

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

September 26, 2006
6:30 p.m. – Town Hall
5300 Belt Line Road

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

EXECUTIVE SESSION. At 6:30 p.m., Mayor Pro Tempore Hirsch announced that the Council would convene into Executive Session to discuss the following items:

Item #ES1 – Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to consult with its attorneys to seek the advice of its attorneys regarding certain pending litigation, to wit: *The City of Addison, Texas v. Transcontinental Realty Investors, Inc., et al.*, No. 05-05-01554-CV, Fifth District Court of Appeals, Dallas, Texas, and on a matter in which the duty of the attorneys to the Town Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding matters concerning access to Addison Airport.

The Council came out of Executive Session at 7:50 p.m.

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Deena Hermes (AAC), Jason Sutton (Public Works), John Lage (Fire) and Samuel Allen (Airport).

Item #R2 - Consent Agenda.

#2a – Approval of the Minutes for the September 12, 2006 and the September 19, 2006, Council Meetings. (Approved as written)

#2b – Consideration and approval of an ordinance amending the Code of Ordinances by amending Chapter 66 (Solid Waste) Article II (Collection and Disposal), Division 2 (Service Charge) by amending Section 66-52 increasing from \$9.89 to \$10.36 the monthly fee for single family residential garbage and recycling collection. This increase will take effect October 1, 2006 and be reflected on the November water bill. (Approved Ordinance No. 006-042)

#2c – Consideration and approval of a resolution approving a supplemental agreement to the Engineering Services Agreement with Birkhoff, Hendricks and Conway, Inc. in the amount not to exceed \$55,000.00, for additional professional design review services for ongoing projects. (Approved Resolution No. R06-079)

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

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

Item #R3 - **PUBLIC HEARING** regarding the proposed Town of Addison's Annual Budget for the fiscal year beginning October 1, 2006 through September 30, 2007.

Mayor Pro Tempore Hirsch opened the meeting as a public hearing. There were no questions or comments. Mayor Pro Tempore Hirsch closed the meeting as a public hearing.

No action taken.

Item #R4 - Consideration and approval of an Ordinance adopting the Town of Addison annual budget for the fiscal year beginning October 1, 2006, and ending September 30, 2007.

Councilmember Kraft moved to duly approve Ordinance No. 006-043 adopting the Town of Addison annual budget for the fiscal year beginning October 1, 2006, and ending September 30, 2007. Councilmember Mallory seconded. Motion carried.

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

Item #R5 - Consideration and approval of an Ordinance fixing and adopting the tax rate on all taxable property for the year 2006; and declaring an emergency.

Councilmember Niemann moved to duly approve Ordinance No. 006-044 fixing and adopting the tax rate of \$.4640 on all taxable property for the year 2006; and declaring an emergency. Councilmember Braun seconded. Motion carried.

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

Item #R6 - Consideration and approval of an Ordinance amending Chapter 67, Article II, Section 67.17 of the Code of Ordinances, regarding the Town of Addison Conference and Theatre Centre space rental fees.

Councilmember Mallory duly moved to approve Ordinance No. 006-045 amending Chapter 67, Article II, Section 67.17 of the Code of Ordinances, regarding the Town of Addison Conference and Theatre Centre space rental fees. Councilmember Niemann seconded. Motion carried.

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

Item #R7 - Consideration of an ordinance electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at such rate within legal limits, as the actuary annually determines is required to fund within a period of twenty-five years from the most recent valuation date, the costs of employee benefits payable from, or chargeable to, the City's said account in said fund.

Councilmember Mellow duly moved to approve Ordinance No. 006-046 electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at such rate within legal limits, as the actuary annually determines is required to fund within a period of twenty-five years from the most recent valuation date, the costs of employee benefits payable from, or chargeable to, the City's said account in said fund. Councilmember Mallory seconded. Motion carried.

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

Councilmember Niemann recused himself and left the Council Chambers.

Item #R8 - **PUBLIC HEARING** and second reading of an Ordinance amending Ordinance No. 005-010 of the Town, being a franchise agreement with TXU Electric Delivery Company for the provision of electric service within the Town, by, among other things, amending the time of payment of the municipal franchise charge from annual to quarterly and by extending the term of the franchise agreement.

Mayor Pro Tempore Hirsch opened the meeting as a public hearing. There were no questions or comments. Mayor Pro Tempore Hirsch closed the meeting as a public hearing.

No action taken.

Councilmember Niemann returned to the Council Chambers.

Item #R9 - Consideration and approval to contract with Southwest General Services to perform Emergency Medical Billing and Collection Services.

Councilmember Braun moved to approve a contract with Southwest General Services to perform Emergency Medical Billing and Collection Services, subject to review by the city attorney. Councilmember Mellow seconded. Motion carried.

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

Item #R10 - Consideration and approval of an Assignment of Ground Lease between the Town of Addison as Landlord and 16445 LTD, to Scarborough I Airport, L. P.

Councilmember Niemann moved to approve an Assignment of Ground Lease between the Town of Addison as Landlord and 16445 LTD, to Scarborough I Airport, L. P. Councilmember Kraft seconded. Motion carried.

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

Item #R11 - Appointment of three members to the Addison Board of Zoning Adjustment (BZA).

Councilmember Niemann moved to reappoint alternates Virgil Burkhardt, 4007 Winter Park Lane, Joel Davis, 4067 Beltway Drive #148, and Williams Green, 3845 Canot Lane, to the Addison Board of Zoning Adjustment (BZA). Councilmember Mallory seconded. Motion carried.

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

EXECUTIVE SESSION. At 8:31 p.m., Mayor Pro Tempore Hirsch announced that the Council would convene into Executive Session to discuss the following items:

Item #ES2 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to consult with its attorney(s) on a matter in which the duty of the attorney(s) to the Town Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, re Chapter 551, Tex. Gov. Code.

The Council came out of Executive Session at 9:25 p.m.

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

Mayor

Attest:

City Secretary