

# DRAFT

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

April 11, 2023

Addison Treehouse  
14681 Midway Road, Suite 200, Addison, TX 75001  
6:00 p.m. Executive Session & Work Session  
7:30 Regular Meeting

Present: Mayor Joe Chow; Mayor Pro-Tempore Kathryn Wheeler; Deputy Mayor Pro-Tempore Lori Ward; Council Member Tom Braun; Council Member Darren Gardner; Council Member Guillermo Quintanilla; Council Member Eileen Resnik

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**Call Meeting to Order:** Mayor Chow called the meeting to order at 6:00 PM.

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**Pledge of Allegiance:** Mayor Chow lead the Pledge of Allegiance.

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**Present 2023 Citizen's Academy Certificates:** Mayor Chow and City Manager David Gaines presented the twenty 2023 Citizen's Academy participants with certificates.

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### EXECUTIVE SESSION

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

- **Section 551.071 Consultations with Attorney, Tex. Gov. Code,** Consultation with an attorney to seek advice of its attorney about: (1)(A) pending or contemplated litigation or (1)(2) a settlement offer regarding:
  - The Town of Addison, Texas v. Piedmont Midway Partners, L.P., Nates Seafood and Steakhouse, Inc., and Truist Bank f/k/a BB&T, f/k/a Branch Banking and Trust Company, in Cause No. CC-20-03614-B, in the County Court at Law Dallas County, Texas.
- **Section 551.074.** Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:

- City Manager Personnel Update

Mayor Chow Closed the Open Session at 6:11 PM to convene the City Council into Closed Executive Session.

**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 Regular Open Session at 6:49 PM. There was no action taken as a result of Closed Session.

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## WORK SESSION

1. **Present and Discuss a Review of the March 27, 2023 Special Meeting on Strategic Planning.** *[Bill Hawley, Director of Administrative Services]*

At a Special Meeting held on March 27, 2023, Ramsee Consulting Group Managing Director Rick Robinson facilitated a strategic planning session with the Addison City Council and members of Town staff. The result was the development of a vision, goals, and strategies.

The Vision developed was: The Town of Addison is the benchmark for a diverse, vibrant, innovative, and connected community. Our unique places and experiences enhance the quality of life of our residents, businesses, workers, and visitors and make us the place to live, work, and visit.

The goals discussed align with the existing Strategic Pillars. The strategies developed were added to the existing Milestones. Based on direction from Council to retain the use of the terms Pillars and Milestones, staff has drafted the following Strategic Pillars and Milestones for Fiscal Year 2024 for Council consideration. *Directive:* Council reviewed and recommended minor edits. Staff to update and prepare for adoption at a future meeting.

2. **Present and Discuss the Addison Police Department's 2022 Annual Report.** *[Paul Spencer, Police Chief]*

The Addison Police Department (APD) prepared an Annual Report for Calendar Year 2022. This report included a statistical review of the year, notable events from the patrol and criminal investigation divisions, and goals and objectives for Fiscal Year 2023.

APD provided results of an internal and external audit of the License Plate Recognition and Optical Camera system. This annual audit is assurance to the public, the department's License Plate Recognition and Optical Camera System has operated according to Council's policy direction, and that all internal activities surrounding its use were found to be in line with those adopted policies and procedures.

An important change in the reporting methodology took place in 2020. APD historically utilized the Uniform Crime Reporting (UCR) Program to track crime and clearance rates over time. Beginning in 2020, the APD began using the National Incident Based Reporting System (NIBRS) to improve the overall quality of crime data collected by law enforcement, NIBRS captures details on each single crime incident as well as on separate offenses within the same incident. The additional data includes information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes.

When used to its full potential, NIBRS identifies, with precision, when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Armed with such information, law enforcement can better define the resources it needs to fight crime, as well as use those resources in the most efficient and effective manner.

Data collected prior to 2020 under UCR will show a much lower incidence of crime than the data collected under NIBRS because the UCR data only covers a narrow range of criminal activity compared to NIBRS. Comparisons between UCR and NIBRS data alone will not provide an accurate representation of the annual change in overall criminal activity. As APD continues to collect the Town's crime data using the NIBRS format, APD will have a more accurate tool to see changes in activity should they occur. *Directive:* None, presented for information only.

3. **Present and Discuss Mayor and City Council Compensation.** *[Steven Glickman, Chief Financial Officer]*

Compensation for the Mayor and City Council can be found in Article II, Section 2-31 of the Town's code of ordinances. Currently, the Mayor is paid \$200 on a bi-weekly basis, or \$5,200 annually, while City Council Members are paid \$100 on a bi-weekly basis, or \$2,600 annually. This section of the code of ordinances was last updated on April 9, 2002. *Directive:* A proposed ordinance doubling pay for mayor and council members will be presented at the April 25, 2023 meeting for action.

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## REGULAR MEETING

### Announcements and Acknowledgments Regarding Town and Council Events and Activities

- Presentation by Mayor Joe Chow to former Board of Zoning Adjustment Member Dan Liscio

### Discussion of Meetings / Events

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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.*

No citizens wished to address the City Council at this time.

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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 March 28, 2023 City Council Meeting.**
5. **Consider Action on a Resolution Approving a Settlement Agreement of Midway Road Improvements Litigation; and Authorizing the Conveyance of Certain Public Real Property and Authorizing the City Manager to Execute the Settlement Agreement.**
6. **Consider Action on a Resolution Approving an Entertainment Agreement Between the Town of Addison and Swae Lee, Inc. to Provide Entertainment at the Taste Addison Event and Authorize the City Manager to Execute the Agreement in the Amount Not to Exceed \$115,000.**
7. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and McKinstry Essention, LLC for the Turn-Key Construction Service Related to the Sloped Roof Replacements at the Addison Police Department, Fire Station 1, Fire Station 2, and the Addison Athletic Club and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$186,096.**
8. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and McKinstry Essention, LLC for Turn-Key Construction Services Related to Generator Replacements at the Addison Police Department and Fire Station 1 and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$641,765.**
9. **Consider Action on an Ordinance Amending Chapter 2, of the Code of Ordinances of the Town by Amending Article III, Division I, Section 2-73, Reimbursement for Travel Expenses.**

Mayor Chow called for any items to be removed from the Consent Agenda for separate discussion. Deputy Mayor Pro-Tempore Ward requested to remove Item #7 for separate discussion. There being no further requests, Mayor Chow called for a motion.

**MOTION:** Council Member Resnik moved to approve *CONSENT AGENDA ITEMS 4-6* and *8-9* as presented. Council Member Braun seconded the motion. Motion carried unanimously.

**\*\*\* ITEM #7 \*\*\***

Deputy Mayor Pro-Tempore Ward asked questions regarding delaying these projects. Facilities Manager Brad Boganwright reported it was hard to estimate the longevity of these roofs as they are nearing or past their useful life and the Town has experienced multiple severe weather events

including hail. Delaying these projects would likely result in increased costs, leaking, etc. There are active leaks in all proposed buildings. The roofs at Police and Fire 2 leak most often during medium to heavy rain events. The roofs at Fire 1 and the Addison Athletic Club leak when heavy or severe weather.

**MOTION:** Deputy Mayor Pro-Tempore Ward moved to approve *CONSENT AGENDA ITEM #7* as presented. Council Member Gardner seconded the motion. Motion carried unanimously.

**Resolution No. R23-033:** Settlement Agreement Midway Road Improvements Litigation

**Resolution No. R23-034:** Agreement Taste Addison Entertainment - Swae Lee, Inc.

**Resolution No. R23-035:** Agreement McKinstry Essention, LLC – Roof Replacement

**Resolution No. R23-036:** Agreement McKinstry Essention, LLC – Generator Replacements

**Ordinance no. O23-20:** Amend Code §2-73 ‘Reimburse for Travel Expenses’

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## Regular Items

10. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving a Special Use Permit (SUP) for Property Located at 14975 Quorum Drive, that is currently zoned Planned Development (PD), through Ordinance No. O84-100, to allow the Sale of Alcoholic Beverages for On-Premises Consumption. Case 1876-SUP/14975 Quorum Drive (Residence Inn Addison).** [*Lesley Nyp, Planning & Development Manager*]

Residence Inn by Marriott is a hotel with 150 guest rooms. There is no restaurant or bar on site. The hotel is requesting a SUP to allow the sale of beer and wine to guests from their market pantry. The market pantry is located within the hotel lobby. This area has shelving and beverage coolers to display various prepackaged snacks, beverages, and personal care items, which can be purchased at the front desk. There is no modification to the existing market pantry area proposed. The proposed use complies with the ordinance. There are no interior or exterior modifications proposed.

The Addison Planning and Zoning Commission, meeting in regular session on March 21, 2023, voted to recommend approval of an ordinance changing the zoning on property located at 14975 Quorum Drive, which property is currently zoned Planned Development (PD), Ordinance No. 084-100, with Special Use Permit (SUP), Ordinance No. 095-012, by approving an SUP to allow the sale of alcoholic beverages for on-premises consumption, subject to the following conditions:

1. The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage;
2. The sale of alcoholic beverages shall be limited to hotel guests for on-premises consumption; and
3. The sale of alcoholic beverages is limited to the market pantry, located within the hotel lobby as depicted on the floor plan shown as Exhibit A of this ordinance. Any future expansion as it relates to the sale of alcoholic beverages will require approval of a Special Use Permit (SUP).

Public Hearing: No public comments.

**MOTION:** Council Member Braun moved to approve Case 1876-SUP/14975 Quorum Drive (Residence Inn) as presented. Deputy Mayor Pro-Tempore Ward seconded the motion. Motion carried unanimously.

11. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving a Special Use Permit (SUP) for Property Located at 15175 Quorum Drive, that is currently zoned Planned Development (PD), through Ordinance Nos. 092-020 and 092-066, to allow a Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption. Case 1878-SUP/15175 Quorum Drive (St. Martin's).**

*[Lesley Nyp, Planning & Development Manager]*

The Addison Planning and Zoning Commission, meeting in regular session on March 21, 2023, voted to recommend approval of an ordinance changing the zoning on property located at 15175 Quorum Drive, which property is currently zoned Planned Development (PD), Ordinance No. 092-020, as amended by Ordinance No. 092-066, by approving a Special Use Permit (SUP) to allow a restaurant with the sale of alcoholic beverages for on-premises consumption, subject to the following conditions:

1. The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage;
2. Upon issuance of a Certificate of Occupancy for this restaurant, SUP Ordinance Nos. 094-019 and 010-023, permitting building and site modifications to an existing restaurant with the sale of alcohol for on-premises consumption shall be repealed; and
3. The subject property is located at 15175 Quorum Drive. The proposed restaurant would occupy a portion of the existing building and a proposed building and patio addition. The site is zoned Planned Development (PD), Ordinance No. 092-020, and as amended by Ordinance No. 092-066. This site also has several Special Use Permits (SUP) to allow the existing restaurant and associated site and building improvements.

St. Martin's is a full-service restaurant specializing in French cuisine. The restaurant operator currently has two other restaurants: Arthur's Steakhouse in Addison and St. Martin's in Dallas. The Addison restaurant would be St. Martin's second location. The proposed operating hours are 5:00 pm – 10:00 pm, seven days a week. The restaurant proposes to include interior and patio seating. St. Martin's would also offer alcohol sales for on-premises consumption. The PD Ordinance allows restaurants and the sale of alcoholic beverages for on-premises consumption through the approval of an SUP. The proposed use complies with the ordinance.

Proposed Plan: With this request, St. Martin's proposes to utilize 1,804 square feet of existing dining space, construct a 1,784 square foot building addition, and construct a 930 square foot covered outdoor patio. The restaurant would occupy a total of 4,547 square feet. The new building addition would replace an existing covered outdoor dining area. The existing restaurant, Arthur's Steakhouse, would occupy the remaining 6,624 square foot of building area on site. The proposed restaurant will provide seating for 138 individuals. The interior floor plan is comprised of kitchen and service areas, a bar, and table, booth, and bar seating in the dining

areas. No interior access is proposed between the two restaurants. The applicant is proposing a solid waste enclosure at the northwest corner of the site to serve the new restaurant.

Parking: This parking lot will be shared between the existing restaurant, Arthur’s Steakhouse, and the proposed restaurant, St. Martin’s. The proposed building area is 11,171 square feet, requiring 112 parking spaces on site. One space is proposed to be modified to accommodate accessible parking spaces to serve St. Martin’s, resulting in 114 spaces provided on site.

Exterior Facades: The proposed building and patio addition will be constructed on the north side of the existing building. It will be constructed to accent the existing building façade. The covered outdoor patio area will be bordered by a wrought iron fence. There are no modifications proposed to the remaining facades of the existing restaurant, Arthur’s Steakhouse.

Landscaping and Open Space: The building and patio addition will occupy 1,639 square feet of existing open space. The total site will exceed the minimum 20% open space required by providing approximately 33% open space. The applicant is proposing to add ground cover, shrubs, and potted trees surrounding the new restaurant. The applicant is not proposing to remove any trees with this request.

The Addison Planning and Zoning Commission, meeting in regular session on March 21, 2023, voted to recommend approval of an ordinance changing the zoning on property located at 15175 Quorum Drive, which property is currently zoned Planned Development (PD), Ordinance No. 092-020, as amended by Ordinance No. 092-066, by approving a Special Use Permit (SUP) to allow a restaurant with the sale of alcoholic beverages for on-premises consumption, subject to the following conditions:

1. The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage; and
2. Upon issuance of a Certificate of Occupancy for this restaurant, SUP Ordinance Nos. 094-019 and 010-023 permitting building and site modifications to the existing restaurant with the sale of alcohol for on-premises consumption shall be repealed.

Public Hearing: No public comments. The property owner and design builder were on hand to answer any questions.

**MOTION:** Mayor Pro-Tempore Wheeler moved to approve Case 1878-SUP/15175 Quorum Drive (St. Martin’s) as presented. Council Member Resnik seconded the motion. Motion carried unanimously.

**Ordinance O23-22:** Approve Case 1878-SUP/15175 Quorum Drive – St. Martin’s

12. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving 2023 Standards of Care for the Town's Youth Recreation Programs.**  
*[Janna Tidwell, Director of Parks & Recreation]*

Council approval is requested for an Ordinance adopting the Standards of Care for all Town of Addison Parks and Recreation Department youth programs for children ages 5 through 13

including, but not limited to, the Summer Camp Program and the Spring Break Program at the Addison Athletic Club. Annual adoption of the Standards of Care by Ordinance after a public hearing is required per Section 42.041 (b)(14) of the Texas Human Resources Code.

The document provides minimum standards for operating youth programs which include guidelines for hiring of program staff, enrollment guidelines, discipline, health, safety and more. The document also addresses programing and providing activities that promote emotional, social, and mental growth. The Town not only complies with the minimum standards in the Ordinance but exceeds some of the established standards. Examples include:

1. Cleaning and sanitation
2. Video monitoring throughout the facility and in all childcare areas
3. Day camp restroom policy requires campers to use the individual changing rooms. This prevents campers from utilizing the locker rooms. This policy also requires campers changing into swimsuits to use the individual changing rooms or outdoor pool restrooms prior to the outdoor pool being open to the general public.

Public Hearing: No public comments.

**MOTION:** Mayor Pro-Tempore Wheeler moved to approve 2023 Standards of Care Ordinance. Council Member Gardner seconded the motion. Motion carried unanimously.

**Ordinance No. 023-023:** Adoption 2023 Standards of Care of Youth Recreation Programs.

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### **Adjourn Meeting**

There being no further business to come before the City 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