

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

August 9, 2011

7:30 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254

Lea Dunn, 8/5/2011, 5:00 PM

Council Members Present:

Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Absent:

None

REGULAR MEETING

Item #R1 - Announcements and Acknowledgements regarding Town and Council Events and Activities

The following employees were introduced: Gilbert Flores, Parks Department; Justin Izzo, Fire Department.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of Minutes for the July 26, 2011 Regular Council Meeting.

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: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

#2b - Award of contract for BTA Services in the amount of \$51,465.55 for the installation of pavement markings in various locations around Town.

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: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

#2c - Award of a bid to Weisz Selection Lawn and Landscape in the amount of \$145,000 for mowing services.

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: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

Item #R3 - Discussion and consideration of approval of a Resolution supporting the election of Laura Maczka, Mayor Pro Tempore of the City of Richardson, to the position of alternate representative to the Regional Transportation Council.

R11-010 was approved.

A motion to Approve was made by Councilmember Kimberly Lay. The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

Item #R4 - Discussion regarding Metrocrest Leadership Class XXIII.

Council discussed, and advised Tracy Eubanks, Metrocrest Chamber of Commerce, regarding possible program funding structures.

There was no action taken.

Item #R5 - Discussion of and consideration of action regarding Metrocrest Chamber lease of Visit Addison.

A motion was made by Councilmember Blake Clemens to abate payment of base rent for the period from June 1, 2011 to November 30, 2011, to extend the lease term by 6 months, and to require that the Metrocrest Chamber pay the abated amount during the extended period.

A motion to Approve w/ Conditions was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Failed

Voting Aye: None

Voting Nay: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Roger Mellow moved to table the item.

A motion to Defer was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Failed

Voting Aye: Mellow, Resnik

Voting Nay: Arfsten, Clemens, DeFrancisco, Lay, Meier

Chris DeFrancisco moved that 8 months' worth of base lease payments, starting June 1, 2011 and ending December 31, 2011,

be abated and prorated monthly through the term of the remainder of the lease agreement.

A motion to Approve w/ Conditions was made by Councilmember Chris DeFrancisco.

The motion was seconded by Mayor Todd Meier.

The motion result was: Passed

Voting Aye: Arfsten, DeFrancisco, Lay, Meier

Voting Nay: Clemens, Mellow, Resnik

Item #R6 - Discussion and consideration of appointments to the Addison Bond Committee.

The following nominations to the Addison Bond Committee were made:

Bruce Arfsten:

(Withdraw Tom Hunse)

Lance Murray, 3884 Weller Run Court

Bill Perry, 3837 Azure Lane

Austen Spoons, 15650 Witt Place, #2100

Kimberly Lay:

Dave Patton, 4023 Winter Park

Jeff Price, XXXXXXXX

Todd Meier:

Daniel Olivas, 3728 Camden Lane

Tamela Thornton, 14572 Waterview Circle

Blake Clemens:

Jim Boso, 14929 Oaks North Drive

Liz Dyer, 14597 Poe Court

Janelle Moore, 3760 Woodshadow Lane

Kathie Wood, 14609 Lexus Avenue

Eileen Resnik, 15707 Spectrum Drive

Neil Resnik:

Bob Baumann, 4004 Sherry Lane

Chris DeFrancisco:

Joe Colaruotolo, 2741 Timber Crest Lane (Highland Village)

James Molina, 14637 Lakecrest Drive

David Heape, 4028 Rive Lane

Howie Li, 3820 Azure Lane

Tom Braun, 14616 Lexus Avenue

Sue Halpern, 14800 Le Grande Drive

A motion to Approve was made by Councilmember Bruce Arfsten.

The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

Item #R7 - PUBLIC HEARING Case 1640-Z/Embrey Partners. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 006-047 which ordinance zoned a 7.37 acre tract located at the intersection of Addison Road and Keller Springs Road, in order to provide for revised development plans for a development of approximately 353 multi-family units, located on the said 7.37 acres on application from Embrey Partners, represented by Mr. Daniel Zunker. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending Planned Development Ordinance 006-046 in order to provide for revised development plans for a development of approximately 353 multi-family units, subject to no conditions. Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler Voting Nay: none Absent: none

Carmen Moran and Daniel Zunker, Embrey Partners, spoke regarding this item.

A public hearing on this item was opened, held, and closed.

Ordinance 011-044, amending Planned Development Ordinance 006-047 as set forth in this item R7, was approved.

A motion to Approve was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Roger Mellow.

The motion result was: Passed

Voting Aye: Arfsten, DeFrancisco, Meier, Mellow, Resnik

Voting Nay: Clemens, Lay

Item #R8 - PUBLIC HEARING Case 1635-SUP/Target. Public hearing on presentation, discussion and consideration of approval of an ordinance changing the zoning by approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, in a Planned Development District 093-018, located at 3730 Belt Line Road, on application from Target Corporation, represented by Mr. Andrew Lee. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, 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: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler Voting Nay: none Absent: none

Carmen Moran spoke regarding this item.

A public hearing on this item was opened, held, and closed.

Ordinance 011-045, changing the zoning on the described tract of land by approving a Special Use Permit for the sale of beer and wine for off-premises consumption only as described and set forth in this item

R8, 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: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow,
Resnik

Voting Nay: None

Item #R9 - PUBLIC HEARING Case 1636-SUP/La Zaranda. Public hearing on, presentation, discussion and consideration of approval of an ordinance changing the zoning by approving 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, in order to add a patio, located at 5000 Belt Line Road, Suite 850, on application from La Zaranda Restaurant, represented by Mr. Gustavo San Roman.COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a amendment for a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, in order to provide for a patio, subject to no conditions.Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, WheelerVoting Nay: noneAbsent: none

Carmen Moran spoke regarding this item.

A public hearing on this item was opened, held, and closed.

Ordinance 011-046, changing the zoning on the described tract of land by approving 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 as described and set forth in this item R9, was approved.

A motion to Approve was made by Councilmember Kimberly Lay.
The motion was seconded by Councilmember Blake Clemens.
The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow,
Resnik
Voting Nay: None

Item #R10 - PUBLIC HEARING Case 1637-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending the Town's Code of Ordinances by amending Appendix A - Zoning thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending (i) Article XX (Special Uses) thereof by adding thereto a "beverage container recycling facility" as a use that may be authorized at a location upon the approval of an ordinance in accordance with Article XX, and (ii) Article XXX (Definitions) by adding thereto a definition of "beverage container recycling facility," on application from the Town of Addison, represented by Carmen Moran.

Because this item and items R11 and R12 are related, a public hearing on each of items R10, R11, and R12 was simultaneously opened, held, and closed.

During the public hearing, Carmen Moran and Reed Tibbetts, Reimagine Beverage Containers, spoke regarding this item.

The following people also spoke regarding this item:
Mary Carpenter, 4061 Winter Park Road
Austen Spoons, 15650 Witt Place #2100
Bill Perry, 3837 Azure Lane

Ordinance 011-047, amending Appendix A-Zoning of the Town's Code of Ordinances as described and set forth in this item R10 was approved.

A motion to Approve was made by Councilmember Kimberly Lay.
The motion was seconded by Councilmember Bruce Arfsten.
The motion result was: Passed
Voting Aye: Arfsten, DeFrancisco, Lay, Meier, Mellow, Resnik
Voting Nay: Clemens

Item #R11 - PUBLIC HEARING Case 1638-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District (the same being PD No. 093-018), by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance (the same being Appendix A - Zoning of the Town's Code of Ordinances), on application from Town of Addison, represented by Carmen Moran. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28 2011, voted to recommend approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District, by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance. Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler. Voting Nay: none Absent: none

A public hearing was open, held and closed on this item as described in item R10, above.

Ordinance 011-048, amending Ordinance No. 093-018 of the Town as described and set forth in this item, was approved.

A motion to Approve was made by Councilmember Kimberly Lay.
The motion was seconded by Councilmember Bruce Arfsten.
The motion result was: Passed
Voting Aye: Arfsten, DeFrancisco, Lay, Meier, Mellow, Resnik
Voting Nay: Clemens

Item #R12 - PUBLIC HEARING Case 1639-SUP/Reimagine Beverage Containers. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending the zoning on a tract of land generally located within the Town at 3770 Belt Line Road, the said zoning being Planned Development District (PD No. 093-018) adopted by Ordinance No. 093-018 of the Town, by approving a Special Use Permit for a beverage container recycling facility, on application from Reimagine Beverage Containers, represented by Mr. Reed Tibbetts, General Manager.COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for a beverage container recycling facility, subject to no conditions.Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler Voting Nay: none Absent: none

A public hearing was opened, held, and closed on this item as described in item R10, above.

Ordinance 011-049, amending Ordinance No. 093-018 of the Town as described and set forth in this item, was approved.

A motion to Approve was made by Councilmember Kimberly Lay.
The motion was seconded by Councilmember Bruce Arfsten.
The motion result was: Passed
Voting Aye: Arfsten, DeFrancisco, Lay, Meier, Mellow, Resnik
Voting Nay: Clemens

Item #R13 - PUBLIC HEARING, consideration and discussion of the

City Manager's proposed 2011-2012 fiscal year annual budget for the Town.

A public hearing was opened, held, and closed on this item. During the public hearing, the following people spoke regarding this item:

Lance Murray, 3884 Weller Run Court
Bill Perry, 3837 Azure Lane
Gene Byrne, 16409 Dove Court

There was no action taken.

Item #R14 - Discussion and consideration of a resolution establishing a vote of record that proposes a property tax rate for the Town's fiscal year beginning October 1, 2011 and ending September 30, 2012, and designating dates for the holding of a public hearing regarding, and a date for the adoption of, the property tax rate for the said 2011/2012 fiscal year.

The vote of record for the fiscal year 2012 budget was set at 59.4 cents.

Resolution R11-011, providing a vote of record for the fiscal year 2012 budget as set forth and described in this item R14 above, 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: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik
Voting Nay: None

Item #R15 - Discussion and consideration of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (including the Town) and Atmos Energy Corp, Mid-Tex Division

regarding Atmos Energy Corp.'s fourth annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; and providing for the matters in connection therewith.

Ordinance 011-050, approving a negotiated settlement as described and set forth in this item R15, was approved.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Bruce Arfsten.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

Item #R16 - Discussion and consideration of adoption of an Ordinance amending Section 2-93(11) of the Code of Ordinances, a portion of the Town's code of ethics, by providing that an official of the Town is not prohibited from using his official position to promote or encourage economic development and businesses within the town, provided the official and certain related persons do not receive a benefit from the promotion or encouragement.

Ordinance 011-051, amending section 2-93(11) of the Code of Ordinances as described and set forth in this item R16, was approved.

A motion to Approve was made by Mayor Todd Meier.

The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier

Voting Nay: Mellow, Resnik

Item #R17 - Discussion and consideration of any action relating to the

appointment and duties of the City Secretary and Assistant City Secretary.

Chris Terry was appointed as City Secretary and Matt McCombs was appointed as Assistant City Secretary.

A motion to Approve was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

Item #R18 - Consideration and action on a Resolution of the City Council, approving policies and procedures for an economic development incentives program under Chapter 380 of the Texas Local Government Code.

Resolution R11-012, approving policies and procedures for an economic development incentives program under Chapter 380 of the Local Government Code as described and set forth in this item R18, was approved.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow, Resnik

Voting Nay: None

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 #R19 - Consideration 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 any action regarding the offer of a financial or other incentive to such business prospect or business prospects.

There was no action taken.

Mayor-Todd Meier

Attest:

City Secretary-Lea Dunn