

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

December 14, 2021

5:15 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, December 14, 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 Guillermo Quintanilla; Deputy Mayor Pro Tempore Paul Walden; Council Member Tom Braun; Council Member Lori Ward; Council Member Kathryn Wheeler; 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

EXECUTIVE SESSION

Closed (Executive) Session of the Addison City Council pursuant to:

Section 551.071, Texas Government Code, to conduct a private consultation with its attorney pertaining to:

- Bigelow Arizona TX-344, Limited Partnership D/B/A Suites of America and/or Budget Suites of America v. Town of Addison, Cause No. DC-19-09630, 191st Judicial District, Dallas County District Court.

- G J Seeding, LLC v. FNH Construction, LLC and Hudson Insurance Company, Cause No. DC-20-11409, 134th Judicial District, Dallas County, Texas.

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 announced that the City Manager's Evaluation would be discussed at this time and the remaining item would be discussed following the Regular Agenda Items.

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 5:20 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 7:30 p.m. No action was taken as a result of Executive Session.

WORK SESSION

1. Present and Discuss Metrocrest Services' Request to Support Their Building Our Future Capital Campaign.

Bill Hawley, Director of Administrative Services, presented this item. He reviewed that the Town of Addison received a letter dated July 15, 2021 from Metrocrest Services requesting the Town's support for their "Building Our Future Capital Campaign." The four cities served by Metrocrest Services were asked to provide a total of \$2 million in support of building a 48,000 square foot facility. Addison's share of that amount would be \$120,000. This proposal was discussed by Council during the August 24, 2021 Council meeting. At that meeting, Council asked staff to provide (1) a legal opinion on providing this type of financial support to non-profit organizations; (2) information regarding the actions taken by Carrollton, Coppell, and Farmers Branch in response to the Campaign request; and (3) the return on investment of supporting non-profit organizations in the community.

Mr. Hawley advised that the \$120,000 request for the Campaign represents 0.7 percent of the total campaign budget and 1.1 percent of the construction only cost. The new facility will allow Metrocrest to eliminate the rent paid for their current location and further enhance their services to the community. In response to the City Council questions presented at the August meeting:

- (1) Legal Opinion: City Attorney Whitt L. Wyatt opined that it would be legal for the Town to provide funding toward this project as authorized in Chapter 380 of the Texas Local

Government Code. This provision in the law allows the City Council to establish and provide for the administration of one or more programs, including programs for making loans and grants of public money to promote state or local economic development and stimulate business development within the local community.

- (2) Carrollton, Coppell, and Farmers Branch Council Actions: The actions taken by the City Councils of the three other cities asked to support the Campaign are as follows:
- a. The Carrollton City Council had not acted as of December 14. Staff has been told the item is tentatively scheduled for a January 2022 meeting;
 - b. The Coppell City Council approved a Resolution supporting Metrocrest Services through a contribution of \$80,000 toward the Campaign; and
 - c. The Farmers Branch City Council approved a Resolution supporting Metrocrest Services through a Community Support Facility Grant in an amount \$560,000 to be used for the construction of Metrocrest's new building.
- (3) Return on Investment of Supporting Metrocrest Services: For over 50 years, Metrocrest Services has provided a variety of programs for Addison residents such as a food pantry, job skills training, senior programs, and rent assistance. Addison sees direct and indirect returns on the investment made to support Metrocrest in fulfilling their mission. Metrocrest Services has grown to serve more clients annually for the past decade with rapid growth due to the pandemic. The budgeted expenditures for Fiscal Year 2019, the last full pre-pandemic year, were \$5,820,305 compared to \$12,458,368 for Fiscal Year 2022 (a 114% increase). The number of Addison residents served by Metrocrest Services has increased from 990 in Fiscal Year 2019 to a projected 1,246 in Fiscal Year 2022 (a 26% increase). The \$66,120 in annual support provided by the Town of Addison represents 0.5% of Metrocrest's Fiscal Year 2022 Annual Budget and will cover approximately 14.6% (down from 25% - 30% pre-pandemic) of the costs to serve Addison residents. The cost for Metrocrest to serve Addison residents in Fiscal Year 2022 will be approximately \$450,000.

Mr. Hawley reviewed that Metrocrest directly and indirectly benefits Addison families through the food pantry; job skills training; rental assistance to avoid evictions; and by providing senior programs. In addition to these visible benefits, Metrocrest Services provides jobs in the community; volunteer and networking opportunities; contributes to a sense of community; reduces the demand on public safety and other governmental resources; and prevents local governments from having to provide these services directly.

Mr. Hawley advised that Metrocrest Services' planned Community Support Facility (\$15.8M project) is slated to open in the spring of 2023 and is expected to see a significant increase in the number of residents served. The total number of residents served is projected to increase from 12,806 in Fiscal Year 2019 (pre-pandemic) to a 40,331 in Fiscal Year 2023 (a 214% increase). Much of this increase will come from expanded food programs as well as more robust employment related programs.

Deputy Mayor Pro Tempore Walden expressed that while he is supportive of Metrocrest Services and the role they play in the Town of Addison, he does not agree with providing funding toward a new building. He advised that in his opinion this would be a donation and not services assistance and would set a precedence; Council Member Willesen spoke in agreement, stating he would not support funding for a facility.

Council Members Braun, Ward and Wheeler spoke in favor of the request, as well as Mayor Chow and Mayor Pro Tempore Quintanilla.

President and CEO of Metrocrest Services, Tracey Eubanks addressed the Council. He expressed his appreciation for Addison's support of the organization and provided his vision and plans for the new facility.

City Manager Wes Pierson reminded Council that if this was approved, funding would come from federal funds received by the Town and not from local taxpayer dollars. He advised that an item will be included on a January 2022 Council agenda to consider action.

* * * * **PROCLAMATION** * * * *

Announcements and Acknowledgements regarding Town and Council Events and Activities

- **Presentation of Proclamation to Don and Barbara Daseke**

Following this discussion, Mayor Chow read and presented a proclamation to Addison residents Don and Barbara Daseke for their service in the community.

2. Present and Discuss Draft Updates to the Commercial Vehicle Parking Ordinance.

Police Chief Paul Spencer presented this item. He advised that commercial parking complaints, especially within multifamily residential areas, have become a more frequent FixIT App request to the Town. In response to these requests, the Addison Police Department has identified the need to update the ordinance to support enforcement activities. He reviewed the current regulations addressing commercial vehicle parking in residential areas as follows:

Sec. 78-175 - Overnight parking of trucks and buses with more than three-quarter ton rated capacity within certain zones prohibited.

- (a) It shall be unlawful and an offense for any person to park overnight, or between the hours of midnight and 6:00 a.m., any truck-tractor, road-tractor, semitrailer, bus, truck, or trailer, when such truck or trailer has a manufacturer's rated capacity in excess of three-fourths ton upon property within any area zoned as either single-family, duplex or multiple-family district zoning under the zoning ordinance of the Town.
- (b) This section shall not prevent the parking or standing of the vehicles described in subsection (a) of this section in such zoned areas for the purpose of expeditiously loading and unloading passenger, freight, or merchandise.

Chief Spencer added that another component of the issue is related to the Storage ordinance as follows:

Sec. 78-286. - Storage.

- (a) A person in a residentially zoned area shall not place, store or maintain on his driveway, side yard or front yard, for a continuous period in excess of 24 hours, a mobile home, recreational vehicle, boat, trailer, camper, dismantled or inoperative truck or motor vehicle. For the purpose of this subsection, "side yard" means an open, unoccupied space on the same lot with a building, situated between the building and sideline of the lot and extending through from the front yard to the rear yard. For the purpose of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.
- (b) It shall be a defense to prosecution under subsection (a) of this section if the prohibited item is enclosed in a building or structure, or concealed from view by a fence, shrubs or other landscaping.

Chief Spencer presented photographic examples of vehicles that would be in violation of the ordinance as well as of those that would not be in violation of the ordinance.

Chief Spencer advised that in Addison, most housing developments are zoned Planned Development, Urban Center or Mixed Use Residential District. This conflicting language difference (specific zoning districts vs. the general residential land uses referenced in Sec. 78-175) prompted a request for assistance from the City Attorney to determine if the Town has the legal authority to enforce Section 78-175 as written. The City Attorney agreed the language is problematic and initiated work on recommended updates to ensure the intent of the ordinance can be achieved.

Chief Spencer requested feedback on this specific ordinance provision and any other policy considerations related to this issue. Considerable discussion among Council followed. City Manager Pierson reviewed that changes to the ordinance would include the weight of allowable vehicles changing from $\frac{3}{4}$ ton to 1 ton, and the "storage" regulations would include multi-family zoning.

* * * * RECESS * * * *

REGULAR MEETING

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.

Mayor Chow called those completing an Appearance Card to the podium to address the City Council. Those requesting to speak were:

- Against proposed outdoor fitness/exercise facility: Valerie Collins, 14668 Wayside Court; Dudley Watson, 1462 Wayside Court; Kristen Wallach, 14669 Wayside Court; Paul Connelly (written).

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 on the Minutes from the October 26, 2021 City Council Meeting.**
4. **Consider Action on the Minutes from the November 9, 2021 City Council Meeting.**
5. **Consider Action on an Ordinance Approving the Abandonment of a Drainage Easement within the Vitruvian West Development.**
6. **Consider Action on a Resolution Approving an Agreement for Professional Services Between the Town of Addison and Dunaway Associates, LLC. for Contract GIS Staffing and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$87,000.**
7. **Consider Action on a Resolution Approving an Economic Development Program Grant Agreement with Mexico Foods LLC (d/b/a El Rancho, Inc.) and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$50,000.**
8. **Consider Action on a Resolution Approving a Professional Engineering Services Agreement Between the Town of Addison and Kimley-Horn and Associates for Design Support During Construction in Connection with Certain Traffic Signal and Intersection Improvements and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$95,000.**
9. **Consider Action on an Ordinance Amending Chapter 58, Parks and Recreation, of the Code of Ordinances by Providing Updated Definitions, a New Park Use Permit Requirement, Related Fees, and for Civil and Criminal Penalties.**

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 Braun moved to approve the Consent Agenda as presented. Council Member Willesen seconded the motion. Motion carried unanimously.

Ordinance No. O21-43: Abandon Drainage Easement, Vitruvian West

Resolution No. R21-086: Dunaway Associates LLC Agreement for GIS Staffing

Resolution No. R21-087: EDC Grant Agreement-Mexico Foods, LLC dba El Rancho, Inc.

Resolution No. R21-088: Agreement Kimley-Horn & Associates-Design Support for Construction of Traffic Signal and Intersection Improvements.

Ordinance No. O21-44: Amend Code of Ordinances Chapter 58, Parks and Recreation

Regular Items

10. **Present, Discuss and Consider Action on a Resolution Appointing Four (4) Members to Serve on the Planning & Zoning Commission for Two-Year Terms Commencing January 1, 2022 and Providing an Effective Date.**

City Secretary Irma Parker advised the Council that four members of the Planning and Zoning Commission in Places 4, 5, 6, and 7 have terms expiring on December 31, 2021. All current Commission members were notified that their terms are expiring and were asked to complete and submit a new application if interested in being reappointed. The application was available to all residents on-line. The deadline for interested persons to apply was November 30th. City Council members were provided with a complete list of applicants and their respective applications. Ms. Parker noted that current Chair, Eileen Resnik, did not request re-appointment. The following Council appointments were made:

PLACE	NAME	APPOINTED BY
4	Robert Catalani	Tom Braun
5	Juli Branson	Lori Ward
6	Chris DeFrancisco	Joe Chow
7	Tom Souers	Kathryn Wheeler

MOTION: Deputy Mayor Pro Tempore Walden moved to approve the appointments for Planning and Zoning Commission. Mayor Pro Tempore Quintanilla seconded the motion. Motion carried unanimously.

Resolution No. R21-089: Appoint Planning and Zoning Commission Members

11. **Present, Discuss, and Consider Action on a Resolution Appointing Four (4) Members to Serve on the Board of Zoning Adjustment for Two-Year Terms Commencing January 1, 2022 and Providing an Effective Date.**

Irma Parker presented this item. She advised the Council that four members of the Board of Zoning Adjustment in Places 4, 5, 6, and 7 have terms expiring on December 31, 2021. All current Commission members were notified that their terms are expiring and were asked to complete and submit a new application if interested in being reappointed. The application was available to all residents on-line. The deadline for interested persons to apply was November 30th. City Council members were provided with a complete list of applicants and their respective applications. Ms. Parker advised that current members Gary Krupkin in Place 6 and Ed Copeland in Place 4 had listed Planning and Zoning as their first choice, and that J.T. McPherson who currently serves in Place 7 is not seeking reappointment. The following Council appointments were made:

PLACE	NAME	APPOINTED BY
4	Ed Copeland	Tom Braun
5	Jeannie Dunlap	Lori Ward
6	Gary Krupkin	Joe Chow
7	Precious Urenna Onyewuchi	Kathryn Wheeler

MOTION: Council Member Ward moved to approve the appointments for Board of Zoning Adjustment. Council Member Wheeler seconded the motion. Motion carried unanimously.

Resolution No. R21-090: Appoint Board of Zoning Adjustment Members

12. Present, Discuss and Consider Action on a Resolution Appointing Individuals to Serve on the Community Partners Bureau for Three-Year Terms Commencing January 1, 2022 and Providing an Effective Date.

City Secretary Irma Parker presented this item. She reviewed that historically, the City Council considers Community Partners Bureau (CPB) appointments during the last quarter of each calendar year. Notifications were made to the community informing individuals interested in serving on the CPB to apply. Current members were advised that their appointments would be expiring and were advised to apply if they wished to continue service to their organization. The application deadline was Tuesday, November 30, 2021.

Ms. Parker reviewed that at the December 12, 2020 City Council meeting CPB appointments were presented for Council action. This item was tabled, and no action taken due a proposed re-write of the organization's policy and procedure. On January 26, 2021, the CBP Policy was approved via Resolution No. R21-005. Appointments were made to the CBP in subsequent action and adopted as Resolution No. R21-007.

Ms. Parker advised the City Council that terms are expiring for Place 1 (Woven Health Clinic) and Place 4 (The Dallas Cat Lady). Appointments may be made for full 3-year terms if Council chooses. Place 2 (The Family Place) has resigned; that position expires on 12/31/2022. Council can choose to appoint someone to the unexpired term or set another date since the new policy authorizes individuals to be appointed to 1, 2, or 3 years with no term limits with. Historically all committees have historically had staggered terms. After discussion, Council agreed to appoint a citizen to fulfill the unexpired term for Place 2.

Ms. Parker noted that the draft Resolution acknowledges and names the organizations currently being funded through FY 2022-2023. This additional language will allow the City Council to make future additions or deletions to the organizations receiving funding in a future budget cycle.

Following discussion of the applicants and the policy and procedure as it relates to appointments, the following appointments were made:

PLACE	NAME	EXPIRATION DATE	PARTNER
1	Susie Oliver	12/31/2024 (3-years)	Woven Health Clinic
2	Gail LaVine	12/31/2022 (fulfill unexpired term)	The Family Place
4	Karen Perry	12/31/2024 (3-years)	Dallas Cat Lady

MOTION: Mayor Pro Tempore Quintanilla moved to approve appointments as discussed. Council Member Willesen seconded the motion. Motion carried unanimously.

Resolution No. R21-091: Appoint Community Partners Bureau Members

13. Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance for a 5.1-acre Property Located at the Southeast Corner of Spring Valley Road and Vitruvian Way, Currently Zoned Planned Development (PD) through Ordinance No. O07-034 (as amended), to Amend the Concept Plan and Providing for Approval of a Development Plan with Waivers to the Development Standards, Including but not Limited to, Street Build-To Line, Exterior Building Material and Building Color Standards for a Multi-Family Development Comprised of 85 Dwelling Units and Associated Amenity Space. Case 1839-Z/Vitruvian Townhomes.

Ken Schmidt, Director of Development Services, presented this item. He advised this item is a request to amend the current approved concept plan for this property, which allows for 368 urban multi-family units, for a lesser density project and includes waivers to the design standards for multi-family development. The project is on 5.1 acres located at the southeast corner of Spring Valley Road and Vitruvian Way and north of Bella Lane.

Mr. Schmidt advised the request is for 85 multi-family dwelling units designed as three-story townhomes. He advised each unit will front on a public street or private open space and will have ground floor access through a private patio area or stoop. An eight foot wide trail is planned on the east side of the site and in accordance with the Town’s Master Tails Plan, and on Bella Lane, there will be a six foot wide trail. An amenity center will be situated at the Vitruvian Way entry. Access to the site will be at Bella Lane and Vitruvian Way with emergency access at Spring Valley.

The townhomes will have one, two and three bedrooms and range from 1,500 to 2,228 square feet. Each unit will have a two-car garage with interior access to the unit. Mr. Schmidt noted that open space, landscape and streetscapes meet requirements. He advised that the private patio areas for each unit will include artificial turf.

The proposed exterior building materials include stucco, brick, fiber cement siding and architectural metal. Mr. Schmidt noted that the use of four exterior materials exceed the Planned Development (PD) requirements, which states a maximum of three, and would need to be waived. White paint as a primary color on building exteriors was requested, which would also require a waiver. Additionally, the PD requirements state that balcony or patio enclosures are required to be constructed of wrought iron or metal and the applicant is requesting the use of stucco.

Mr. Schmidt advised that due to the curvature of Vitruvian Way, a “street build-to line” waiver is requested. He advised that the building would exceed nine feet from the street tree planting zone

and would include additional landscape in that area for visual interest. He noted that a dog run is included along a portion of the trail.

Mr. Schmidt advised that the Planning and Zoning Commission voted to recommend approval of the revised concept plan with waivers on a vote of 6-0; one member recused themselves due to a Conflict of Interest. He advised that six public hearing notices were mailed to adjacent property owners with no responses received.

Mr. Schmidt advised that staff is recommending approval of this request with the following waivers included:

- The street build-to-line for Vitruvian Way may exceed 9 feet.
- The maximum number of façade materials may be four instead of three.
- Stucco façade materials shall be categorized as masonry construction.
- White shall be permitted and categorized as a primary façade color; and
- Masonry shall be a permitted alternative to wrought iron or metal fencing for patio enclosure construction.

He requested Council provide direction as well on the white color on the exterior and recommended they specify “snowbound” as the color of the white exterior.

Council Member Walden inquired about the use of stucco. Council Member Braun responded that as long as the stucco is cement-based plaster it should be durable.

Discussion on the use of turf and associated maintenance followed. It was noted that the use of turf in the patio areas does not impact the landscape requirements. City Manager Pierson advised that previously a pilot program involving the use of turf in Addison Circle was approved and has not proven to have issues to date.

Mayor Chow opened the public hearing.

Robert St. John, representing UDR, was present for questions. Council Member Ward inquired about the price point of the rentals. He responded that they would range from \$2,500 to \$3,500 per month with construction expected to start May 2022 and take 14 to 16 months to complete.

Mayor Chow closed the public hearing.

MOTION: Council Member Ward moved to approve as stated in the proposed ordinance, including the recommended waivers and utilizing “snowbound” as the white paint color. Council Member Braun seconded the motion. Motion carried unanimously.

Ordinance No. O21-45: Planned Development Amendment at Spring Valley Road and Vitruvian Way, Case 1839-Z/Vitruvian Townhomes

14. Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance for Property Located at 14450 Marsh Lane, Currently Zoned Local Retail (LR), for a

Special Use Permit (SUP) to Allow a Day Nursery. Case 1842-SUP/14450 Marsh Lane (Tierra Encantada).

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for a Special Use Permit for a day nursery. The location is currently zoned Local Retail and most recently this vacant building was used as an adult education facility. Mr. Schmidt advised the applicant is Tierra Encantada Spanish Immersion Childcare & Preschool, a franchise with six existing locations in several states. It opened its first location in 2013 and is expected to open two locations in the Houston area. Tierra Encantada offers childcare for children ranging from six weeks to six years of age with a focus on bilingual education that fosters early cognitive development and diversity within a curated curriculum.

Mr. Schmidt advised the 10,599 square feet floor plan will accommodate ten classrooms for various age ranges, (infant, toddler, and preschool) and supporting area which includes an indoor playroom, kitchen, administrative offices, and a breakroom. It is anticipated that there will be a maximum of 153 students and 27 staff members. There are two outdoor playground areas on the north side and west side of the building that will be resurfaced with poured safety surface and playground equipment.

Mr. Schmidt advised that while there are no specific parking regulations, the site does have 89 spaces which is more than adequate for this use. Some upgrades to the exterior façade are planned. Landscape improvements were described.

Mr. Schmidt advised public notices were provided to the six adjacent property owners with no responses. He advised that the Planning and Zoning Commission met on November 16, 2021 and recommended approval with conditions as follows:

- The existing SUP Ordinance No. O95-043 and amending SUP Ordinance No. O99-022 are repealed upon issuance of a Certificate of Occupancy for the proposed use.
- The applicant shall provide staff with proof of state childcare license prior to issuance of a Certificate of Occupancy.
- The facility perimeter fence is increased to a minimum of 6 feet in height.

Council Member Braun expressed concern for potential traffic issues on Marsh during drop off and pick up times. He inquired if the Town could include a requirement for an operations plan that would address this possibility. Mayor Chow responded that with 89 parking spaces on site that would unlikely be an issue.

Mayor Chow opened the public hearing.

Kristen Denzer, CEO, Tierra Encantada Daycare & Preschool, was available telephonically to answer questions. She advised that there should be no traffic stacking issues because parents must park and come in to drop off and pick up their children. She added that the condition of providing staff with proof of state childcare licensing prior to issuance of a Certificate of Occupancy is problematic because the state requires the Certificate of Occupancy prior to issuing the license.

Mr. Schmidt advised the Town could issue a Temporary Certificate of Occupancy that would suffice.

Mayor Chow closed the public hearing.

MOTION: Council Member Ward moved to approve as submitted with the added condition that a traffic operations plan be submitted. Deputy Mayor Pro Tempore Walden seconded the motion. Motion carried unanimously.

Ordinance No. O21-46: Approval of Special Use Permit for Day Nursery, Case 1842-SUP/14450 Marsh Lane (Tierra Encantada) with conditions.

15. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance for Property Located at 14854 Montfort Drive, Currently Zoned Planned Development (PD) through Ordinance No. 084-076, for a Special Use Permit (SUP) to Allow a Restaurant with the Sale of Alcoholic Beverage for On-Premises Consumption. Case 1841-SUP/14854 Montfort Drive (TK's Place).**

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for a Special Use Permit for a restaurant with on-premises consumption of alcohol. The site is located at 14854 Montfort Drive, located on the same property as the Blue Mesa restaurant and Prestonwood Pond office building. The building is vacant and most recently was occupied by the restaurant, Public School 972. Mr. Schmidt advised that the proposed floor plan shows use of 12,557 square feet, inclusive of an 1,830 square foot outdoor patio area. The restaurant will primarily utilize the first floor, which accommodates seating for 125 patrons, inclusive of the patio and the bar area at the center of the restaurant. The remainder of the first floor will consist of a service counter, prep area, and cooler storage. The basement level will be used for an additional dining area for private dining events and storage. A new bar will also be constructed, accommodating seating for 73 patrons on the basement level. Mr. Schmidt advised that the primary focus of the business is a restaurant, but it will have stand-up comedy shows.

TK's Place will require 126 parking spaces. Shared parking on the site accommodates 460 vehicles, which is one short of the required 461 spaces. Mr. Schmidt explained that some of the landscaping would be replaced.

The Planning and Zoning Commission approved this request on December 7, 2021 with a vote of 7-0 and the following conditions:

- The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage
- SUP Ordinance (O15-014) is repealed upon issuance of a Certificate of Occupancy for the proposed use

Mayor Chow opened the public hearing.

Applicants TK and Kara Matteson were present for questions. They introduced themselves and described their business model.

Mayor Chow closed the public hearing.

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

Ordinance No. O21-47: Specific Use Permit for Restaurant, Case 1841-SUP/14854 Montfort Drive (TK's Place)

16. Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Galaxy FBO, Located at 15601 Addison Road, in Order to Exceed the Total Effective Area and the Maximum Allowable Logo Height for an Attached Sign. Case MR2021-007/Galaxy FBO.

Ken Schmidt, Director of Development Services, presented this item. He advised Galaxy FBO is a private corporate and general aviation facility currently under construction on Addison Airport property at the southwest corner of Addison Road and George Haddaway Drive. During the review of the sign permit application for this new facility, staff determined that a proposed attached wall sign facing towards Addison Road did not comply with the Town's sign code due to the logo height and effective area of the attached sign. Mr. Schmidt explained that the Town's sign ordinance limits the attached wall sign letter/logo height to 24 inches, with up to 50 percent of the letters and logos not to exceed 25 percent of the maximum (30 inches). This sign includes a logo and 9 letters, with only three letters being greater than 24 inches and less than 30 inches in height. The Galaxy FBO logo exceeds the 30 inch maximum logo height.

Mr. Schmidt added that the Town's sign ordinance limits the effective sign area for a building. The effective area is defined by the overall height and width of the entire sign. Due to the logo placement above the sign lettering, the overall height of the sign is 6.8 feet, and the sign width is 15 feet, resulting in an effective area of 102.11 square feet.

Mr. Schmidt advised that after consideration, Galaxy FBO elected to pursue a Meritorious Exception to the sign code. Galaxy FBO is requesting specific exceptions to the following:

- Exceeding the maximum 30-inch logo height by 16 inches.
- Exceeding the 100 square feet maximum effective sign area by 2.11 square feet. The Town's sign ordinance defines effective area as the area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale.

The applicant is pursuing a Meritorious Exception to the sign ordinance in accordance with code provisions from Section 62-33 of the Code of Ordinance. Staff believes that the hardship criteria of the Meritorious Exception requirements is met due to the size and orientation of the building and the design of the Galaxy FBO brand.

General discussion among Council followed. The Applicant was available for questions.

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

Ordinance No. O21-48: Meritorious Exception, 15601 Addison Road, Galaxy FBO

17. Present and Discuss the Operations and Financial Reconciliation for Addison Oktoberfest 2021.

Jasmine Lee, Director of Special Events, presented this item. She provided an overview of changes that were made in 2021 for this annual event. She advised that paid advertising for the event totaled \$75,420 and in-kind advertising and public relations was valued at \$5,622,447.

Ms. Lee advised that 443 hotel room packages were sold that included two free adult admission tickets, which is a 25 percent increase over 2019.

Accounting Manager Ashley Boatright reviewed the revenues and expenditures for the event as shown below:

Total Revenues	\$524,597	Includes Sales & Commission, Sponsorships, Vendor Fees & Rentals, and Miscellaneous
Total Expenses	\$769,266	Included Contractual Services, Rent, Payroll, Security, Entertainment, Weather Insurance, Steins, and Miscellaneous

A four-year comparison of total Food and Beverage Sales, Attendance, and Profit & Loss was provided.

Ms. Lee advised that attendees were surveyed with 746 responses received. The primary attractions for attendees were the food and beer and wine selections. The overall rating of the event was “Excellent.”

Ms. Lee advised that for 2022 the focus will include the following:

- Maintain the new Partyhalle open layout and maximize use of the new stage design for continuous entertainment.
- Expand food selection to include even more German options.
- Work with Marketing to develop ways to attract first-time visitors.
- Develop special merchandise and activities to celebrate the 35th Addison Oktoberfest in 2022.

Several Council Members offered positive comments as well as suggestions for future events regarding the food and drink options, use of QR codes, and the overall layout of the event.

18. Present, Discuss and Consider Action on a Resolution Approving an Agreement with Moore Iacofano Goltsman, Inc. (MIG) for Professional Engineering Services for Conceptual Design of the Addison Beltway Drive Trail Project; Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$65,998.00.

Jana Tidwell, Director of Parks and Recreation, presented this item. She reviewed that the City-Wide Trails Master Plan (CWTMP) was adopted by Council on May 25, 2021. The plan identified Phase I projects that are recommended to be completed within 0-5 years of the date of adoption. The development of a trail system along Beltway Drive between Marsh Lane and Belt Line Road is included in the Plan's Phase I recommendations. These recommendations were based on community input which indicated a need for bike lanes, improved internal circulation in neighborhoods and a desire to make neighborhood connections to regional trails. The CWTMP recommends the following trail improvements along Beltway Drive:

- Buffered Bike Lanes between Marsh Lane and Midway Road.
- Bike Boulevard between Midway Road and Belt Line Road.
- Wide Sidewalk with Buffer from the Redding Trail heading east to Belt Line Road.

Ms. Tidwell advised that in addition to the proposed trail improvements for Beltway Drive, the CWTMP also recommends the development of a Trail Signage and Wayfinding Standards. Development of these standards is included in the scope of the Beltway Drive Trail Project. Once developed, the Trail Signage Wayfinding Standards will also be applied to all future trail signage projects. The project also includes Linear Open Space Planning of the area south of Addison Grove, referred to as Sam's Park, to improve connectivity and to refresh the green space. Other tasks in the project will be to establish what portions of existing sidewalk should remain and be integrated into the trail system and what portions should be removed and replaced to meet the trail typologies defined in the CWTMP.

Ms. Tidwell presented graphic depictions of Bike Boulevards, Buffered Bike Lanes, and Sidewalks with Buffers. She reviewed the planned timetable for this project. It was noted that if grant funding is used for construction of the trail, then construction would likely begin in 2024.

Ms. Tidwell advised that Council approved \$66,000 in the Fiscal Year 2022 Budget for Conceptual Design of the Beltway Drive Trail Project. Staff has selected Moore Iacofano Goltsman (MIG), the firm that developed the CWTMP, as the most qualified team to complete the conceptual design of the project. MIG is listed in the Town's pre-qualified consultant pool. MIG's proposal includes Public Engagement Strategies and Cost Estimating in addition to the development of the Conceptual Design for the project.

Deputy Mayor Pro Tempore Walden inquired about the maintenance of lane markings and the position of the trail along the area of Sam's Park. Ms. Tidwell responded that the Public Works staff will be involved in the materials selection for the lane markings. She also advised that the trail positioning could meander along the park and then connect to the sidewalk at the ends.

Mayor Pro Tempore Quintanilla commented on the section of the trail that is positioned between Redding Trail and Addison Grove. Ms. Tidwell advised that MIG has a traffic engineer who will be involved in evaluation of this area. City Manager Pierson added that the plans presented tonight are concept plans and are likely to change somewhat during the design and with public feedback.

MOTION: Mayor Pro Tempore Quintanilla moved to approve. Deputy Mayor Pro Tempore Walden seconded the motion. Motion carried unanimously.

Resolution No. R21-092: Engineering Services Agreement with Moore Iacofano Goltsman, Inc. for Conceptual Design of the Addison Beltway Drive Trail Project and the Trail Signage and Wayfinding Standards Development

19. Consider Action on a Resolution Approving the Town's Participation in the State of Texas' Opioid Litigation Settlement and Adopting the Texas Term Sheet.

Bill Hawley, Director of Administrative Services, presented this item. He advised this item is to confirm the Town's participation in the state of Texas' Opioid Litigation Settlement. He advised that two proposed nationwide settlement agreements have been reached that would resolve all opioid litigation brought by states against pharmaceutical distributors and one manufacturer. If the Town elects to participate in the settlement, it would be allocated approximately \$58,094. Examples of uses for the funds include expanded training and supplies for first responders, opioid related treatment programs, and opioid prevention programs.

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

Resolution No. R21-093: Participation in the State of Texas' Opioid Litigation Settlement

EXECUTIVE SESSION

Continued

Closed (Executive) Session of the Addison City Council pursuant to:

Section 551.071, Texas Government Code, to conduct a private consultation with its attorney pertaining to:

- Bigelow Arizona TX-344, Limited Partnership D/B/A Suites of America and/or Budget Suites of America v. Town of Addison, Cause No. DC-19-09630, 191st Judicial District, Dallas County District Court.
- G J Seeding, LLC v. FNH Construction, LLC and Hudson Insurance Company, Cause No. DC-20-11409, 134th Judicial District, Dallas County, Texas.

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 11:25 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 12:17 a.m. No action was taken as a result of Executive Session.

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