

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL  
REGULAR SESSION

August 11, 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: Jo Ann Shuffield with the Parks Department and Petr Lukas with the Fire Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

July 14, 2009, Regular City Council Meeting and Work Session

Councilmember Braun moved to approve the Minutes for:

July 14, 2009, Regular City Council Meeting and Work Session

Councilmember Daseke seconded the motion. Motion carried.

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

Voting Nay: None

Absent: None

Item #R3 - Presentation and discussion regarding the Third Quarter Financial Review for Fiscal Year 2008-2009.

Jason Cooley made the presentation and led the discussion regarding the Third Quarter Financial Review for Fiscal Year 2008-2009.

There was no action taken.

Item #R4 - **PUBLIC HEARING** 2009-2010 Proposed Budget. Public Hearing on, presentation and discussion regarding the 2009-2010 Proposed Budget.

Randy Moravec made the presentation and led the discussion regarding the 2009-2010 Proposed Budget.

Mayor Chow opened the meeting as a Public Hearing.

The following residents spoke:

Chris Mulvaney      3867 Lakeway Court  
Charles Hanson      5055 Addison Circle

Mayor Chow closed the meeting as a Public Hearing.

There was no action taken.

Item#R4A - Presentation and discussion of the General and Hotel Budget Funds.

Randy Moravec made the presentation and led the discussion of the General and Hotel Budget Funds.

There was no action taken.

Item#R5 - Presentation and discussion regarding the participation in the Class XXI Leadership Metrocrest Program.

Lea Dunn made the presentation and led the discussion regarding the participation in the Class XXI Leadership Metrocrest Program.

There was no action taken.

Item #R6 - Presentation, discussion and consideration of approval of an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee (including the Town of Addison) and Atmos Energy Corp., Mid-Tex Division (the "Company") regarding the Company's Rate Review Mechanism filing in all cities (including the Town) exercising original jurisdiction, declaring existing rates to be unreasonable, requiring the Company to reimburse cities' reasonable ratemaking expenses, adopting tariffs, and including and providing for other matters and items related thereto.

Councilmember Lay moved to approve ordinance 009-022 approving a negotiated resolution between the Atmos Cities Steering Committee (including the Town of Addison) and Atmos Energy Corp., Mid-Tex Division (the "Company") regarding the Company's Rate Review Mechanism filing in all cities (including the Town) exercising original jurisdiction, declaring existing rates to be unreasonable, requiring the Company

to reimburse cities' reasonable ratemaking expenses, adopting tariffs, and including and providing for other matters and items related thereto.

Councilmember Daseke 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 of consent to a Transfer of Ownership Interest and Change of Control of Ground Lease 0410-0401 at 4532 Glenn Curtis, between the Town of Addison as Landlord and 4532 Glenn Curtis Associates, Ltd., as Tenant and Colbyco Industries, LLC, a Texas limited liability company.

Councilmember Daseke moved to approve of consent to a Transfer of Ownership Interest and Change of Control of Ground Lease 0410-0401 at 4532 Glenn Curtis, between the Town of Addison as Landlord and 4532 Glenn Curtis Associates, Ltd., as Tenant and Colbyco Industries, LLC, a Texas limited liability company.

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 contract between the Town of Addison and Reliable Paving, Inc., for Keller Springs Repairs Bid # 09-16.

Councilmember Clemens moved to approve a contract between the Town of Addison and Reliable Paving, Inc., for Keller Springs Repairs Bid # 09-16.

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 a contract in the amount of \$30,101.40, with R2W, Inc., to replace the current Fire Station Alerting Systems at Fire Station #1 and Fire Station #2.

Councilmember Mellow moved to approve a contract in the amount of \$30,101.40, with R2W, Inc., to replace the current Fire Station Alerting Systems at Fire Station #1 and Fire Station #2.

Councilmember Braun 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 an ordinance affirming the ongoing and continued provision of the Town's police department and matters related thereto in connection with the Town's application for "recognized" status from the Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program.

Councilmember Lay moved to approve ordinance 009-023 affirming the ongoing and continued provision of the Town's police department and matters related thereto in connection with the Town's application for "recognized" status from the Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program.

Councilmember Daseke seconded. Motion carried.

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

Item #R11 - Presentation, discussion and consideration of approval of a way-finding sign package for Addison Circle.

Councilmember Daseke moved to approve a way-finding sign package for Addison Circle.

Councilmember Noble seconded. Motion carried.

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

Item #R12 - **PUBLIC HEARING** Case 1581-Z/Ryland Homes at Meridian Square. Public Hearing on, presentation, discussion and consideration of approval of an ordinance approving revised floor plans and elevations for a townhome project, which is part of a previously approved development project for 48 townhomes and 90 condominium units, located in the UC – Urban Center District/Residential Subdistrict, on 3.9 acres at the southeast corner of the intersection of Quorum Drive and Airport Parkway, on application from Ryland Homes, represented by Mr. Matthew Alexander of Dowdey, Anderson & Associates.

Mayor Chow opened the meeting as a Public Hearing. No one spoke. Mayor Chow closed the meeting as a Public Hearing.

Councilmember Braun moved to approve Ordinance 009-024 approving revised floor plans and elevations for a townhome project, which is part of a previously approved development project for 48 townhomes and 90 condominium units, located in the UC – Urban Center District/Residential Subdistrict, on 3.9 acres at the southeast corner of the intersection of Quorum Drive and Airport Parkway, on application from Ryland Homes, represented by Mr. Matthew Alexander of Dowdey, Anderson & Associates with the following waivers to design standards and conditions:

#### APPROVED WAIVERS FOR RYLAND TOWNHOMES

Waiver of design standards in order to allow lot widths to be 22 feet as opposed to the 25 feet required by the ordinance

Waiver to design standards in order to allow depths of 45 feet as opposed to the 55 feet required by the ordinance.

Waiver to design standards in order to allow lot coverage of 100% of the lot as opposed to the 65% of the lot required by the ordinance

Waiver to design standards in order to allow a minimum three-foot setback against the Category C, (Residential) Streets (Calloway), as opposed to the five-foot setback required by the ordinance, and a waiver to design standards in order to allow a seven-foot setback against the Category D (Quorum, Spectrum, Airport Parkway) streets, as opposed to the ten-foot setback required by the ordinance.

Waiver to design standards in order to use composition shingles as a roofing material.

#### APPROVED WAIVERS FOR SAVANNAH HOMES CONDOMINIUMS

Waiver to the design standard for minimum width and minimum depth for a lot.

Waiver to design standards in order to allow a minimum seven-foot setback against a Category D street (Spectrum Drive), as opposed to the ten-foot setback required by the ordinance.

Waiver to design standards in order to allow for not less than 70 percent of the exterior cladding of all exterior walls fronting or

visible from public streets (including above grade parking structures) be brick or stone construction.

Subject to the following conditions:

CONDITIONS FOR APPROVAL:

-All townhomes on the site shall contain the following design elements:

-divided light windows

-overhangs and gables

-30% of the front and sides of each building shall be stone façade. Alley sides of buildings are not required to include stone in the façade.

-all units within a building shall be composed of the same brick. However, not all buildings have to use the same brick.

-front yard enclosures are to be provided on buildings facing Quorum Drive, Spectrum Drive, and Calloway Drive

-all fencing, stair rails, and balcony railings shall be metal. No wood fencing or railings will be allowed.

-all air conditioning units shall be screened with a sight-barring material which shall be approved by the staff.

-GAF "Grand Slate" composition shingles, with lifetime warranty, shall be used on all roofs.

-All roof vents, plumbing stacks, and mechanical vents shall be installed on the back side of the roof ridge line to the fullest extent possible.

-Units in Block C, units 1-8, (as shown on the approved final plat for Meridian Square) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the dwelling unit, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for units 1-8 to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once they are constructed, and verify that the required noise level has been attained. The applicant shall bear all costs for hiring the certified acoustical engineer.

-The tree wells on all public streets shall be designed to match the Fairfield Development tree wells, which include a concrete curb edge separating the pavers from the planting bed.

-Where possible, plantings (shrubs or vines) shall be added in the alleys to soften the appearance from the streets.

-The dead-end alleys shall have appropriate signage.

-A 5-foot sidewalk easement shall be added along the Spectrum Drive frontage.

-Any encroachments into the public right-of-way shall comply with Chapter 32 of the 2006 IBC must be approved by the Public Works Department.

-The townhomes shall comply with the requirements of the 2006 IRC, unless a unity agreement is executed.

-Fire hydrants shall be placed at 300-foot intervals along streets and fire lanes serving the property.

-All air conditioning units on the condominiums shall be screened from view on all sides with a solid material,

-Plans shall be revised to include a wing-wall or gateway element at all alley entrances to help screen views into the alleys.

-All paving and drainage design and construction must meet city standards.

-A final site plan must be approved by the Fire Department before issuance of a building permit.

-Detailed streetscape plans shall be submitted for review and approval for lighting, paving, irrigation, site furniture, and planting prior to the issuance of a building permit.

-The on-going open space maintenance shall be the owners/homeowners association's responsibility, which includes the maintenance of the living screen area along Airport Parkway.

Councilmember Daseke seconded. Motion carried.

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

Voting Nay: None

Absent: None

**Item #R13 - PUBLIC HEARING Case 1582-SUP/Chase's Place.** Public Hearing on, presentation, discussion and consideration of approval of an ordinance amending an existing Special Use Permit for a day care facility in a LR – Local Retail District, located

at 14210 Marsh Lane, on application from Chase's Place, Inc., represented by Ms. Elizabeth Goodson.

Mayor Chow opened the meeting as a Public Hearing. No one spoke. Mayor Chow closed the meeting as a Public Hearing.

Councilmember Braun moved to approve ordinance 009-025 amending an existing Special Use Permit for a day care facility in a LR – Local Retail District, located at 14210 Marsh Lane, on application from Chase's Place, Inc., represented by Ms. Elizabeth Goodson.

Councilmember Daseke seconded. Motion carried.

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

Item #R14 - PUBLIC HEARING Case 1583-SUP/RCCG Lion of Judah Parish. Public Hearing on, presentation, discussion and consideration of approval of an ordinance for a Special Use Permit for a religious institution in a Planned Development district, located at 4845 Keller Springs Road, on application from Redeemed Christian Church of God, represented by Mr. Adewale Justin Alaysa.

Mayor Chow opened the meeting as a Public Hearing. No one spoke. Mayor Chow closed the meeting as a Public Hearing.

Councilmember Mellow moved to approve ordinance 009-026 for a Special Use Permit for a religious institution in a Planned Development district, located at 4845 Keller Springs Road, on application from Redeemed Christian Church of God, represented by Mr. Adewale Justin Alaysa.

Councilmember Lay seconded. Motion carried.

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

Item #R15 - Presentation, discussion and consideration of approval of an ordinance approving an exception to Section 62-163, Area, of the Sign Ordinance, for the FedEx Office located at 4568 Belt Line Road.

Councilmember Daseke moved to approve ordinance 009-027 approving an exception to Section 62-163, Area, of the Sign Ordinance, for the FedEx Office located at 4568 Belt Line Road, for approval of 30" letters.

Councilmember Noble seconded. Motion carried.

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

Item #R16 - Presentation, discussion and consideration of approval of the rejection of all the received bids for the purchase and implementation of a Court Case Management System.

Councilmember Clemens moved to approve the rejection of all the received bids for the purchase and implementation of a Court Case Management System.

Councilmember Braun seconded. Motion carried.

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

Item #R17 - Presentation, discussion and consideration of approval of a Construction and Utility Adjustment Agreement between the Town of Addison and Southwestern Bell Telephone Company, d/b/a AT&T Texas to implement the construction of the duct bank and the relocation of AT&T Facilities for the Vitruvian Park Public Infrastructure – Phase IB project.

Councilmember Mellow moved to approve a Construction and Utility Adjustment Agreement between the Town of Addison and Southwestern Bell Telephone Company, d/b/a AT&T Texas to implement the construction of the duct bank and the relocation of AT&T Facilities for the Vitruvian Park Public Infrastructure – Phase IB project.

Councilmember Daseke seconded. Motion carried.

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

Item #R18 - Presentation, discussion and consideration of approval of a Supplemental Agreement to the Agreement for Professional Service with Icon Consulting Engineers, Inc., in the amount not to exceed \$38,750.00, for additional professional services on the Vitruvian Park Phase 1 Infrastructure project.

Councilmember Braun moved to approve a Supplemental Agreement to the Agreement for Professional Service with Icon Consulting Engineers, Inc., in the amount not to exceed \$38,750.00, for additional professional services on the Vitruvian Park Phase 1 Infrastructure project.

Councilmember Clemens seconded. Motion carried.

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

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

Attest:

  
Mayor-Joe Chow

  
\_\_\_\_\_  
City Secretary-Lea Dunn