

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

November 26, 2002  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Barrett, Chow, Mallory, Turner, Ways  
Absent: Silver

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Mike Mitchell (Fire), Keith Wilson (Police), and Jim Clark (Parks).

Ron Whitehead, City Manager, announced the upcoming events: Service Recognition Event (December 5, 2002); ABA Party and Million Aire; Addison Holiday Open House, December 8, 2002, and a reminder of the ABA Party, Million Aire, Metroplex Mayors meeting and 4A-4b meeting.

### Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the November 12, 2002 Council meeting.

Councilmember Mallory moved to approve the Minutes of the November 12, 2002 Council meeting as written. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R3 – Consideration of an Ordinance requesting a variance to the Town of Addison Ordinance, Chapter 70, Streets, Sidewalks and Other Public Places, Section 70-2 which requires construction of sidewalks, for property located at 3885 Arapaho Road.

Councilmember Barrett moved to duly pass Ordinance No. 002-047 approving a variance to the Town of Addison Ordinance, Chapter 70, Streets, Sidewalks and Other Public Places, Section 70-2 which requires construction of sidewalks, for property located at 3885 Arapaho Road. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R4 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-185 Area, located at 3700-3800 Block of Belt Line Road (K-Mart Center), on application from Abraxus Real Estate.

Sebastian Stadles spoke on behalf of Abraxus Real Estate.

Councilmember Mallory moved to duly pass Ordinance No. 002-048 approving a meritorious exception to Chapter 62, Signs, Section 62-185, Area, located at 3700-3800 Block of Belt Line Road (K-Mart Center). Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R5 – Approval and Consideration of a Resolution authorizing construction in an amount not to exceed \$150,000.00 for pavement modifications and traffic signal installation on Marsh Lane.

Councilmember Barrett moved to duly pass Resolution No. R02-115 approving and authorizing construction in an amount not to exceed \$150,000.00 for pavement modifications and traffic signal installation on Marsh Lane. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R6 – Discussion and approval of the proposed Town Marketing Plan for fiscal year 2003 including hotel, restaurant and special events.

Councilmember Mallory moved approve the proposed Town Marketing Plan for fiscal year 2003 including hotel, restaurant and special events. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R7 – Consideration of a Resolution expressing intent to reimburse expenses incurred in connection with the acquisition, construction, reconstruction or renovation of property described generally as the Arts and Events District.

Councilmember Mallory moved to duly pass Resolution No. R02-116 approving the intent to reimburse expenses incurred in connection with the acquisition, construction,

reconstruction or renovation of property described generally as the Arts and Events district. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R8 – Award of bid and Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$5,088,755.00 with Abstract Construction Company for construction of improvements in the Addison Arts and Events District.

Councilmember Mallory moved to duly pass Resolution No. R02-117 authorizing the City Manager to enter into a contract in the amount of \$5,088,755.00 with Abstract Construction Company for construction of improvements in the Addison Arts and Events District. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R9 – Consideration of a Resolution supporting necessary legislation and DART policy changes to allow expansion and extension of DART services to local government jurisdictions through local option citizen elections pledging payments to the DART system of its one-cent municipal sales tax.

Councilmember Barrett moved to duly pass Resolution No. R02-112 supporting necessary legislation and DART policy changes to allow expansion and extension of DART services to local government jurisdictions through local option citizen elections pledging payments to the DART system of its one-cent municipal sales tax. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into a Supplemental Agreement to the Master Interlocal Agreement with Dallas County for transportation improvements on Arapaho Road.

Councilmember Turner moved to duly pass Resolution No. R02-118 authorizing the City Manager to enter into a Supplemental Agreement to the Master Interlocal Agreement with Dallas County for transportation improvements on Arapaho Road. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R11 - Consideration of an Ordinance amending the existing Electric Franchise of the Town between the Town and Oncor Electric Delivery Company to provide for a different consideration (being a sum comprised of (i) a charge authorized by Section 33.008(b) of the Texas Public Utility Regulatory Act based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the Town municipal boundaries, and (ii) a sum equal to four percent (4%) of gross revenues received by Oncor from services identified in its "Tariff for Retail Delivery Services", Section 6.1.2, "Discretionary Service Charges", items DD1 through DD24, that are for the account or benefit of an end-use retail electric consumer; providing that Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges, and that the Town will not take action to prohibit the recovery of such franchise fees; providing for acceptance by Oncor Electric Delivery Company; providing a savings clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; providing for two readings of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Councilmember Mallory moved to duly pass Ordinance No. 002-049 amending the existing Electric Franchise of the Town between the Town and Oncor Electric Delivery Company to provide for a different consideration (being a sum comprised of (i) a charge authorized by Section 33.008(b) of the Texas Public Utility Regulatory Act based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the Town municipal boundaries, and (ii) a sum equal to four percent (4%) of gross revenues received by Oncor from services identified in its "Tariff for Retail Delivery Services", Section 6.1.2, "Discretionary Service Charges", items DD1 through DD24, that are for the account or benefit of an end-use retail electric consumer; providing that Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges, and that the Town will not take action to prohibit the recovery of such franchise fees; providing for acceptance by Oncor Electric Delivery Company; providing a savings clause. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

Item #R12 - Ordinance amending the existing Gas Franchise of the Town between the Town and TXU Gas Company to provide for a different consideration (being four percent (4%) of the gross revenues received by TXU Gas ("gross revenues" being defined in part to mean all revenue derived or received, directly or indirectly, by TXU Gas Company from or in connection with the operation of the gas distribution system

within the corporate limits of the Town)); providing for a most favored nations clause; providing that TXU Gas Company may file a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment, and that the Town will not take action to prohibit the recovery of such franchise fees; providing that TXU shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way under the conditions stated in the Ordinance; providing for acceptance by TXU Gas Company; providing a savings clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; providing for two reading of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Councilmember Barrett moved to duly pass Ordinance No. 002-050 amending the existing Gas Franchise of the Town between the Town and TXU Gas Company to provide for a different consideration (being four percent (4%) of the gross revenues received by TXU Gas ("gross revenues" being defined in part to mean all revenue derived or received, directly or indirectly, by TXU Gas Company from or in connection with the operation of the gas distribution system within the corporate limits of the Town)); providing for a most favored nations clause; providing that TXU Gas Company may file a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment, and that the Town will not take action to prohibit the recovery of such franchise fees; providing that TXU shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way under the conditions stated in the Ordinance; providing for acceptance by TXU Gas Company; providing a savings clause. Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Turner, Ways  
Voting Nay: None  
Absent: Silver

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary