

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

October 11, 2011

6:30 PM - Town Hall

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

Upstairs Conference Room

Council Members Present:

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

Absent:

None

Work Session

Item #WS1 - Discussion regarding Council rules and procedures.

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry

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

October 11, 2011

6:30 PM - Town Hall

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

Posted by: Chris Terry, 10/7/2011, 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: Scott Marshall, PD; Gerald Johnson, Parks; Donald Harrison, Fleet.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of Minutes for the September 27, 2011 Regular Council Meeting.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

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

Voting Nay: None

#2b - Approval of a Temporary License Agreement providing for the temporary use by the owner of Lot 3, Block B, Vitruvian Park Addition, of a portion of Vitruvian Way and Bella Lane for the installation of underground soil nails as a part of a soil retention system in

connection with the construction of improvements on the said property.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

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

Voting Nay: None

Item #R3 - Discussion and Consideration of an appointment of a Member to the Planning and Zoning Commission.

Council Member Chris DeFrancisco nominated John Oliver for appointment to the Planning and Zoning Commission.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

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

Voting Nay: None

Item #R4 - PUBLIC HEARING Case 1641-SUP/Exxon-Wendys. Public hearing, discussion and consideration of approval of an ordinance approving a change to an existing planned development zoning district, being Planned Development District Ordinance No. 626 that zoned the property generally located at 3710 Belt Line Road, in order to allow the sale of beer and wine for off-premises consumption, and approving a Special Use Permit for the sale of beer and wine for off-premises consumption only for that said property, located in a Planned Development District located at 3710 Belt Line Road, on application from Exxon-Wendys, represented by the Gerald Franklin Agency. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on September 22, 2011,

voted to recommend approval of an amendment to an existing Planned Development District, #626, in order to allow the sale of beer and wine for off-premises consumption only, and approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, on application from Exxon/Wendys, subject to no conditions. Voting Aye: Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler, Voting Nay: none Absent: Angell

Carmen Moran, Director of Development Services, introduced and presented this item to Council.

Ordinance 011-062 was approved.

A motion to Approve was made by Council Member Chris DeFrancisco.

The motion was seconded by Council Member Bruce Arfsten.

The motion result was: Passed

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

Voting Nay: None

Item #R5 - PUBLIC HEARING Case 1642-SUP/Petite Pooch Chateau. Public hearing, discussion and consideration of approval of an ordinance providing for a change of zoning on a tract of land generally considered within the Town at 15070 Beltwood parkway, which tract of land is currently zoned Commercial-2, by approving for that tract of land a Special Use Permit for a dog grooming salon/dog kennel on application from Petite Pooch Chateau, represented by Mr. Ed Homko, owner.COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on September 22, 2011, voted to recommend approval of a Special Use Permit for a dog grooming salon/dog kennel, on application from Petite Pooch Chateau, subject to no conditions.Voting Aye: Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler,Voting Nay: none Absent: Angell

Carmen Moran, Director of Development Services, introduced and presented this item to Council.

Ordinance 011-063 was approved.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Kimberly Lay.

The motion result was: Passed

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

Voting Nay: None

Item #R6 - PUBLIC HEARING Case 1643-SUP/Raising Canes Chicken Fingers. Public hearing discussion and consideration of approval of an ordinance providing for a change of zoning on a tract of land generally located within the Town at 4100 Belt Line Road, which tract of land is currently zoned Planned Development District #004-033, by approving for that tract of land a Special Use Permit for a restaurant on application from Raising Canes Chicken Fingers, represented by Mr. John Spiars of Spiars Engineering, Inc. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on September 22, 2011, voted to recommend approval of a Special Use Permit for a restaurant, on application from Raising Canes Chicken Fingers, subject to the following condition: -the landscaping plan shall be revised to show the replacement of 13 existing cedar elm trees with four, 6-inch diameter cedar elms, and 12, 6-inch diameter red oak trees. Voting Aye: Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler, Voting Nay: none Absent: Angell

Carmen Moran, Director of Development Services, introduced and presented this item to Council.

Ordinance 011-064 was approved.

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

Item #R7 - PUBLIC HEARING Case 1644-SUP/Dream Café. Public hearing, discussion and consideration of approval of an ordinance providing for a change of zoning on a tract of land generally located within the Town at 5100 Belt Line Road, Suite 582B, which tract of land is currently zoned Planned Development District #002-001, by approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only on application from Dream Café, represented by Ms. Mary O'Brien. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on September 22, 2011, 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, on application from Dream Café, subject to no conditions. Voting Aye: Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler, Voting Nay: none Absent: Angell

Carmen Moran, Director of Development Services, introduced and presented this item to Council.

Ordinance 011-065 was approved.

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

Item #R8 - Public hearing, consideration, and approval of an ordinance amending the Town's Code of Ordinances by amending Article II (Property Taxation) of Chapter 74 (Taxation) thereof by amending section 74-33 providing for the taxation of certain tangible personal property, described as goods-in-transit, which would otherwise be exempt pursuant to Section 11.253 of the Texas Tax Code, and providing that the taxation of such tangible personal property applies to and is effective for 2012 and all tax years thereafter.

Katie Roller, Financial Services Supervisor, introduced and presented this item to Council.

Ordinance 011-066 was approved.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

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

Voting Nay: None

Item #R9 - Discussion and consideration of approval of a Resolution approving, and authorizing the City Manager to execute, an Interlocal Master Agreement with Dallas County for the purpose of Transportation Improvements on roads in Dallas County that are designated on the North Central Texas Council of Governments Regional Thoroughfare Plan.

Lea Dunn spoke regarding this item.

Resolution R11-018 was approved.

A motion to Approve was made by Council Member Kimberly Lay.

The motion was seconded by Council Member Bruce Arfsten.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Lay, Meier, Mellow,
Resnik
Voting Nay: None

Item #R10 - Discussion and consideration authorizing the City Manager to execute amendment #4 with Freese and Nichols for the Elevated Storage Tank Design in the amount not to exceed \$26,261.48.

Lea Dunn and Jessica Brown, Freese and Nichols, spoke regarding this item.

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

Item #R11 - Discussion and consideration authorizing the City Manager to execute amendment #2 with RH Shackelford in the amount not to exceed \$193,054 to provide project management and inspection services for current projects and proposed projects; engineering services as needed and a review and analysis of the Public Works Department operations.

Lea Dunn spoke regarding this item.

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

Item #R12 - Discussion and consideration of approval of a resolution affirming the appointment of a member of the DART Board of Directors.

Ron Whitehead spoke regarding this item.

Resolution R11-019 was approved, nominating Gary Slagel as a member of the DART board of directors.

A motion to Approve was made by Council Member Neil Resnik. The motion was seconded by Council Member Kimberly Lay.

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 #R13 - 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.

Items ES1 and R13 was tabled until a future meeting.

There was no action taken.

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry