

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

June 27, 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 – Discussion of Hotel Fund and Airport Fund Long Term Update.

No action taken.

Item #WS2 – Discussion of Water Conservation and Drought Contingency.

No action taken.

Item #WS3 – Discussion of proposed Landbanking Resolution to go to the North Central Texas Council of Governments (NCTCOG).

No action taken.

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Rebecca Coronado (AAC), William Owens (Public Works), and Paul Spencer (Police).

Item #R2 - Consent Agenda.

All items were considered separately.

#2a – Approval of the Minutes for the June 8, 2006 and June 13, 2006, Council Meeting.

Councilmember Mallory moved to duly approve the Minutes for the June 8, 2006 and June 13, 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

#2b – Consideration and approval of a 9-1-1 billing agreement with Time Warner Cable Information Services (Texas), L.P. which has received a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission.

Councilmember Niemann moved to duly approve a 9-1-1 billing agreement with Time Warner Cable Information Services (Texas), L.P. which has received a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. Councilmember Kraft seconded. Motion carried.

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

#2c – Consideration and approval of a resolution supporting the North Central Texas Council of Governments' Regional Policy Position regarding the proposed Trans-Texas Corridor 35.

Councilmember Niemann moved to duly approved Resolution No. R06-054 supporting the North Central Texas Council of Governments' Regional Policy Position regarding the proposed Trans-Texas Corridor 35 subject to corrections. 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 authorizing the City Manager to enter into a Sponsorship Agreement with Anheuser-Busch in the amount of \$70,000 for Bud Light to be the Addison Circle Park Main Stage sponsor during the 2006-2008 event seasons.

Mayor Chow moved to duly approve Resolution No. R06-055 authorizing the City Manager to enter into a Sponsorship Agreement with Anheuser-Busch in the amount of \$70,000 for Bud Light to be the Addison Circle Park Main Stage sponsor during the 2006-2008 event seasons subject to revisions. Councilmember Braun seconded. Motion carried.

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

Item #R3 – Presentation of the Government Finance Officers Association (GFOA) "Distinguished Budget Presentation Award" for the fiscal year beginning October 1, 2005.

No action taken.

Councilmember Kraft recused himself and left the Council Chambers.

Item #R4 – **PUBLIC HEARING** regarding, and consideration of approval of an ordinance amending 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.

Mayor Chow opened the meeting as a public hearing.

The following spoke in opposition of the proposed ordinance:

Denise Hunse, 14784 Winnwood  
Ralph Matthews, 14804 Bellbrook  
Tom Hunse, 14784 Winnwood  
Mike Emmett, 14530 Winnwood  
Nupe Singhall, 14678 Winnwood  
T.R. Viswanathan, 14725 Celestial Place  
Al Angel, 14540 Winnwood  
Roslyn McIlvane, 14828 Bellbrook Drive  
Blake Clemens, 14754 Celestial Place  
Howard Freed, 14932 Winnwood  
Richard Lane, 14516 Winnwood  
Dorothy Singhall, 14678 Winnwood  
Darrell Thigpen, 14811 Bellbrook

The following spoke in favor of the proposed ordinance:

Steve Rosenthal, 14730 Celestial Place  
Dick Wright, 14761 Bedivere  
Jeannette Jones, 14750 Celestial Place  
Chick Martin, 14810 Lochinvar

Mayor Chow closed the meeting as a public hearing.

The Council acknowledged that the present plan for the development of the Walden School site was substantially different than the plan the Council had not approved at the April 25, 2006 hearing. Therefore, the one year waiting period for re-filing a denied application was waived.

Councilmember Niemann moved to approve Ordinance No. 006-025 amending 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:

-the property shall be developed in accordance with all conditions specified in Exhibit B, Planned Development Regulations, which are as follows:

### **Exhibit B Planned Development Regulations**

Development shall take place in general accordance with the attached Comprehensive Site Plan (Exhibit C), as well as in accordance with the regulations established below.

#### Permitted Uses

1. Townhouses.

#### Yard Requirements

1. Minimum Front Yard: 10'. Where a garage door faces the street, the minimum front yard for that portion of the building shall be 20'.
2. Minimum Side Yard: 0' for an interior townhome. 5' for an exterior townhome. The uniform building code will regulate construction requirements where side property lines intersect with buildings.
3. Minimum Rear Yard: 5'
4. Every part of a required yard or court shall be maintained as open space; provide that ordinary projections may extend into a minimum side yard not more than 24 inches.

#### Density

1. Maximum Allowable Density: 8 homes/acre and a maximum lot count of 19.
2. Maximum Lot Coverage: 67%
3. Building; Lot Ratio: There shall be at least 2,250 square feet of lot area for each dwelling unit built on any lot.

4. Minimum Dwelling Size: Every dwelling unit, hereafter erected, shall have a floor area exclusive of breezeways, basements, open and screened porches and garages of not less than 1,800 air conditioned square feet.
5. Maximum Height: 2 stories, not to exceed 35' to the ridge line.
6. Minimum Lot Width: 25'. (Measured at the front building line.)
7. Minimum Lot Depth: 90'.

#### Parking

1. Two parking spaces shall be provided for each dwelling unit.
2. Additional off-street parking spaces, as identified on the Comprehensive Site Plan (Exhibit C), shall be provided.
3. Fire lanes, as required by the fire code, shall be provided and clearly marked.
4. Security lighting must be provided to illuminate parking and public areas; placed so as to reflect the lighting away from adjacent dwelling units.

#### Streets, Alleys, and Accessways

1. All areas for locating dwelling units shall be platted property and located on private streets. The streets and open spaces located within the development shall be controlled and maintained by a homeowner association.
2. The private streets shall have a minimum paving width of 27' (back-to-back), a minimum parkway width of 1.5', and shall be constructed in accordance with the Town of Addison's paving standards.

#### Open Space

1. Landscaping shall be provided in general accordance with the Exhibit C.
2. In addition to paved parking and driving areas, at least 10% of the lot shall be maintained in landscaped open area. All landscaped areas shall have adequate and inconspicuous

irrigation systems. All parking areas shall be designed and constructed in a manner to include landscaping.

3. A minimum 10' wide landscape buffer shall be provided adjacent to all perimeter property lines for the development. For those areas adjacent to public right-of-way, the buffer shall be located "outside" of the development. For those areas adjacent to private property, the buffer shall be located "interior" to the development. The buffer shall be landscaped. Included in said landscaping shall be minimum 4" caliper trees, planted 35' on center. The landscape buffer along the east property line shall be planted with a combination of large shrubs and trees that will provide immediate screening. The final planting plan for the buffer shall be reviewed and approved by the staff prior to the issuance of the first construction permit. Said landscaping shall be maintained by the homeowner association.
4. A minimum 8' tall masonry wall shall be provided as part of the landscape buffer when the buffer is adjacent to public right-of-way. The wall may be constructed of a combination of masonry and tubular steel (wrought iron). In no instance shall the tubular steel comprise more than 25% of the wall's surface area.
5. An eight (8) foot fence and retaining wall, which shall maintain a finished height of 14 feet above existing grade, shall be constructed on the east property line of this tract, between this tract and the home at 14757 Celestial Place. Final design for retaining wall/fence along the entire east property line shall be reviewed and approved by the staff prior to the issuance of the first construction permit.
6. Sidewalks along Montfort and Celestial Roads shall be adjacent to the screening wall.

#### Architectural Controls

1. The townhomes shall generally be constructed in accordance with the elevations depicted on Exhibit A.
2. All residences must conform to the Mediterranean style and character. No modern or contemporary architecture will be allowed.
3. Exterior materials shall be 100% hard coat (concrete) stucco on all walls. Combinations of natural or synthetic stone and/or cast stone accents may also be used. No EIFS products (other than

architectural foam shapes such as window sills, window surrounds, etc.) will be allowed on any elevations.

4. No second story windows shall be allowed on the south side of Building W-1, as shown on Exhibit C which is adjacent to the rear of 14725 Celestial Place. Second story windows on the front of Building E-1 shall be located so as to restrict views into the adjacent Celestial Place homes (14757 Celestial Place, 14753 Celestial Place, 14749 Celestial Place, 14745 Celestial Place as reasonably possible. Second story windows in these areas shall be limited to windows of 10 square feet or less with bottom sill heights placed no lower than 7' A.F.F. so as to restrict any direct line of sight.
5. The homes will have uniform cast stone house numbers and house number location.
6. The homes will have a uniform wrought iron mailbox and mailbox location.
7. All roofs shall have a minimum slop 6:12 Roof Pitch. Vent stacks and other roof penetrations shall be placed on roof planes other than those visible from the front street must be painted to blend with the roof color. Satellite Dishes shall not be installed in locations directly visible from the front street. Solar Collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact. Cornice, eave and architectural details may project up to two feet.
8. Roof material shall be concrete or clay barrel tile.
9. Walls and screens visible from streets or common areas shall be constructed of masonry to match the residence, masonry and wrought iron, or wrought iron. Walls and screens not visible from streets or common areas may be constructed of smooth finish redwood or #1 grade cedar. All fence posts shall be steel set on concrete and shall not be visible from another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.
10. All garage doors shall be equipped with automatic remote controlled door openers and shall remain closed when not in use. Garage doors must be constructed of cedar or like material and offer some type of architectural styling with metal accents.

11. All driveways fronting on a street shall be constructed of the following materials: brick pavers, stone, interlocking pavers, stamped concrete, or exposed aggregate with brick, stone, or smooth finish concrete borders. All front entry surfaces (including driveways, approaches, leadwalks, patios, and porches) must be constructed in brick, stone, slate, flagstone, stamped concrete, exposed aggregate, stained concrete, or pavers (concrete or travertine). All steps from the street to the front entry must be constructed in brick, stone, slate, or flagstone.

#### Utilities

1. Each townhome shall have its own underground electrical service.
2. Each townhome shall have washer and dryer connections.

#### Postal Service

1. Individual mail provision shall be provided for each townhome and shall be located in accordance with the guidelines established by the postal service.

#### Refuse Collection and Storage

1. Individual curbside refuse collection shall be required for each townhome.

#### Deed Restrictions and Owner Association Agreements

1. Agreements shall be approved by the Town of Addison and recorded in the county clerk's office, prior to the issuance of a certificate of occupancy.

#### Firewalls Separating Dwelling Units

1. The common walls and ceiling of each unit must be constructed of materials of one-hour construction.
2. The attic space must be fire stopped as required by the Uniform Building Code.

-the site shall be striped for fire lanes and parking in accordance with the drawing labeled "Exhibit B" provided by the applicant.

-Landscape buffer at east property line shall be planted with a combination of large shrubs and trees that will provide immediate screening. The final planting plan for the buffer shall be reviewed and approved by the staff prior to issuance of the first construction permit.

-All incidental use restrictions shall be included and Section 78-286 of the Code of Ordinances, which regulates the storage of boats and recreational vehicles, shall be applied.

-The City shall reserve the right to make the street through this development one-way in a counter-clockwise direction, even if it remains a private street.

-There shall be no parking permits issued for vehicles related to the construction of this site.

-The Homeowners Associations covenants shall be modified to require that the Town must approve disbanding of the Homeowners Association.

-The Town of Addison shall reserve the right, but not the obligation, to enforce certain sections of the Homeowners Association covenants relating to maintenance and repair of the streets, walls, fences, and common areas.

Councilmember Mallory seconded. Motion carried.

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

Councilmember Kraft returned to the Council Chambers.

Item #R5 – **PUBLIC HEARING** regarding and consideration of approval of, an ordinance approving an amendment to the Town of Addison Comprehensive Plan to approve a regulating plan for development within the Belt Line Road zoning district, located on the north and south sides of Belt Line Road, between Marsh Lane and the Dallas North Tollway, and on the south side of Belt Line Road only between the Dallas North Tollway and the Town’s eastern boundary at the White Rock Creek, on application from the Town of Addison.

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. 006-026 approving an amendment to the Town of Addison Comprehensive Plan to approve a regulating plan for development within the Belt Line Road zoning district, located on the north and south sides of Belt Line Road, between Marsh Lane and the Dallas North Tollway, and on the south side of Belt Line Road only between the Dallas North Tollway and the Town's eastern boundary at the White Rock Creek, on application from the Town of Addison. Councilmember Niemann seconded. Motion carried.

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

Item #R6 – **PUBLIC HEARING** regarding, and consideration of approval of, a concept plan for residential uses, in accordance with the Regulating Plan of the Comprehensive Plan, and in accordance with the requirements of the Belt Line Road zoning district, located on 8 acres on the southeast and southwest corners of Commercial Drive and Belt Line road, on application from Ashton-Woods Homes, Inc. represented Mr. Matthew Alexander of Dowdy, Anderson & Associates, Inc.

Mayor Chow opened the meeting as a public hearing.

Christopher Mulvaney, 3867 Lakeview Court asked questions about green space provided on the new plan.

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

Councilmember Braun moved to duly approve a concept plan for residential uses, in accordance with the Regulating Plan of the Comprehensive Plan, and in accordance with the requirements of the Belt Line Road zoning district, located on 8 acres on the southeast and southwest corners of Commercial Drive and Belt Line road, on application from Ashton-Woods Homes, Inc. represented Mr. Matthew Alexander of Dowdy, Anderson & Associates, Inc., subject to the following conditions:

- the plan be revised to list on it the land use of townhome, and the maximum number of 72 units.

- Developer shall provide complete engineering plans with plat submittal and include the following:

- a. Plat with surveying data (include necessary street, drainage, water and sewer easements and dedications)

- b. Site Dimensioning Plan
- c. Paving plan (on site and offsite improvements)
- d. Drainage Plans
- e. Water and Sanitary Sewer

- Developer shall provide traffic engineering study to determine length of deceleration lane for eastern driveway. Developer will need to provide design in engineering plans and construct improvements.

- Site Plan indicates a median cut on Belt Line Road that will not be allowed. Traffic entering site from westbound Belt Line will need to enter at Commercial Boulevard signal.

-Plans provided show 22 ft drives and minimum turning radii. Please overlay fire truck turning templates on the fire lanes and public streets to verify that pavement provided is adequate and no parking is specified where fire trucks require turning room.

-Dedication of improvements to the Town requires that design and construction meet all City Standards.

Councilmember Niemann seconded. Motion carried.

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

Item #R7 – **PUBLIC HEARING** regarding, and consideration of approval of, a Special Use Permit for the sale of alcoholic beverages for off-premises consumption, and a Special Use Permit for the sale beer and wine for off-premises consumption, located at 14731-14741 Inwood Road, on application from Majestic Liquor Stores, represented by Mr. Terry Wright of Wright Group Architects.

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 Kraft moved to duly approve a Special Use Permit for the sale of alcoholic beverages for off-premises consumption, and a Special Use Permit for the sale beer and wine for off-premises consumption, located at 14731-14741 Inwood Road, on application from Majestic Liquor Stores, represented by Mr. Terry Wright of Wright Group Architects, subject to the following condition:

-The applicant shall submit a revised plan that replaces all bald cypress trees with a tree type with a tighter and more upright

growth character such as pond cypress or 'Highrise' Live Oak. In addition, the revised plan shall decrease the quantity of bald cypress within the Inwood Road frontage from 8 to 6 trees and eliminate the crape myrtles to allow room for the cypress to grow, and to open up visibility into the site. The plan shall also reduce the number of crape myrtles shown on the north side of the property to allow 12-15' spacing between the existing trees and the new trees. This revised plan shall be submitted for review and approval before a building permit is issued.

Councilmember Mellow seconded. Motion carried.

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

Item #R8 – **PUBLIC HEARING** regarding, and consideration of approval of, 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 15175 Quorum Drive, on application from Arthur's Restaurant represented by Mr. Mohsen Heidari.

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 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 15175 Quorum Drive, on application from Arthur's Restaurant represented by Mr. Mohsen Heidari, subject to the following conditions:

-The applicant shall submit a new up-dated landscape plan with calculations of the new and existing landscape area prior to the issuance of a building permit. The up-dated landscape plan shall include all of the information described in Section 4, Landscape and Irrigation Plan Submittal in the Landscape Regulations.

-All mechanical equipment on the new building shall be completely screened from view. The screening material shall be architecturally compatible to the building, and the Building Official shall make the determination of "architecturally compatible".

Councilmember Niemann seconded. Motion carried.

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

Item #9 – Consideration of approval of a final plat for one lot of 5.707 acres, located in a C-1, (Commerical-1) zoning district, at the northwest corner of the intersection of Westgrove Drive and Dallas North Tollway, on application from Bent Tree Tower Joint Venture, represented by Mr. Don Deere of Ferguson-Deere, Inc., Engineers.

Councilmember Mallory moved to duly approve a final plat for one lot of 5.707 acres, located in a C-1, (Commerical-1) zoning district, at the northwest corner of the intersection of Westgrove Drive and Dallas North Tollway, on application from Bent Tree Tower Joint Venture, represented by Mr. Don Deere of Ferguson-Deere, Inc., Engineers, subject to the following conditions:

-A site plan and engineering plans shall be submitted prior to final plat approval. The site plan and engineering plans should include information regarding site circulation, fire lanes, drainage calculations for run-off and adequacy of downstream systems.

-The distance called out for the chord bearing (CB) through the curve appears to be incorrect.

-On all future submittals, the registered surveyor should sign, seal and date the plat.

-Fire lane easements through Lot 2R should be provided. It may be that the fire lane flow is around Lot 1, Lot 2R and Lot 1R.

Councilmember Niemann seconded. Motion carried.

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

Item #R10 – Consideration of approval of a final plat for one lot of 1.564 acres, located in a C-1, (Commercial-1) zoning district, at the northwest corner of the intersection of Westgrove Drive and Dallas North Tollway, on application from Bent Tree Tower Joint Venture, represented by Mr. Don Deere of Ferguson-Deere, Inc., Engineers.

Councilmember Niemann moved to duly approve a final plat for one lot of 1.564 acres, located in a C-1, (Commercial-1) zoning district, at the northwest corner of the intersection of Westgrove Drive and Dallas North Tollway, on application from Bent Tree Tower Joint Venture, represented by Mr. Don Deere of Ferguson-Deere, Inc., Engineers, subject to the following conditions:

-If the applicant has not filed for a building permit on this lot within three years of the date of filing of the plat, the applicant shall either install landscaping on this lot (in accordance with the plan furnished by the applicant, to bring Lot 2 up to the 20% required landscaping for the site), or apply to the Board of Zoning Adjustment for a variance to the landscaping requirement.

-A site plan and engineering plans shall be submitted prior to final plat approval. The site plan and engineering plans should include information regarding site circulation, fire lanes, drainage calculations for run-off and adequacy of downstream systems.

-The distance called out for the chord bearing (CB) through the curve appears to be incorrect.

-On all future submittals, the registered surveyor should sign, seal and date the plat.

-Fire lane easements through Lot 2R should be provided. It may be that the fire lane flow is around Lot 1, Lot 2R and Lot 1R.

Councilmember Kraft seconded. Motion carried.

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

Item #R11 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-185, Specifications, for Majestic Fine Wines & Spirits located at 14733 Inwood Road.

Councilmember Mallory moved to deny the request. Councilmember Niemann seconded. Motion failed.

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

Councilmember Mellow moved to table the request. Councilmember Braun seconded. Motion carried.

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

Item #R12 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-163, Area, for Majestic Fine Wines & Spirits located at 14733 Inwood Road.

Councilmember Niemann moved to table this item. Councilmember Braun 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 #R13 - Consideration and approval of a resolution of the Town of Addison, Texas denying Atmos Energy Corp., Mid-Tex Division's Statement Of Intent To Increase The Gas Utility Rates In The City; supporting the reduction of existing natural gas distribution rates currently charged by Atmos Mid-Tex within the city; ordering Atmos Mid-Tex to Reimburse the city for its reasonable costs incurred in 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; finding that the meeting at which this resolution is adopted is open to the public as required by law; providing an effective date.

Councilmember Braun moved to duly approve Resolution No. R06-056 of the Town of Addison, Texas denying Atmos Energy Corp., Mid-Tex Division's Statement Of Intent To Increase The Gas Utility Rates In The City; supporting the reduction of existing natural gas distribution rates currently charged by Atmos Mid-Tex within the city; ordering Atmos Mid-Tex to Reimburse the city for its reasonable costs incurred in 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; finding that the meeting at which this resolution is adopted is open to the public as required by law; providing an effective date. Councilmember Mallory seconded. Motion carried.

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

Item #R14 - Consideration and approval of an ordinance of the Town of Addison, Texas, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual gas reliability infrastructure program (GRIP) rate increase in the city, as a part of the company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the city's action to the railroad commission; providing a requirement for a prompt reimbursement of costs incurred by the city; finding that the meeting at which this ordinance is passed is open to the public as required by law; providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex division; providing an effective date.

Councilmember Mallory moved to duly approve Ordinance No. 006-027 of the Town of Addison, Texas, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual gas reliability infrastructure program (GRIP) rate increase in the city, as a part of the company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the city's action to the railroad commission; providing a requirement for a prompt reimbursement of costs incurred by the city; finding that the meeting at which this ordinance is passed is open to the public as required by law; providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex division; providing an effective date. Councilmember Braun 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 #R15 – Consideration and approval of an ordinance amending the Town's Annual budget for the fiscal year ending September 30, 2006.

Councilmember Braun moved to duly approve Ordinance No. 006-028 amending the Town's Annual budget for the fiscal year ending September 30, 2006. Councilmember Mallory seconded. Motion carried.

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

Item #R16 – Consideration and approval of a resolution authorizing the City Manager to enter into a Professional Services Agreement with Freese & Nichols, Inc., in the amount not to exceed \$65,687.00 for a Water Distribution Study.

Councilmember Kraft moved to duly approve Resolution No. R06-057 authorizing the City Manager to enter into a Professional Services Agreement with Freese & Nichols, Inc., in the amount not to exceed \$65,687.00 for a Water Distribution Study. Councilmember Braun seconded. Motion carried.

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

Item #R17 – Consideration and approval of a Landbanking Resolution to go to the North Central Texas Council of Governments (NCTCOG).

Councilmember Mallory moved to duly approve Resolution No. R06-058 subject to revisions to attachments, subject to authority and law, subject to verification of percentages, and subject to the approval of the City Attorney to law. Councilmember Braun seconded. Motion carried.

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

**EXECUTIVE SESSION.** The executive session items were tabled:

Item #ES1 - Closed (executive) session of the City Council pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, reassignment, or duties of the City Secretary.

Item #ES2 – Closed (executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to the Town Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, regarding and relating to the Agreement for the Operation and Management of Addison Airport.

Item #R18 – Discussion and consideration of any action regarding and relating to the appointment and duties of the City Secretary.

Councilmember Braun moved to table this item. 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.

Attest: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary