

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

November 8, 2005  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Mallory, Mellow,  
Niemann

Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Shane Steinbach (Fire), Erik Gaume (Public Works), Michael Vincent (Police).

Item #R2 - Consent Agenda.

#2a – Approval of the Minutes for the October 24, 2005 and October 25, 2005 Council Meeting. (Approved as written)

#2b – Consideration and approval of a resolution of the City Council casting its vote to support R. Scott Wheeler as the suburban cities representative to the Dallas Central Appraisal District Board of Directors. (Approved Resolution No. R05-084)

#2c – Consideration and approval of a 9-1-1 billing agreement with IQC, LLC dba CNB Communications, which have a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

#2d – Consideration and approval of a 9-1-1 billing agreement with VCI Company, which have a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

#2e – Consideration and approval for final payment in the amount of \$74,221 to Jim Bowman Construction Co., L.P., and acceptance of improvements for construction of the Sampling Manhole Construction Project. (Approved)

Councilmember Niemann moved to duly approve the above listed items.  
Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R3 – Presentation regarding the Addison Arbor Foundation’s 2005-2006 Urban Forestry Partnership Grant received for the funding of a forestry intern to conduct a tree inventory and management plan.

No action taken.

Item #R4 – Consideration and approval of an ordinance authorizing the issuance and sale of Town of Addison, Texas, General Obligation Refunding and Improvement Bonds, Series 2005 and levying tax for the payment thereof; approving a bond purchase agreement; approving an official statement; and enacting other provisions relating to the subject.

Councilmember Mallory moved to duly pass Ordinance No. 005-058 authorizing the issuance and sale of Town of Addison, Texas, General Obligation Refunding and Improvement Bonds, Series 2005 and levying tax for the payment thereof; approving a bond purchase agreement; approving an official statement; and enacting other provisions relating to the subject. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Councilmember Niemann recused himself and left the Council Chambers.

Item #R5 – Consideration and approval of an ordinance of the Town of Addison, Texas, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in this municipality, as a part of the Company’s statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing the ACSC to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the Town’s action to the railroad commission; providing a requirement for a prompt reimbursement of costs incurred by the Town; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division.

Councilmember Mallory moved to duly approve Ordinance No. 005-059 denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in this municipality, as a part of the Company’s statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing the ACSC to hire legal and consulting services and to negotiate with

the Company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the Town's action to the railroad commission; providing a requirement for a prompt reimbursement of costs incurred by the Town; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division. Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow  
Voting Nay: None  
Absent: None  
Abstain: Niemann

Item #R6 - Consideration and approval of a resolution by the Town of Addison, Texas, ordering Atmos Energy Corp., Mid-Tex Division to show cause regarding the reasonableness of its existing natural gas distribution rates within the Town; requiring Atmos Energy Corp., Mid-Tex Division to submit a rate package based on a rate year ending June 30, 2005; directing that such filing shall be made by December 31, 2005; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel.

Councilmember Braun moved to duly pass Resolution No. R05-085 ordering Atmos Energy Corp., Mid-Tex Division, by the Town of Addison, to show cause regarding the reasonableness of its existing natural gas distribution rates within the Town; requiring Atmos Energy Corp., Mid-Tex Division to submit a rate package based on a rate year ending June 30, 2005; directing that such filing shall be made by December 31, 2005; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel. Councilmember Hirsch seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow  
Voting Nay: None  
Absent: None  
Abstain: Niemann

Councilmember Niemann returned to the Council Chambers.

Item #R7 – Consideration and approval of an ordinance approving amendments to the Town's financial policies.

Councilmember Braun moved to duly pass Ordinance No. 005-060 approving amendments to the Town's financial policies. Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R8 – Consideration of an ordinance providing conditional approval of consent of the transfer of a cable franchise agreement from Comcast to C-Native Exchange.

Councilmember Niemann moves to duly pass Ordinance No. 005-061 providing conditional approval of consent of the transfer of a cable franchise agreement from Comcast to C-Native Exchange subject to final approval by the city attorney. Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

**EXECUTIVE SESSION.** At 8:15 p.m., Mayor Chow announced that the Council would convene into Executive Session to discuss the following item:

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

The Council came out of Executive Session at 8:37 p.m.

Item #R9 – Discussion and consideration of any action regarding an offer by the Town of a financial or other incentive to business prospects that the Town seeks to have locate or expand in the Town and with which the Town is conducting economic development negotiations.

Councilmember Niemann moved to approve an Economic Development Agreement subject to City Attorney's and City Manager's approval. Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R10 – Discussion and consideration of amendment to Agreement between the Town and Don Franklin for education cost reimbursement.

Councilmember Niemann moved to approve an amendment to the Agreement between the Town and Don Franklin for education cost reimbursement to 36 months post graduation. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

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

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Mayor

Attest:

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City Secretary