

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

January 11, 2011

7:30 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254 Starting Time:

Regular Meeting 7:30PM

1/7/2011, 5PM, Lea Dunn

Council Members Present:

Chow, Clemens, Daseke, Lay, Noble, Resnik

Absent:

Mellow

REGULAR MEETING

Item #R1 - Consideration of Old Business

The following employees were introduced: Beverly Gaume with the Information Services Department and Darryl Johnson with the Fire Department.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of the Minutes for the 12/14/2010 Regular Council Meeting and Work Session.

Item 2a was pulled for clarification and then approved.

A motion to Approve was made by Mayor Joe Chow.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik
Voting Nay: None

Absent: Mellow

#2b - Approval of a Resolution regarding H.B. 1937, adopted by the Texas Legislature in 2009 and relating to a voluntary assessment of property by a municipality to finance certain energy conservation improvements, and encouraging the 82nd Legislature to adopt legislation to amend H.B. 1937 in order to allow municipalities to implement its provisions.

Resolution R11-001 was approved.

A motion to Approve was made by Mayor Joe Chow.
The motion was seconded by Councilmember Neil Resnik.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik
Voting Nay: None

Absent: Mellow

#2c - Approval of a Supplemental Agreement to the Agreement for Professional Service with Halff Associates, Inc., for Addendum No. 2 in the amount not to exceed \$14,400.00, for additional professional services for Spring Valley Road.

A motion to Approve was made by Mayor Joe Chow.
The motion was seconded by Councilmember Neil Resnik.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik
Voting Nay: None

Absent: Mellow

Item #R3 - Presentation, discussion and consideration of approval of a license agreement between the Town of Addison and UDR, Inc., to

permit UDR to construct and place certain banners on street light poles located within the public rights-of-way, and a monument sign to be located on real property owned by the Town located at the southwest corner of Spring Valley Road and Vitruvian Way.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Bianca Noble.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R4 - Presentation, discussion and consideration of approval of an ordinance amending Chapter 62, Signs, of the Code of Ordinances, by amending Section 62.289 - Special Districts, in order to add a new Section, Section G, containing Special District sign standards for Vitruvian Park.

Ordinance 011-001 was approved.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R5 - PUBLIC HEARING Case 1607-Z-1/MHSS Addison, LP. Presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I., and provide for approval of

development plans in an existing Planned Development district, (#009-004), located on approximately 6.9 acres at the northwest and southwest corners of Sojourn Drive and Dallas Parkway, on application from MHSS Addison, LP, represented by Mr. Marc Goldman. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending Planned Development Ordinance 009-004, Section 4 Development Standards and Conditions, Sub-section (a) Area Regulations, paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I, and provide for approval of a development plan for a medical office building in an existing Planned Development district (#009-004), subject to the following conditions: -Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), shall be revised to read as follows: (iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of zero (0) feet. -the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only. -prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or "green" elements to be included in the building design and operation. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: None Absent: None

Ordinance 011-002 was approved.

A motion to Approve was made by Councilmember Kimberly Lay. The motion was seconded by Councilmember Bianca Noble. The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik
Voting Nay: None

Absent: Mellow

Item #R6 - PUBLIC HEARING Case 1613-SUP/Tom Thumb. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14280 Marsh Lane, on application from Tom Thumb, represented by Mr. Gerald Franklin of the Gerald Franklin Agency. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-003 was approved.

A motion to Approve was made by Councilmember Blake Clemens. The motion was seconded by Councilmember Kimberly Lay. The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik
Voting Nay: None

Absent: Mellow

Item #R7 - PUBLIC HEARING Case 1614-SUP/Pennysavers Foodstore. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14330 Marsh Lane, on application from Mr. Abdul Hadwani of Altaf Foodstore, Inc. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye:

Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting
Nay: none Absent: none

Ordinance 011-004 was approved.

A motion to Approve was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R8 - PUBLIC HEARING Case 1615-SUP/TETCO. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 5012 Belt Line Road, on application from TETCO Stores, LP, represented by Ms. Arlene Whitaker. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting
Nay: none Absent: none

Ordinance 011-005 was approved.

A motion to Approve was made by Councilmember Don Daseke.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R9 - PUBLIC HEARING Case 1616-SUP/La Zaranda

Restaurant. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 850, on application from Mesea Enterprises, LLC, represented by Mr. Mario Letayf. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-006 was approved.

A motion to Approve was made by Councilmember Don Daseke.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R10 - PUBLIC HEARING Case 1617-Z/Town of Addison.

Presentation, discussion and consideration of approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A. (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same, on application from the Town of Addison, represented by Carmen Moran. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting

in regular session on December 16, 2010, voted to recommend approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A, (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-007 was approved.

The Item was approved subject to City Manager and City Attorney final approval.

A motion to Approve w/ Conditions was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R11 - Presentation, discussion and consideration of approval of an Ordinance amending Chapter 82 (Utilities) of the Code of Ordinances by amending the sewer and water minimum bills for the multi-family residential customer classification, including a multi-family large user and a multi-family small user classification, and amending the volume included in the monthly minimum bill for those user classifications.

Ordinance 011-008 was approved subject to making it retroactive to

October 2010.

A motion to Approve w/ Conditions was made by Councilmember Don Daseke.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R12 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for an amount not to exceed \$54,800.00 for assistance with the implementation of the Storm Water Management Program for the Town of Addison.

A motion to Approve was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #R13 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a construction contract with C. Green Scaping, L.P., in the amount of \$31,964.00 for the construction of certain public infrastructure (including sidewalk improvements) within that area of the Town generally known as Addison Circle (Spectrum Drive North/South Extension).

A motion to Approve was made by Councilmember Bianca Noble.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Noble, Resnik

Voting Nay: None

Absent: Mellow

Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

Item #R14 - Presentation, discussion and consideration of approval of any action regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

This Item was withdrawn.

There was no action taken.

Item #R15 - Presentation, discussion and consideration of approval of an Economic Development Program Grant Agreement regarding provision of an economic development incentive grant.

This Item was withdrawn.

There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn