

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

September 13, 2005
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Mallory, Mellow,
Niemann

Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Richard Hess (Public Works), Patty Frederick (Police), Brian Hogan (Finance).

Item #R2 - Consent Agenda.

Item #2c and Item #2d were considered separately.

#2a – Approval of the Minutes for the August 23, 2005 Council Meeting.
(Approved as written)

#2b – Approval of final payment to Jim Bowman Construction in the amount of \$7,900 for completion of the Stone Cottage parking lot. (Approved)

#2e – Consideration and approval to authorize the City Manager to enter into a contract with Gary Daigle CLU, RHU, in an amount not to exceed \$10,000 for consulting services relating to the Town's employee medical and dental insurance plans for 2006. (Approved)

Councilmember Mallory moved to duly approve the above listed items.
Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

#2c – Approval of final payment to Abstract Construction in the amount of \$25,000 for completion of construction of Addison Circle Park.

Councilmember Niemann moved to duly approve final payment to Abstract Construction in the amount of \$25,000 for completion of construction of Addison Circle Park. Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

#2d – Consideration and approval of a Resolution to award bid to Craig Olden, Inc., in the amount of \$37,800 for the Lake Forest Drive Culvert Repair project.

Councilmember Niemann moved to duly pass Resolution No. R05-074 awarding bid to Craig Olden, Inc., in the amount of \$37,800 for the Lake Forest Drive Culvert Repair project. Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R3 – **PUBLIC HEARING** regarding, and consideration of approval of, an Ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 4980 Belt Line road, Suite 150, on application from Jimmy John's Sandwiches, represented by Mr. Brent Herbeck.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Mallory moved to duly approve Ordinance No. 005-038 approving an amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 4980 Belt Line road, Suite 150, on application from Jimmy John's Sandwiches subject to no conditions. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R4 – **PUBLIC HEARING** regarding, and consideration of approval of, an Ordinance approving a Special Use Permit for a Convenience Store in a Commercial-1 District, located at 15080 Beltwood Parkway East #102, on application from Ms. Claudia R. Merisio.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly pass Ordinance No. 005-039 approving a Special Use Permit for a Convenience Store in a Commercial-1 District, located

at 15080 Beltwood Parkway East #102. Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R5 – Consideration and approval of an Ordinance granting meritorious exception to Sec. 62-183, Number of Signs, Sec. 62-185, Specifications, and Sec. 62-286, Interchangeable Copy for Two Rows Restaurant located at 17225 Dallas Parkway.

Councilmember Hirsch recuses himself and leaves the council chambers.

Item is tabled.

Councilmember Hirsch returns to the council chambers.

Item #R6 – Consideration and approval of an Ordinance granting meritorious exception to Sec. 62-162, Premises sign and Sec. 62-163, Area of the sign ordinance for Wachovia Bank located at 5080 Spectrum Drive.

Councilmember Niemann moves to duly pass Ordinance No. 005-040 granting meritorious exception to Sec. 62-162, Premises sign and Sec. 62-163, Area of the sign ordinance for Wachovia Bank located at 5080 Spectrum Drive. Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Mellow, Niemann
Voting Nay: Hirsch, Kraft, Mallory
Absent: None

Item #R7 – Presentation of 2006 Addison calendar concepts.

No action taken.

Item #R8 – Consideration and approval of a Resolution authorizing the City Manager to enter into an agreement for production for the 2006 Addison calendar in an amount not to exceed \$80,000.

Councilmember Mallory moved to duly pass Resolution No. R05-075 authorizing the City Manager to enter into an agreement for production for the 2006 Addison calendar in an amount not to exceed \$80,000. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #9 – Presentation by the Addison Arbor Foundation Citizens Advisory Committee to update the Council on committee projects.

No action taken.

Item #10 – Presentation by the Addison Arbor Foundation Board of Directors regarding amendments to the Addison Arbor Foundation Bylaws establishing Citizen Advisory Committee member term limits, and establishing policy and procedures for appointing new Citizen Advisory committee members.

No action taken.

Item #11 – Consideration and approval of a Resolution adopting the implementation of the National Incident Management System (NIMS).

Councilmember Kraft moved to duly pass Resolution No. R05-076 adopting the implementation of the National Incident Management System (NIMS). Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #12 – Consideration and approval of a supplemental agreement to the Engineering Services Agreement with HNTB Corporation, in the amount not to exceed \$123,980 for additional design and inspection services on the Arapaho Road project, from Surveyor Boulevard to Addison Road.

Councilmember Mallory moved to approve a supplemental agreement to the Engineering Services Agreement with HNTB Corporation, in the amount not to exceed \$123,980 for additional design and inspection services on the Arapaho Road project, from Surveyor Boulevard to Addison Road. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #13 – Consideration and approval of Change Order No. 4 in the amount of \$99,560.54 for the construction of Arapaho Road, Phase III, from Surveyor Boulevard to Addison Road.

Councilmember Kraft moved to deny approval of Change Order No. 4 in the amount of \$99,560.54 for the construction of Arapaho Road, Phase III, from Surveyor Boulevard to Addison Road. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow
Voting Nay: Niemann
Absent: None

Item #14 – Discussion and consideration of a request from Turbine Aircraft Services, Inc. tenant pursuant to a ground lease of certain property located at 4550 Jimmy Doolittle Dr. at Addison Airport, for the Town of Addison, as landlord, to approve an estoppel letter from F&M Bank and Trust Company in connection with a loan from the Bank to be secured by the tenant's leasehold estate.

Councilmember Mallory moved to duly approve a request from Turbine Aircraft Services, Inc. tenant pursuant to a ground lease of certain property located at 4550 Jimmy Doolittle Dr. at Addison Airport, for the Town of Addison, as landlord, to approve an estoppel letter from F&M Bank and Trust Company in connection with a loan from the Bank to be secured by the tenant's leasehold estate. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow
Voting Nay: Niemann
Absent: None

Item #15 – Presentation and discussion of trends in the sales tax collections for the Town of Addison

No action taken.

Item #16 – **PUBLIC HEARING** regarding the proposed Town of Addison's Annual Budget for the fiscal year beginning October 1, 2005 and ending September 30, 2006.

Mayor Chow opened the meeting as a public hearing.

Paul Hayes of 4100 Leadville spoke in support of including funding for a dog park in the budget.

There were no further questions or comments. Mayor Chow closed the meeting as a public hearing.

No action taken.

Item #17 – **PUBLIC HEARING** regarding the establishment of a tax rate of \$.4760 per \$100 appraised value on property within the Town of Addison for the 2005-06 annual budget.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

No action taken.

Item #18 – Presentation of water and sewer rates associated with the 2005-06 annual budget.

Not action taken.

Item #19 – Consideration and approval of an Ordinance adopting the Town of Addison's investment policy for FY 2005-06.

Councilmember Mallory moved to duly pass Ordinance No. 005-041 adopting the Town of Addison's investment policy for FY 2005-06. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #20 – Consideration and approval of a Resolution adopting an investment strategy for FY 2005-06.

Councilmember Niemann moved to duly pass Resolution No. R05-077 adopting an investment strategy for FY 2005-06. Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #21 – Consideration of a contract renewal with First Southwest Asset Management for investment advisory services.

Councilmember Kraft moved to duly approve a contract renewal with First Southwest Asset Management for investment advisory services. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

EXECUTIVE SESSION. At 11:43 p.m. Mayor Chow announced that the Council would convene into Executive Session.

Item ES1 – Closed (executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney about pending litigation, to wit: *Transcontinental Realty Investors, Inc., et al, v. The City of Addison, Texas*, Case No. 03-03457, 160th Judicial District Court, Dallas County, Texas, and on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 552, Tex. Gov. Code.

The Council came out of Executive Session at 12:50 a.m.

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

Mayor



Attest:



City Secretary