

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
WORK SESSION

June 23, 2009
6:00 P.M. – Town Hall
5300 Belt Line Road
Upstairs Conference Room

Council Members Present:

Mayor Chow, Councilmembers Braun, Clemens, Daseke, Lay, Mellow and Noble

Absent: None

Work Session

Item #WS1 - Presentation, discussion, review and update regarding branding for the Town.

Lea Dunn introduced Jim Krause and Bob Shallcross who made the presentation, gave the review and led the discussion regarding branding for the Town.

There was no action taken.



Mayor-Joe Chow

Attest:



City Secretary-Lea Dunn

**OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
REGULAR SESSION**

June 23, 2009
7:30 P.M. – Town Hall
5300 Belt Line Road
Council Chambers

Present: Mayor Chow, Councilmembers Braun, Clemens, Daseke, Lay, Mellow and Noble

Absent: None

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Brad Jones with the Police Department, and Betsy Sterns with the Recreation Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

June 2, 2009, Special Meeting and Work Session
June 4, 2009, Special Meeting, Work Session and Site Tour
June 9, 2009, Regular City Council Meeting and Work Session

Councilmember Mellow moved to approve the Minutes for:

June 2, 2009, Special Meeting and Work Session
June 4, 2009, Special Meeting, Work Session and Site Tour
June 9, 2009, Regular City Council Meeting and Work Session

Councilmember Braun seconded the motion. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble

Voting Nay: None

Absent: None

Item #R3 - Presentation, discussion and consideration of approval of an ordinance amending the Code of Ordinances of Town by adding a new Article XIII regarding and regulating Solar Energy Systems to Chapter 18, Buildings and Building Regulations.

Councilmember Daseke moved to approve Ordinance 009-021 amending the Code of Ordinances of Town by adding a new Article XIII regarding and regulating Solar Energy Systems to Chapter 18, Buildings and Building Regulations.

Councilmember Clemens seconded the motion. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Councilmember Braun recused himself for Item #R4 and left Council Chambers. He did not participate in the discussion or vote.

Item #R4 - Presentation, discussion and consideration of approval of the First Amendment to the Master Facilities Agreement (regarding the construction of public improvements within that area generally described as Vitruvian Park) between the Town of Addison, UDR, Inc., and various property owners in order to provide for a revision to the location of the Phase II construction area modifying it from the northern side of Brookhaven Club Drive and Ponte Avenue to the southeast side of Brookhaven Club Drive and Bella Lane including certain public streets, a bridge and streetscaping improvements, and to provide for modifications to the Brookhaven Development Phasing Plan, subject to Final Approval by the City Attorney.

Councilmember Lay moved to approve the First Amendment to the Master Facilities Agreement (regarding the construction of public improvements within that area generally described as Vitruvian Park) between the Town of Addison, UDR, Inc., and various property owners in order to provide for a revision to the location of the Phase II construction area modifying it from the northern side of Brookhaven Club Drive and Ponte Avenue to the southeast side of Brookhaven Club Drive and Bella Lane including certain public streets, a bridge and streetscaping improvements, and to provide for modifications to the Brookhaven Development Phasing Plan, subject to Final Approval by the City Attorney.

Councilmember Daseke seconded the motion. Motion carried.

Voting Aye: Chow, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: Braun

Councilmember Braun returned to Council Chambers.

Item #R5 - Presentation, discussion and consideration of approval of a resolution approving the removal and separation of the City from oversight and control of the Addison Arbor Foundation and authorizing the City Manager to execute an agreement with the Addison Arbor Foundation reflecting such removal and separation.

Councilmember Mellow moved to approve Resolution R09-014 approving the removal and separation of the City from oversight and control of the Addison Arbor Foundation and authorizing the City Manager to execute an agreement with the Addison Arbor Foundation reflecting such removal and separation, subject to final review by the City Manager and City Attorney.

Councilmember Daseke seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item #R6 - Presentation, discussion and consideration of award of a contract to Jim Bowman Construction LP in the amount of \$41,990.00 for Sidewalk, Ramp, Curb & Gutter, Bid 09-14.

Councilmember Daseke moved to approve award of a contract to Jim Bowman Construction LP in the amount of \$41,990.00 for Sidewalk, Ramp, Curb & Gutter, Bid 09-14.

Councilmember Clemens seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item #R7 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a water easement agreement with King Aerospace regarding property generally located within the Town at or about 16400 – 16500 Midway Road.

Councilmember Braun moved to approve authorizing the City Manager to execute a water easement agreement with King Aerospace regarding property generally located within the Town at or about 16400 – 16500 Midway Road.

Councilmember Lay seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item #R8 - Presentation, discussion and consideration of approval of a resolution to enter into a Fiscal Agency Agreement with the City of Dallas to serve as the fiscal agent for the Town's grant award from the Justice Assistance Grant (JAG) Program in the amount of \$12,901.00, transfer 7% (\$632.15) to the City of Dallas for the administration of the grant, and allocate 30% (\$3,870.30) to Dallas County.

Councilmember Clemens moved to approve Resolution R09-015 to enter into a Fiscal Agency Agreement with the City of Dallas to serve as the fiscal agent for the Town's grant award from the Justice Assistance Grant (JAG) Program in the amount of \$12,901.00, transfer 7% (\$632.15) to the City of Dallas for the administration of the grant, and allocate 30% (\$3,870.30) to Dallas County.

Councilmember Daseke seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item #R9 - Presentation, discussion and consideration of approval of the final payment to American Landscape Systems, Inc., totaling \$4,899.80, for landscape renovation and tree replacement planting in various parts of the Town.

Councilmember Lay moved to approve the final payment to American Landscape Systems, Inc., totaling \$4,899.80, for landscape renovation and tree replacement planting in various parts of the Town.

Councilmember Daseke seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item#R10 - Presentation, discussion and consideration of approval of the final payment to Schwartz Construction Company, Inc., totaling \$3,937.00, for painting and repairs to various park structures within the Town.

Councilmember Mellow moved to approve the final payment to Schwartz Construction Company, Inc., totaling \$3,937.00, for painting and repairs to various park structures within the Town.

Councilmember Lay seconded. Motion carried.

Voting Aye: Chow, Braun, Clemens, Daseke, Lay, Mellow and Noble
Voting Nay: None
Absent: None

Item#R11 - Discussion and update of the Vitruvian Development Design.

Clay Barnett presented the update and led the discussion regarding the Vitruvian Development Design.

There was no action taken.

At 8:56 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Items:

#ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit:

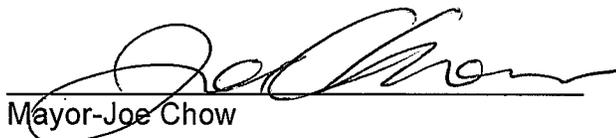
- A. *Thielsch Engineering, Inc. v. Town of Addison, Texas, et al*, Cause No. 08-00463, 95th District Court, Dallas County, Texas.
- B. *City of San Antonio, Texas, Town of Addison, et al. v. Hotels.com, L.P., et al.*, Case No. SA06CA0381 OG, United States District Court, Western District of Texas, San Antonio Division.

The Council came out of Executive Session at 9:35 P.M.

Item #R12 - Consideration of approval of any item or matter in connection with certain pending litigation, to wit: *Thielsch Engineering, Inc. v. Town of Addison, Texas, et al*, Cause No. 08-00463, 95th District Court, Dallas County, Texas.

There was no action taken.

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



Mayor-Joe Chow

Attest:



City Secretary-Lea Dunn