

# **DRAFT**

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

**August 24, 2021**

**6:15 p.m. Executive Session & Work  
Session 7:30 p.m. Regular Meeting**

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

The Addison City Council conducted its Regular Council Meeting on Tuesday, August 24, 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; 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, Tex. Gov. Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:**

- City Attorney

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 6:20 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 6:32 p.m. No action was taken as a result of Executive Session.

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## WORK SESSION

1. **Present and Discuss Legislation Passed During the 87th Session of the Texas Legislature and Provide an Update on Other Legislative Activity in Austin.**

Bill Hawley, Director of Administrative Services, presented this item. He advised that of the approximately 7,000 bills filed a total of 2,300 filed bills had impacts for cities. Of those bills submitted only 1,000 bills were passed and of those bills only 250 had impacts for cities.

Mr. Hawley briefly reviewed some of the proposed bills that were not passed. He reviewed the bills passed as they related to: Property Taxes, Economic Development, Purchasing, Elections, Finance and Administration, Open Government, Personnel, Public Safety, and Utilities and Environment.

Mr. Hawley advised that a Special Session was called and convened on August 23, 2021. Legislators will address the issue of redistricting that must be done following the Census results, as well as the Governor's list of items.

2. **Present and Discuss the Expiration of Suspension of Certain Texas Open Meeting Act Provisions.**

City Secretary Irma Parker advised that the Open Government rules suspension activated in March 2020 due to the COVID-19 pandemic will expire effective September 1, 2021. She requested direction from the Council whether they would like to continue to allow virtual participation from residents and others, such as zoning applicants, after September 1<sup>st</sup>. Ms. Parker also requested direction on whether the Council wants to continue their meetings at the current location (the Addison TreeHouse) or return to the formal Council Chambers at Town Hall for meetings. Ms. Parker noted that upgrades to the audio equipment at both locations are underway. In addition, the Council Chambers does not allow for Center for Disease Control (CDC) distance guidelines to slow transmission of COVID-19. Due to the size of the TreeHouse, we can comply with CDC distancing guidelines.

Mayor Chow and several members of Council spoke in favor of continuing to allow speakers to address the Council virtually or telephonically, and to continue to meet at the TreeHouse location.

It was stated that after the pandemic is completely over, these decisions may be re-evaluated.

**3. Present and Discuss Metrocrest Services' Request for a Contribution to Their Building Our Future Capital Campaign.**

City Manager Wes Pierson advised this is not an action item but a discussion of the request from Metrocrest Services.

Tracy Eubanks, Chief Executive Officer, made a presentation that included statistics of the services provided during the past year and the organization's current facilities. He reviewed that their Capital Campaign began in 2020. He reviewed plans that include property acquisition for a new facility and the services that will be offered there. The project timeline and budget were provided. Mr. Eubanks reviewed the site plan and floor plans for the new campus, and the location.

Mr. Eubanks provided a fundraising update, advising that approximately half of the funds needed have been committed. He advised that a request for financial assistance has been submitted to the Town. A question was raised as to whether the City of Dallas has contributed to Metrocrest Services. Mr. Eubanks responded that Dallas shared CARES Act funds this past year. It is unknown whether they will contribute to the capital project. Mr. Eubanks added that he also made a similar presentation to Carrollton and Coppell.

Council Member Ward spoke in favor of Addison providing a capital contribution to Metrocrest Services, expressing that a financial contribution would be an investment in the community. Mayor Chow agreed. Deputy Mayor Pro Tempore Walden spoke against making a financial contribution to a building fund that he feels is not a direct contribution to community services. Council Member Willesen confirmed with Mr. Eubanks that the amount of financial support requested from the Town of Addison is \$120,000, which is based on the "fair share" of services provided. The total amount being requested from the cities is \$2 million and Addison's portion equals 6 percent. Council Member Willesen spoke in favor of the request for funding. Mayor Pro Tempore Quintanilla recommended further financial analysis as to the Town's return on investment. Council Member Wheeler agreed with this approach. Council Member Braun expressed that he feels this investment will ultimately reduce the Town's future contributions. Once the requested analysis is complete, staff will bring this item back to Council for further discussion at a future meeting.

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## REGULAR MEETING

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

#### **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*

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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.

4. **Consider Action on the Minutes from the August 10, 2021 City Council Regular Meeting.**
5. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and Dannenbaum Engineering Company-Dallas, LLC. for Professional Engineering Services Related to the Lake Forest Drive Waterline Upgrades and Wastewater Improvements Project, and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$169,808.**
6. **Consider Action on a Resolution Approving a Master Services and Purchasing Agreement Between the Town of Addison and AXON Enterprise, Inc. for the Devices, Cloud Services, and Professional Services for In-Car Cameras, Interview Room Cameras, and Body Cameras for the Addison Police Department, and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$538,453.10.**
7. **Consider Action on a Resolution Approving an Events Agreement Between the Town of Addison and DCO Realty, Inc. for the Management, Operation, Coordination, and Control of a Variety of Events at Vitruvian Park and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$185,000.**
8. **Consider Action on a Resolution Appointing Janet DePuy, Mayor Pro-Tempore of the City of Richardson, as Primary Representative and Guillermo Quintanilla, Mayor Pro-Tempore of the Town of Addison, as the Alternate Representative to the Aggregated Position of Representative to the Regional Transportation Council (RTC) of the North Central Texas Council of Governments.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. Council Member Willesen requested Item 5 be pulled.

**MOTION:** Council Member Ward moved to approve Consent Agenda Items 4, 6, 7 and 8 as submitted. Deputy Mayor Pro Tempore Walden seconded the motion. Motion carried unanimously.

\*\*\*\*\* Consent Item 5 \*\*\*\*\*

Council Member Willesen advised he pulled Item 5 to inquire whether all the utilities are under the street, and if so, to what extent the street will be replaced (partial or full). Shannon Hicks, Director of Public Works & Engineering Services, responded that the utilities are all underground

either under the pavement or in the right-of-way. The extent of repairs is unknown until the design is complete. City Manager Pierson advised that this is a private street and meetings with 15 property owners will be held to determine whether they are interested in partnering with the Town to possibly replace the whole street. It was clarified that the street is uncurbed and surfaced with asphalt. Mr. Hicks added that video and photos of the street and repairs will be obtained for documentation.

**MOTION:** Council Member Willesen moved to approve Consent Agenda Item 5. Council Member Braun seconded the motion. Motion carried unanimously.

**Resolution No. R21-043:** Engineering Services Agreement with Dannenbaum Engineering Company-Dallas, LLC for Design of Lake Forrest Drive Infrastructure Improvements

**Resolution No. R21-044:** Purchasing Agreement with AXON Enterprise, Inc. for Video Recording Services

**Resolution No. R21-045:** Events Agreement with DCO Realty, Inc for Vitruvian Park

**Resolution No. R21-046:** Appointments to the Regional Transportation Council of the NCTCOG

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## Regular Items

- 9. Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on Property Located at 5290 Belt Line Road, Suite 104, which Property is Currently Zoned PD, Planned Development, through Ordinance O19-22, by Approving a Special Use Permit for a New Restaurant. Case 1835-SUP/Pressed Juicery.**

Ken Schmidt, Director of Development Services, presented this item. He advised this is a request for a special use permit for a restaurant. The location, size, parking, and landscape were reviewed. Mr. Schmidt advised this is a Los Angeles based company with several locations in Texas and the DFW Metroplex.

Mr. Schmidt advised that notices were sent to 15 property owners within the 200' of the property in accordance with Town and State law with no responses received. The Planning and Zoning Commission recommended approval without conditions.

Mayor Chow opened the public hearing.

Guy Byington, representing the applicant, provided information on this new restaurant concept. Council Member Braun inquired about a pre-existing storage area located in front of the site. Mr. Byington responded that the landlord has refurbished the exterior of the storage area. He advised that the restaurant is currently open for business.

Mayor Chow closed the public hearing.

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

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**Ordinance No. O21-O28:** 5290 Belt Line Road, Suite 104, Case 1835-SUP/Pressed Juicery

**10. Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning on Property Located at 3765 Belt Line Road, which Property is Currently Zoned PD, Planned Development, through Ordinance O92-037, by Approving a Special Use Permit for a New Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption Only. Case 1834-SUP/Wing Boss.**

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for a special use permit for a restaurant with sales of alcoholic beverages for on-premises consumption. The location, size, parking, and exterior appearance were reviewed.

Mr. Schmidt advised that notices were sent to 11 property owners with the 200 ft. of the subject property and no responses were received. The Planning and Zoning Commission recommended approval. Staff is recommending approval with the condition that applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage and the repeal of the Duck Donuts' SUP Ordinance O20-34.

Mayor Chow opened the public hearing.

Louis D'Ambrosia, representing the applicant, was present to answer any questions. Mayor Chow confirmed that this is a new concept for Dickey's Barbeque Pit. The restaurant will open as soon as possible. Parking ratios for restaurant uses were clarified and discussed.

Mayor Chow closed the public hearing.

**MOTION:** Deputy Mayor Pro Tempore Walden moved to approve with the conditions as stated, and to repeal the existing SUP Ordinance No. 020-034 regarding Duck Donuts. Council Member Ward seconded the motion. Motion carried unanimously.

**Ordinance No. O21-O29:** 3765 Belt Line Road, Case 1834-SUP/Wing Boss

**11. Present, Discuss and Consider Action on a Resolution Appointing Whitt Wyatt as the City Attorney for the Town of Addison.**

City Manager Pierson reviewed that the negotiations with the legal firm of Wood Banowsky, PLLC have concluded, with Council expressing a desire to appoint said firm and Whitt L. Wyatt as the Town's city attorney.

Council Member Willesen welcomed Mr. Wyatt and expressed his appreciation to former attorney Brenda McDonald for her service.

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

**Resolution No. R21-047:** Appointment of Whitt Wyatt as City Attorney

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**12. Present and Discuss the Operations and Financial Reconciliation for Taste Addison 2021.**

Jasmine Lee, Director of Special Events, presented this item. She provided an overview of changes that were made for Taste Addison this year compared to previous years. She noted that hotel bookings increased due to vouchers being offered to hotel users.

Ms. Lee reviewed the advertising, revenues, and expenditures for this year's event. She advised the total revenues were \$429,928 and expenditures total were \$686,786. She noted that while there was a net loss, it was less than budgeted. Comparisons with statistics of previous years' events were provided. Ms. Lee advised that as part of the expenses this year, the Town purchased a rain insurance policy. Due to the weather on Friday, the insurance policy paid a \$150,000 claim for that day.

In response to Mayor Chow's question, Mr. Pierson advised that the expense for the bands originally scheduled then cancelled for 2020 was not included in the calculations for 2021.

Ms. Lee advised that for next year plans are to keep this event to two days, Friday and Saturday. Staff will work with the restaurants to improve the Tasting Room experience, and the VIP experience area will be reinstated.

**13. Present and Discuss the Operations and Financial Reconciliation for Addison Kaboom Town! 2021.**

Jasmine Lee, Director of Special Events, presented this item. She reviewed changes that were implemented for Kaboom Town! this year and reviewed associated hotel bookings.

Ms. Lee reviewed the advertising, revenues and expenditures for this year's event. She advised the total revenues were \$99,458 and expenditures were \$407,653, noting that losses were less than anticipated in the budget. Statistics comparisons with previous years' events were provided.

For fiscal year 2022, staff will explore the continued use of event ticketing, work with the airport to enhance the Freedom Flyover, and introduce previously planned water attractions to the carnivalfield.

Several Council Members expressed that they like the requirements for tickets. The reduced attendance for this year also reduced the traffic at the conclusion. Comments regarding the boxed meals were positive with the exception of the portion sizes of the food included. Expanding the Airport's flyover was suggested and to possibly reinstate the after party.

**14. Present and Discuss an Update on Addison Oktoberfest 2021.**

Jasmine Lee, Director of Special Events, presented this item. She reviewed that the Addison Oktoberfest is scheduled for September 16<sup>th</sup>- 19<sup>th</sup>. It will be held at Addison Circle Park. The hours for each day were reviewed as well as ticket prices. Ms. Lee noted that admission on the 16<sup>th</sup> and the 19<sup>th</sup> is free. Special packages are available for purchase and group reservations are available. Entertainment includes live music, games and activities, and a large screen TV available in an

outdoor seating area will feature football games. Food options for this year were reviewed as well as the merchandise that will be available for purchase.

Ms. Lee provided an overview of the health and safety measures that will be implemented. Councilmembers offered positive comments regarding the plans. Mr. Pierson expressed his appreciation regarding the staff’s efforts on all the events this year.

**15. Present and Discuss the Finance Department Quarterly Financial Report of the Town of Addison for the Fiscal Year 2021 Third Quarter Ended June 30, 2021.**

Steven Glickman, Chief Financial Officer, presented this item. He advised that some property tax amounts are still being determined due to pending hearings. He reviewed the third quarter’s key financial revenue highlights as noted below:

| Key Revenue Sources                           | FY 2021 Budget | Actual thru 6/30/21 | % Annual Budget |
|---|----------------|---------------------|-----------------|
| Ad Valorem Taxes - General Fund               | \$19,425,398   | \$20,089,247        | 103.42%         |
| Non-Property Taxes - General Fund             | \$13,954,766   | \$11,656,725        | 83.53%          |
| Hotel Tax                                     | \$4,156,000    | \$21,437,253        | 34.59%          |
| Franchise Fees - General Fund                 | \$2,260,000    | \$1,534,514         | 67.90%          |
| Service/Permitting/License Fees -General Fund | \$3,113,326    | \$1,797,881         | 57.75%          |
| Rental Income - All Funds                     | \$4,337,770    | \$3,324,900         | 76.65%          |
| Fines and Penalties - All Funds               | \$335,000      | \$116,190           | 34.68%          |
| Special Event Revenue - Hotel Fund            | \$1,104,500    | \$408,906           | 37.02%          |
| Fuel Flowage Fees - Airport Fund              | \$625,043      | \$746,990           | 119.51%         |
| Water and Sewer Charges - Utility Fund        | \$13,772,976   | \$8,181,900         | 59.41%          |

He stated that hotel tax revenue has not been collected from all hoteliers and reflects less hotel occupancy due to COVID-19. Staff is contacting hotels that have yet to make the occupancy tax payments. Municipal Court has had fewer court fines/fees due to COVID-19. Personnel changes showed 12 separations and 6 new hires for this quarter. Mr. Glickman advised the General Fund revenue is strong, and expenditures are as they should be. Additionally, it was noted that all payments to North Texas Emergency Communications Center (NTECC) for emergency communications have been made. A summary of key expenditures by fund are as follows:

| Key Expenditures     | FY 2021 Budget | Actual thru 6/30/21 | % Annual Budget |
|----------------------|----------------|---------------------|-----------------|
| General Fund         | \$40,039,551   | \$26,884,361        | 67.14%          |
| Hotel Fund           | \$5,838,563    | \$5,834,730         | 46.55%          |
| Economic Development | \$2,019,815    | \$1,034,932         | 51.24%          |
| Airport Operations   | \$5,110,205    | \$302,338           | 59.14%          |
| Utility Operations   | \$14,243,405   | \$9,184,611         | 64.48%          |



Mr. Glickman reviewed that staff is now handling investments and the portfolio is performing better than when managed by outside consultants as shown as follows.

| <b>Date</b> | <b>Book Value</b> | <b>Market Value</b> | <b>Interest Revenue</b> | <b>Weighted Average Yield-to-Maturity</b> |
|-------------|-------------------|---------------------|-------------------------|---|
| 6/30/2021   | \$112,200,456     | \$112,057,166       | \$110,076               | 0.49%                                     |
| 3/31/2021   | \$107,279,066     | \$107,285,397       | \$104,590               | 0.27%                                     |
| Change      | \$4,321,390       | \$4,771,769         | \$5,486                 | 0.22%                                     |
| % Change    | 4.56%             | 4.45%               | 5.24%                   | 81.72%                                    |

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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