

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 25, 2006
6:00 p.m. – Town Hall
5300 Belt Line Road

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

Absent: None

Item #WS1 – Presentation and discussion of Town of Addison Special Events sponsorships.

No action taken.

Item #WS2 – Presentation of the 2006 Addison Citizen Survey.

No action taken.

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Karen Spencer (Police), and Neil Gayden (Development Services).

Item #R2 - Consent Agenda.

Items #2a, #2c and #2g were considered separately.

#2b – Consideration and approval of a resolution amending the Second Supplemental Metrocrest Radio System Interlocal Agreement between the Town of Addison and the City of Carrollton to allow automatic renewals of additional one year terms of the service agreement for the maintenance of our Simulcast Radio System. (Approved Resolution No. R06-038)

#2d – Consideration and approval of a resolution to award bid to M&M Special Events in the amount of \$28,412 for miscellaneous rentals for the 2006 special event season with the option to renew for two additional years. (Approved Resolution No. R06-040)

#2e – Consideration and approval of a resolution to award bid to National Construction Rentals in the amount of \$9,678.75 for temporary fence rentals for the 2006 special event season with the option to renew for two additional years. (Approved Resolution No. R06-041)

#2f – Consideration and approval of a resolution to award bid to ACT Services in the amount of \$33,897.92 for trash clean up services for the 2006 special event season with the option to renew for two additional years.
(Approved Resolution No. R06-042)

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

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

#2a – Approval of the Minutes for the April 11, 2006, Council Meeting.

Councilmember Niemann moved to approve the Minutes for the April 11, 2006, Council Meeting, subject to one correction. Councilmember Braun seconded.
Motion carried.

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

#2c - Consideration and approval of a resolution amending the Letter of Agreement between the Town of Addison and Affiliated Computer Services, Inc. (ACS), to allow automatic renewals of additional one year terms of the Letter of Agreement for the maintenance of our Simulcast Radio System.

Councilmember Kraft moved to duly approve Resolution No. R06-039 amending the Letter of Agreement between the Town of Addison and Affiliated Computer Services, Inc. (ACS), to allow automatic renewals of additional one year terms of the Letter of Agreement for the maintenance of our Simulcast Radio System.
Councilmember Braun seconded. Motion carried.

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

#2g - Consideration and approval of a resolution to approve a License Agreement between the Town of Addison and Seven Owls L.P. for a vehicular and pedestrian access easement across the town's property on Landmark Boulevard, and to provide and install landscaping and irrigation on Addison's property in connection with the Licensee's development on Landmark Place.

Councilmember Kraft moved to duly approve Resolution No. R06-043 approving a License Agreement between the Town of Addison and Seven Owls L.P. for a vehicular and pedestrian access easement across the town's property on

Landmark Boulevard, and to provide and install landscaping and irrigation on Addison's property in connection with the Licensee's development on Landmark Place. Councilmember Mellow seconded. Motion carried.

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

Councilmember Kraft recused himself and left the Council Chambers.

Item #R3 - Consideration and approval of an ordinance approving an amendment to an existing Planned Development district (085-047), in order to provide for residential (townhome) as an allowed use, and provide for revised development plans, located on 2.37 acres at the southeast corner of Montfort Road and Celestial Road, on application from Zachary Custom Builders, represented by Jones and Boyd, Inc.

Councilmember Niemann moved to approve of an ordinance approving an amendment to an existing Planned Development district (085-047), in order to provide for residential (townhome) as an allowed use, and provide for revised development plans, located on 2.37 acres at the southeast corner of Montfort Road and Celestial Road, on application from Zachary Custom Builders, represented by Jones and Boyd Inc., subject to the following conditions:

- All recommendations by the Planning and Zoning Commission.
- Incidental use restrictions be included and Section 78-246, Storage Regulations, specifically use of recreational vehicles, be applied.
- No parking between 3:00 a.m. and 5:00 a.m. be allowed in the designated guest parking.
- The developer offer to the Town the street as a public street.
- Flow of traffic to be one-way and counter clockwise when exiting to ease traffic flow away from the intersection of Montfort Drive and Celestial Road.
- No parking on Celestial Road during time of construction.
- All regulations contained in Exhibit B, Planned Development Regulations.

Councilmember Mellow seconded. Motion failed.

(A protest was filed by the owners of 20% of the land within the notice distance of this request. Therefore, a 3/4 vote of the Council was required for approval.)

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

Councilmember Kraft returned to the Council Chambers.

Item #R4 - Consideration and approval of a resolution approving Change Order #6 in the amount of \$44,688.62 and an extension of 28 calendar days for the construction of Arapaho Road Phase III from Surveyor Boulevard to Addison Road.

Councilmember Niemann moved to duly approve Resolution No. R06-044 approving Change Order #6 in the amount of \$44,688.62 and an extension of 28 calendar days 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, Niemann
Voting Nay: None
Absent: None

Item #R5 – Consideration and approval of a resolution approving an amendment to the Engineering Services Agreement with HNTB Corporation in an amount not to exceed \$27,842, for additional inspection services on the Arapaho Road Phase III project.

Councilmember Mallory moved to duly approve Resolution No. R06-045 approving an amendment to the Engineering Services Agreement with HNTB Corporation in an amount not to exceed \$27,842, for additional inspection services on the Arapaho Road Phase III project. Councilmember Niemann seconded. Motion carried.

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

Councilmember Niemann recused himself and left the Council Chambers.

Item #R6 – Consideration and approval of a resolution by the Town of Addison, Texas suspending the May 30, 2006, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim GRIP rate adjustments for gas utility investment in 2005; authorizing participation with the Gas Standing Steering Committee in a review and inquiry into the sufficiency of the filing and the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP

rate adjustments; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel.

Councilmember Mallory moved to duly approve Resolution No. R06-046 suspending the May 30, 2006, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim GRIP rate adjustments for gas utility investment in 2005; authorizing participation with the Gas Standing Steering Committee in a review and inquiry into the sufficiency of the filing and the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel. Councilmember Hirsch seconded. Motion carried.

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

Item #R7 – PUBLIC HEARING regarding, and consideration of approval of, an ordinance finding that the existing natural gas distribution rates of Atmos Mid-Tex should be reduced; ordering Atmos energy Corp., Mid-Tex division, to reduce its existing rates within the city; adopting specific new rates R, T & C and ordering all rates, service charges and tariff language not inconsistent with Attachment 1 to remain operative except that all GRIP surcharges shall immediately cease; ordering Atmos Mid-Tex to reimburse the city for its reasonable costs incurred in this show cause and any related ratemaking proceedings or appeals of said proceedings; authorizing the Atmos Cities Steering Committee to act on behalf of city and intervene in any proceedings before administrative or judicial bodies; requiring delivery of this resolution to the company and legal counsel; and ordaining other provisions related to the subject matter hereof.

Mayor Chow opened the meeting as a public hearing.

Jean Hooker of Atmos Energy requested the City hold off on the show cause action till Atmos files its rate case for May.

Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly approve Ordinance No. 006-020 finding that the existing natural gas distribution rates of Atmos Mid-Tex should be reduced; ordering Atmos energy Corp., Mid-Tex division, to reduce its existing rates within the city; adopting specific new rates R, T & C and ordering all rates, service charges and tariff language not inconsistent with Attachment 1 to remain operative except that all GRIP surcharges shall immediately cease; ordering

Atmos Mid-Tex to reimburse the city for its reasonable costs incurred in this show cause and any related ratemaking proceedings or appeals of said proceedings; authorizing the Atmos Cities Steering Committee to act on behalf of city and intervene in any proceedings before administrative or judicial bodies; requiring delivery of this resolution to the company and legal counsel; and ordaining other provisions related to the subject matter hereof. Councilmember Mellow seconded. Motion carried.

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

Councilmember Niemann returned to the Council Chambers.

Item #R8 – Appointment of one member to the Planning and Zoning Commission.

Councilmember Niemann moved to reappoint Roger Chafin of 3761 Park Place, to the Planning and Zoning Commission. Councilmember Mellow seconded. Motion carried.

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

Item #R9 – Appointment of one member to the Addison Board of Zoning Adjustment (BZA).

Councilmember Hirsch moved to table this item. Councilmember Braun seconded. Motion carried.

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

Item #R10 – Consideration and approval of an ordinance of the Town of Addison, Texas amending the Code of Ordinances of the City by amending Chapter 86, Vehicles For Hire thereof by adding a new Article III regarding non-motorized passenger transport service regulations and standards; Providing for certain administrative procedures; Providing guidelines for a non-motorized passenger transport service; Providing for fees for registering a non-motorized passenger transport service; Providing qualifications, standards, and regulations for a non-motorized transport driver's permit's; Providing for insurance requirements; Providing for other matters related to the use and operation of a

non-motorized passenger transport service; Providing a savings clause; Providing a severability clause; Providing an effective date.

Councilmember Niemann moved to duly approve Ordinance No. 006-021 amending the Code of Ordinances of the City by amending Chapter 86, Vehicles For Hire thereof by adding a new Article III regarding non-motorized passenger transport service regulations and standards; Providing for certain administrative procedures; Providing guidelines for a non-motorized passenger transport service; Providing for fees for registering a non-motorized passenger transport service; Providing qualifications, standards, and regulations for a non-motorized transport driver's permit's; Providing for insurance requirements; Providing for other matters related to the use and operation of a non-motorized passenger transport service; Providing a savings clause; Providing a severability clause; Providing an effective date. Councilmember Kraft seconded. Motion carried.

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

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

Mayor

Attest:

City Secretary