.**
4. **Consider Action on a Resolution Approving an Economic Development Program Grant Agreement with Tyton Holdings and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$100,000.**
5. **Consider Action on a Resolution Approving the Agreement Between the Town of Addison and Simon Roofing and Sheet Metal Corporation for the Replacement of the Roof at 4308 Wiley Post Road and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$88,850.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. Council Member Willeesen requested Item 3 be pulled.

**MOTION:** Council Member Willeesen moved to approve Consent Agenda Items 1, 2, 4, and 5 as submitted. Council Member Braun seconded the motion. Motion carried unanimously.

\*\*\*\*\* Consent Item 3 \*\*\*\*\*

Council Member Willeesen advised he pulled Item 3 in order to clarify the language in the Exhibit that states “acquisition of land.” Staff responded that the language is included to match the language from the bond propositions that were presented to the voters.

**MOTION:** Council Member Willeesen moved to approve Consent Agenda Item 3. Council Member Ward seconded the motion. Motion carried unanimously.

**Resolution No. R21-039:** Intention for Reimbursement of 2019 Bond Funds for Parks and Facility Improvements

**Resolution No. R21-040:** Economic Development Grant Agreement with Tyton Holdings

**Resolution No. R21-041:** Agreement with Simon Roofing and Sheet Metal Corporation for 4308 Wiley Post Road

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## Regular Items

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6. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on a 1.17 Acre Property Located at 4551 Beltway Drive, from Local Retail (LR) to Commercial-1 (C-1) District. Case 1830-Z - 4551 Beltway Drive.**

Ken Schmidt, Director of Development Services, presented this item. He reviewed the location and property size of 4551 Beltway Drive, and advised this request is to change the zoning from Local Retail to Commercial to accommodate a medical office. History of this property was reviewed.

Mr. Schmidt advised that the Town's Comprehensive Plan includes an analysis entitled Attributes of Success that he advised does not address this property, however, staff's assessment is that this rezoning would result in a positive use of this property. He added that it does not front Belt Line Road, and this proposed use will be compatible with the Parks Master Plan, Trails Master Plan and the Transportation Plan. Mr. Schmidt advised that the Planning and Zoning Commission approved this rezoning at the July meeting.

Mayor Chow opened the public hearing.

Mayor Pro Tempore Quintanilla inquired as to how the property will comply with the Trails Master Plan. Mr. Schmidt advised that an 8-foot sidewalk will be installed on the south and east sides of the property.

Council Member Ward requested comments from the applicant. Eliza Solander representing the applicant provided brief comments, advising the building will be used for general medical use.

Council Member Willesen inquired about this property not being included in the Comprehensive Plan. Mr. Schmidt responded that at the time the Comprehensive Plan was adopted there were several pieces of property that were not included, and those will be reevaluated in the future in a Future Land Use Plan when one is created.

Mayor Chow closed the public hearing.

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

**Ordinance No. O21-24:** Case 1830-Z 4551 Beltway Drive to C-1 Zoning

7. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Bowlero, Located at 3805 Belt Line Road, in Order to Exceed the Total Effective Area and the Maximum Allowable Logo Height for Attached Signs. Case MR2021-007.**

Ken Schmidt, Director of Development Services, presented this item. He reviewed the location of this existing building and advised the sign change is due to the business rebranding. He explained that there are currently two signs; one attached sign per façade is allowed. If granted, the meritorious exception would allow two signs and one logo. The sign sizes would also exceed what

is allowable. Mr. Schmidt reviewed the criteria that Council may use to grant an exception.

Due to the location and size of the building, staff is recommending the exception. Mayor Chow and several council members spoke in favor of approval.

**MOTION:** Council Member Braun moved to approve. Mayor Pro Tempore Quintanilla seconded the motion. Motion carried.

**Ordinance No. O21-25:** Case MR2021-007 Signage, Bowlero, 3805 Belt Line Road

8. **Present, Discuss and Consider Action on a Resolution Approving the Professional Consulting Agreement Between the Town of Addison and BKD, LLP to Perform Audits for Fiscal Years 2021, 2022, and 2023 (with the Option to Extend the Agreement for Fiscal Years 2024 and 2025 for Additional Fees), and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$287,500.**

Steven Glickman, Chief Financial Officer, presented this item. He advised that the Town's current auditor contract is expiring. He advised the Town prepared a Request for Qualifications (RFQ) for external audit services. Six firms responded to the RFQ. Two finalists were selected and interviewed by a review committee. The committee unanimously selected the firm of BKD, LLP as the most qualified provider of external audit services for the Town. BKD, LLP has been the Town's external audit firm since 2016. Mr. Glickman reviewed the financial arrangements included in the agreement.

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

**Resolution No. R21-042:** Agreement with BKD, LLP to conduct annual audit

9. **Present, Discuss and Consider Action on an Ordinance Authorizing the Issuance of Town of Addison, Texas, General Obligation Bonds, Series 2021; Awarding the Sale Thereof; Levying a Tax, and Providing for the Security and Payment of Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement; Approving the Official Statement; Enacting Other Provisions Relating to the Subject; and Declaring an Effective Date.**
  
10. **Present, Discuss, and Consider Action on an Ordinance Authorizing the Issuance of Town of Addison, Texas, General Obligation Refunding Bonds, Taxable Series 2021; Awarding the Sale Thereof; Levying a Tax, and Providing for the Security and Payment of Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and an Escrow Agreement; Approving the Official Statement; Enacting Other Provisions Relating to the Subject; and Declaring an Effective Date.**

Mayor Chow read Item 9 and Item 10 and requested a single presentation for both items.

Steven Glickman, Chief Financial Officer, presented these items. He advised that there were two bond sales today. The first (Item 9) is for new issues in the expected amount of \$16,095,000. He advised that \$8 million is for Midway Road reconstruction, \$3,145,000 for Parks improvements, and \$4,950,000 for improvements to municipal buildings. The actual sale amount was \$14,850,000 with a premium of \$1,469,378. Hilltop Securities advised that five (5) bids were received with the winning bid of 1.769%.

The second issue (Item 10) was to refinance the 2013 General Obligation Bonds, 2013A General Obligation Bonds, and 2013 Certificates of Obligation. Hilltop Securities advised that nine (9) bids were received with the winning bid of 1.47%. The total amount refinanced was \$10,155,000. This refinance will result in a savings of 13% totaling \$120,000 per year, without extending the length of the debt.

Mayor Chow and Deputy Mayor Pro Tempore Walden spoke in favor. In response to Mayor Pro Tempore Quintanilla's request, Mr. Glickman advised the bond sale report will be available on the Town's website.

City Manager Pierson expressed his appreciation to Mr. Glickman, Bond Counsel Julie Partain, and Hilltop Securities for their service.

**MOTION:** Council Member Ward moved to approve Item 9. Council Member Braun seconded the motion. Motion carried.

**MOTION:** Deputy Mayor Pro Tempore Walden moved to approve Item 10. Council Member Ward seconded the motion. Motion carried.

**Ordinance No. O21-26:** General Obligation Bonds, Series 2021

**Ordinance No. O21-27:** General Obligation Refunding Bonds, Taxable Series 2021

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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