

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

July 10, 2007
6:00 p.m. – Town Hall
5300 Belt Line Road
Upstairs Conference Room

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, Mellow and Niemann

Absent: None

Work Session

Item #WS2 was presented first.

Item #WS2 - Presentation and update by John Murphy, Addison's Representative on the Regional Transportation Council, regarding the activities of the North Central Texas Council of Governments.

John Murphy made the presentation and update regarding the activities of the North Central Texas Council of Governments. There was no action taken on this item.

Item #WS1 - Discuss Citizen Advisory Committee Process.

Lea Dunn and Nancy Bartlett led the discussion regarding the Citizen Advisory Committee Process. There was no action taken on this item.

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

Mayor

Attest:

City Secretary

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

July 10, 2007
7:30 p.m. – Town Hall
5300 Belt Line Road
Council Chambers

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, Mellow and Niemann

Absent: None

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Brad Freis with the Police Department and Rob McClusky with the Fire Department.

Item #R2 - Consent Agenda.

Item #2c was considered separately.

#2a - Approval of the Minutes for the 6/26/2007 Work Session and Regular Council Meeting.

#2b - Consideration and approval to authorize the City Manager to remit the first and final payment to Northstar Construction, Inc., for Miscellaneous Pavement Repairs – Bid 07-11.

Councilmember Niemann moved to duly approve Consent Agenda Items #2a and #2b.

Councilmember Kraft seconded. Motion carried.

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

#2c - Consideration and approval to award a bid to Striping Technology, L.P., in an amount not to exceed \$52,459.50 for the installation of pavement markings at various locations and to authorize the City Manager to execute a contract for the same.

Councilmember Braun moved to duly award a bid to Striping Technology, L.P., in an amount not to exceed \$52,459.50 for the installation of pavement markings at various locations and to authorize the City Manager to execute a contract for the same.

Councilmember Mellow seconded. Motion carried.

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

Item #R3 - Discussion regarding LEED (Leadership in Energy and Environmental Design). Requested by Councilmember Hirsch.

Betsy del Monte led the discussion regarding LEED (Leadership in Energy and Environmental Design). There was no action taken on this item.

Item #R4 - **PUBLIC HEARING** regarding and consideration of approval of an Ordinance adopting Goals and Policies for the Brookhaven Village neighborhood, approximately 100 acres bounded by Spring Valley Road on the north, the City of Farmers Branch on the east, Brookhaven Community College on the south, and Marsh Lane on the west, as an amendment to the Town of Addison's Comprehensive Plan.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. The public hearing was continued until the next regularly-scheduled Council meeting on August 14, 2007.

Councilmember Meier moved to table Item #R4 until the August 14, 2007, Council Meeting.

Councilmember Braun seconded. Motion carried.

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

Item #R5 - Consideration of approval of an economic development incentive agreement between the Town of Addison and Authentix, Inc., relating to and regarding the expansion of Authentix, Inc., at 4355-4555 Excel Parkway.

Councilmember Niemann moved to duly authorize the City Manager to approve an economic development incentive agreement between the Town of Addison and Authentix, Inc., relating to and regarding the expansion of Authentix, Inc., at 4355-4555

Excel Parkway, subject to the condition that an incentive is only approved if an incentive from the state of Texas is approved for this applicant, and subject to final approval by the City Attorney.

Councilmember Kraft seconded. Motion carried.

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

Item #R6 - **PUBLIC HEARING.** Regarding and consideration of approval of a Resolution providing for an amendment to the Town of Addison Transportation Plan in order to change the functional classification of Keller Springs Road, between Addison Road and the Dallas North Tollway, from a Principal Arterial (P) to a Minor Arterial (M), on application from Woodmont TCI Group VIII, LP, represented by Mr. Jim Duffy.

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

Councilmember Kraft moved to duly pass Resolution **R07-010** approving an amendment to the Town of Addison Transportation Plan in order to change the functional classification of Keller Springs Road, between Addison Road and the Dallas North Tollway, from a Principal Arterial (P) to a Minor Arterial (M), on application from Woodmont TCI Group VIII, LP, represented by Mr. Jim Duffy.

Councilmember Braun seconded. Motion carried.

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

Councilmember Niemann recused himself for Item #R7 and left the Council Chambers.

Item #R7 - Consideration of approval of (i) a Final Plat for the Keller Springs Lofts Addition, Lot 1 and Lot 2, Block A, totaling 7.370 acres and located at the southeast corner of Addison Road and Keller Springs Road, on application from Woodmont TCI Group VIII, LP, represented by Mr. Jim Duffy of Icon Partners, (ii) acceptance by the Town of a Declaration of Storm Water Detention Area in connection with the said Final Plat and property, and (iii) an Easement Relocation Agreement by and between Oncor, Southwestern Bell Telephone Company d/b/a AT&T Texas, Woodmont TCI Group VIII, LP, and the Town regarding utility easements located along Addison Road in connection with the said Final Plat and property.

Councilmember Mellow moved to duly approve (i) a Final Plat for the Keller Springs Lofts Addition, Lot 1 and Lot 2, Block A, totaling 7.370 acres and located at the southeast corner of Addison Road and Keller Springs Road, on application from

Woodmont TCI Group VIII, LP, represented by Mr. Jim Duffy of Icon Partners, (ii) acceptance by the Town of a Declaration of Storm Water Detention Area in connection with the said Final Plat and property, subject to the allowed height for vegetation being changed from 12 inches to six inches, and (iii) an Easement Relocation Agreement by and between Oncor, Southwestern Bell Telephone Company d/b/a AT&T Texas, Woodmont TCI Group VIII, LP, and the Town regarding utility easements located along Addison Road in connection with the said Final Plat and property, subject to change of language by the City Attorney, and subject to the following conditions:

1. The plat shall be titled "final plat" prior to submitting for signature.
2. The volume and page of the "Declaration of Storm Water Detention Area" shall be placed on the face of the plat prior to submitting for signatures.
3. Revise the following easement along Addison Road: "10' EASEMENT FOR FUTURE RELOCATION OF TXU & AT&T LINES, IN THE EVENT OF ADDISON ROAD WIDENING" to read "REFER TO EASEMENT RELOCATION AGREEMENT." The volume and page of which shall be placed on the face of the plat prior to submitting for signatures.
4. In the Transportation Plan, Keller Springs Road is designated as a principal arterial. The Transportation Plan requires that sufficient right-of-way for Keller Springs Road be dedicated for a principal arterial. The plat submitted for Keller Springs Lofts Addition fails to dedicate the additional eleven feet (11') of right-of-way required to build Keller Springs Road as a principal arterial. An application is on file from the applicant to amend the Transportation Plan. Plat approval should be conditional upon approval of the amendment.
5. It should be noted that the Town of Addison intends to improve Keller Springs Road and Addison Road in the future. None of the driveways shown on the Development Plans for Keller Springs Lofts meet the required minimum separation to receive a median opening in the future. As a result, the Town of Addison reserves the right to limit access to right in/right out when Addison Road or Keller Springs Road are improved.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow

Voting Nay: None

Absent: None

Abstaining: Niemann

Councilmember Niemann returned to the Council Chambers.

Item #R8 - Consideration of approval of a Final Plat for the Addison Storage Addition consisting of one lot of .426 acres, located in an Industrial-3 zoning district at 4700 Ratliff Lane, on application from Addison Storage Associates, represented by Mr. Bruce Myers.

Councilmember Niemann moved to duly approve a Final Plat for the Addison Storage Addition consisting of one lot of .426 acres, located in an Industrial-3 zoning district at 4700 Ratliff Lane, on application from Addison Storage Associates, represented by Mr. Bruce Myers, subject to the following conditions:

1. Please correct the spelling of Glenn Curtiss on both the face of the plat and the Owner's Certificate.
2. Revise the "Certificate of Approval" to be approved by the City Council and signed by the Mayor and City Secretary.
3. Change all references of "City of Addison" to "Town of Addison."
4. Remove the building setback line.
5. The preamble of the Owner's Certificate is used twice. Please remove the duplicate text.
6. Please remove the arcane symbols from the Owner's Certificate.
7. The Dedication Statement from the Town of Addison Code of Ordinances shall be utilized.
8. The reference in the Owner's Certificate of 102.66 feet does not match what is shown on the face of the plat as 120.66'. Please verify and utilize the correct dimension.
9. The Owner's Certificate calls for an "X" cut and a 1/2" IRS is shown on the face of the plat. Please verify and utilize the correct monument type.
10. Provide a closure sheet.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R9 - **PUBLIC HEARING** regarding and consideration of approval of an amendment to the existing zoning (PD Planned Development District) on a tract of land approximately 1.774 acres in size and located at the northwest corner of Addison Road and Sojourn Drive, by adding thereto a Special Use Permit for the use of the said land for a private school (Trinity Christian Academy), represented by Mr. Gene Jameson of Jameson & Powers, LLP.

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

Councilmember Mellow moved to duly approve Ordinance 007-018 for an amendment to the existing zoning (PD Planned Development District) on a tract of land approximately 1.774 acres in size and located at the northwest corner of Addison Road and Sojourn Drive, by adding thereto a Special Use Permit for the use of the said land for a private school (Trinity Christian Academy), represented by Mr. Gene Jameson of Jameson & Powers, LLP, subject to the following conditions:

Prior to the issuance of a Certificate of Occupancy for the building, a crosswalk shall be installed that includes the following items:

- 260 feet of sidewalk, 5.5 feet wide, installed from the west property line of Trinity Christian Academy across the Addison Place site to the easternmost driveway at the Addison Place neighborhood.
- a 10-foot wide crosswalk, marked with high conspicuity reflective markings in a ladder configurations consisting of 24" solid stripe, 24" gap, 24" solid stripe.
- an S1-1 crosswalk warning sign with an W16-7pR plaque, placed at least 2 feet off the curb immediately adjacent to the crosswalk.
- crosswalk is to be located at Location B.

The landscaping on the site shall be renovated in accordance with the approved plan on file before the issuance of a Certificate of Occupancy.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R10 - PUBLIC HEARING regarding and consideration of approval of an amendment to an existing Special Use Permit for a restaurant, and to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, to reflect the expansion of the premises located at 5100 Belt Line Road (Village on the Parkway), on application from Sherlock's Baker Street Public House & Grill, represented by Mr. Leo Parker of Parker Project Management and Construction.

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

Councilmember Niemann moved to duly approve Ordinance 007-019 for an amendment to an existing Special Use Permit for a restaurant, and to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, to reflect the expansion of the premises located at 5100 Belt Line Road (Village on the Parkway), on application from Sherlock's Baker Street Public House & Grill, represented by Mr. Leo Parker of Parker Project Management and Construction, subject to the following condition:

- A registered architect shall verify that the restaurant/pub portion of the restaurant is still less than 5,000 square feet after the addition of the restrooms.

Councilmember Braun seconded. Motion carried.

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

Item #R11 - Consideration of approval of the award of a bid to Brothers Heating & Air Conditioning Inc., for Heating, Ventilating, Air-Conditioning (HVAC) Annual Maintenance Services for all Town owned facilities, and authorizing the City Manager to enter into a contract for the same.

Councilmember Mellow moved to duly approve a bid to Brothers Heating & Air Conditioning Inc., for Heating, Ventilating, Air-Conditioning (HVAC) Annual Maintenance Services for all Town owned facilities, and authorizing the City Manager to enter into a contract for the same.

Councilmember Niemann seconded. Motion carried.

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

Please Note: Item #R14 was heard after #R11. #R12 and #R13 were heard after #R14.

Item #R14 - Consideration of approval of Change Order No. 2, in the amount of \$61,242.60, for various items associated with the Paving and Drainage Improvements to Addison Road.

Councilmember Kraft moved to duly approve Change Order No. 2, in the amount of \$61,242.60, for various items associated with the Paving and Drainage Improvements to Addison Road.

Councilmember Mellow seconded. Motion carried.

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

Councilmember Niemann recused himself for items #R12, #R13 and #R15 and left the Council Chambers.

Item #R12 - Consideration of approval of a Non-Standard Lighting Fixture Agreement between the Town of Addison and Oncor (TXU Electric Delivery Company) regarding the ownership, installation, and maintenance of non-standard street lighting fixtures in

the Oaks North subdivision within the Town, and authorizing the City Manager to execute the same.

Councilmember Kraft moved to duly approve a Non-Standard Lighting Fixture Agreement between the Town of Addison and Oncor (TXU Electric Delivery Company) regarding the ownership, installation, and maintenance of non-standard street lighting fixtures in the Oaks North subdivision within the Town, and authorizing the City Manager to execute the same.

Councilmember Braun seconded. Motion carried.

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

Item #R13 - Consideration of approval of a Discretionary Service Agreement between the Town of Addison and Oncor (TXU Electric Delivery Company) for the purchase and installation of certain non-standard street lights in the Oaks North subdivision within the Town, and authorizing the City Manager to execute the same.

Councilmember Braun moved to duly approve a Discretionary Service Agreement between the Town of Addison and Oncor (TXU Electric Delivery Company) for the purchase and installation of certain non-standard street lights in the Oaks North subdivision within the Town, and authorizing the City Manager to execute the same.

Councilmember Hirsch seconded. Motion carried.

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

Item #R15 - Consideration of approval of a Resolution suspending the July 30, 2007 effective date of the proposal by Atmos Energy Corp., Mid-Tex Division ("Atmos") to implement interim GRIP (gas reliability infrastructure program) rate adjustments for gas utility investment in 2006; authorizing participation with the Atmos Cities Steering Committee ("ACSC") in a review and inquiry into the sufficiency of the filing and the basis of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant ratemaking costs by Atmos; and requiring delivery of the Resolution to Atmos and ACS legal counsel.

Councilmember Kraft moved to duly approve Resolution **R07-011** suspending the July 30, 2007 effective date of the proposal by Atmos Energy Corp., Mid-Tex Division ("Atmos") to implement interim GRIP (gas reliability infrastructure program) rate

adjustments for gas utility investment in 2006; authorizing participation with the Atmos Cities Steering Committee (“ACSC”) in a review and inquiry into the sufficiency of the filing and the basis of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant ratemaking costs by Atmos; and requiring delivery of the Resolution to Atmos and ACS legal counsel.

Councilmember Braun seconded. Motion carried.

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

Councilmember Niemann returned to the Council Chambers.

Item #R16 - Consideration of approval of a Resolution modifying the Town representatives that can transact business with the TexPool local government investment pool.

Councilmember Niemann moved to duly approve Resolution **R07-012**, modifying the Town representatives that can transact business with the TexPool local government investment pool.

Councilmember Mellow seconded. Motion carried.

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

Item #R17 - Presentation of the Government Finance Officers Association (GFOA) “Distinguished Budget Presentation Award” for the fiscal year beginning October 1, 2006. There was no action on this item.

The Government Finance Officers Association (GFOA) “Distinguished Budget Presentation Award” for the fiscal year beginning October 1, 2006, was presented to Randy Moravec.

Item #R18 -Consideration of approval of an Ordinance amending the Town’s annual budget for the fiscal year ending September 30, 2007.

Councilmember Niemann moved to duly approve Ordinance 007-020, amending the Town’s annual budget for the fiscal year ending September 30, 2007.

Councilmember Meier seconded. Motion carried.

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

Item #R19 - Presentation and discussion of the Hotel Fund Long Term Plan.

Randy Moravec presented the Hotel Fund Long Term Plan. There was no action taken on this item.

Item #R20 - Consideration of approval of a Resolution authorizing the Town to pursue grant funding from various public and quasi-public agencies for the development of a hike/bike trail connecting the Les Lacs trail south through Brookhaven College and the City of Farmers Branch to an existing trail in Dallas, and north across Belt Line Road to the existing Arapaho Road trail.

Councilmember Niemann moved to duly approve Resolution **R07-013**, authorizing the Town to pursue grant funding from various public and quasi-public agencies for the development of a hike/bike trail connecting the Les Lacs trail south through Brookhaven College and the City of Farmers Branch to an existing trail in Dallas, and north across Belt Line Road to the existing Arapaho Road trail.

Councilmember Mellow seconded. Motion carried.

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

Item #R21 - Consideration of approval of an Ordinance amending Chapter 14 (Aviation) of the Code of Ordinances of the Town of Addison by amending Division 3 (Off-Airport Access to Airport) of Article III (Municipal Airport) by amending Section 14-106(d) regarding the content of an Airport access permit (including assignment provisions), Section 14-106(f) relating to the term of an Airport access permit, and Section 14-107(g) (ii) regarding adjustment of the Airport access fee.

Councilmember Braun moved to duly approve Ordinance 007-021 amending Chapter 14 (Aviation) of the Code of Ordinances of the Town of Addison by amending Division 3 (Off-Airport Access to Airport) of Article III (Municipal Airport) by amending Section 14-106(d) regarding the content of an Airport access permit (including assignment provisions), Section 14-106(f) relating to the term of an Airport access permit, and Section 14-107(g) (ii) regarding adjustment of the Airport access fee.

Councilmember Meier seconded. Motion carried.

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

Item #R22 - Update, discussion and consideration of any action regarding pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature regarding and relating to the sale of alcoholic beverages within the Town.

John Hill led the discussion of any action regarding pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature regarding and relating to the sale of alcoholic beverages within the Town. There was no action on this item.

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

Mayor

Attest:

City Secretary