

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

August 28, 2007
6:30 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 #WS1 - Presentation and discussion of possible assistance with a financial analysis and negotiation of a public/private partnership for the redevelopment of the Brookhaven area.

John Stainback of Stainback Public-Private Real Estate, led the discussion regarding possible assistance with a financial analysis and negotiation of a public/private partnership for the redevelopment of the Brookhaven area.

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**

August 28, 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 employee was introduced to the Council: Imran Khan with the Police Department.

Item #R2 - Consent Agenda.

Items #2b and #2c were considered separately.

#2a - Approval of the following Minutes:

8/07/2007 Special Meeting and Worksession of the City Council
8/14/2007 Regular Meeting of the City Council
8/18/2007 Special Meeting and Worksession of the City Council
8/20/2007 Special Meeting and Worksession of the City Council

The Minutes for the Regular Council Meeting on 8/14/2007 were approved as written.

The Minutes for the Regular Council Meeting and Work Session for August 7, 2007, were approved with the following changes:

Add, "There was no action taken" to Item #WS1.

The Minutes for the Regular Meeting of the City Council for August 14, 2007, were approved with the following changes:

Change Item #R12 to read "Councilmember Niemann moved to duly authorize the City Manager to enter into settlement negotiations..."

The Minutes for the Special Council Meeting and Work Session for August 18, 2007, were approved with the following changes:

Add, "There was no action taken" to Item #WS1.

The Minutes for the Special Council Meeting and Work Session for August 20, 2007, were approved with the following changes:

Add, "There was no action taken" to Item #WS1.

Councilmember Niemann moved to duly approve Consent Agenda Item #2a with the foregoing changes as noted.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: None

#2b - Consideration of approval of final payment to Allied Builders, Inc., totaling \$3,200, for completing the painting of the Blueprints art panels.

Councilmember Braun moved to duly approve of final payment to Allied Builders, Inc., totaling \$3,200, for completing the painting of the Blueprints art panels.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: None

#2c - Consideration of approval of an ordinance providing for a residential garbage rate increase.

Councilmember Meier moved to duly approve Ordinance 007-023 providing for a residential garbage rate increase.

Councilmember Kraft seconded. Motion carried

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

Voting Nay: None

Absent: None

Item #R3 - Presentation and discussion of Arapaho Road Bridge Recognitions.

Nancy Cline presented the Arapaho Road Bridge Recognitions.

There was no action taken on this item.

Item #R4 - FY2007/08 Budget Discussion: City Manager's Airport Fund and Utility Fund Recommendation.

Randy Moravec presented the FY2007/08 Budget Discussion: City Manager's Airport Fund and Utility Fund Recommendation.

There was no action taken on this item.

Councilmember Niemann recused himself for Item #R5.

Item #R5 - PUBLIC HEARING to consider 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 the Town, as a part of the company's statewide gas utility distribution system; supporting statutory reform of the Texas GRIP statute, finding that the meeting at which this ordinance is passed is open to the public; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division and the Town's legislative delegation.

Mayor Chow opened the meeting as a public hearing. Mr. Chris Mulvaney, 3867 Lakeview Court, Addison, TX, 75001, spoke. Mayor Chow closed the meeting as a public hearing.

Councilmember Kraft moved to duly authorize the City Manager to approve Ordinance 007- 024 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 the Town, as a part of the company's statewide gas utility distribution system; supporting statutory reform of the Texas GRIP statute, finding that the meeting at which this ordinance is passed is open to the public; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division and the Town's legislative delegation.

Councilmember Hirsch seconded. Motion carried.

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

Voting Nay: None

Abstaining: Niemann

Councilmember Niemann returned to Council Chambers.

Item #R6 - Presentation and discussion of the Financial Quarterly Report for the period ended June 30, 2007.

Randy Moravec made the presentation of the Financial Quarterly Report for the period ended June 30, 2007.

There was no action taken on this Item.

Item #R7 - PUBLIC HEARING on a proposal to increase the total property tax rate by 5.2% over the calculated effective tax rate.

Mayor Chow opened the meeting as a public hearing. Mr. Chris Mulvaney, 3867 Lakeview Court, Addison, TX, 75001, spoke. Mayor Chow closed the meeting as a public hearing.

No action was taken on this Item.

Item #R8 - Consideration of approving and authorizing the City Manager to enter into a contract, in an amount not to exceed \$65,000, with Stainback Public-Private Real Estate, for assistance with the financial analysis and negotiation of a public/private partnership for the redevelopment of the Brookhaven area.

Councilmember Meier moved to duly authorize the City Manager to enter into a contract, in an amount not to exceed \$65,000, with Stainback Public-Private Real Estate, for assistance with the financial analysis and negotiation of a public/private partnership for the redevelopment of the Brookhaven area, subject to review and approval of the City Attorney.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: None

Councilmember Hirsch recused himself for Item #R9.

Item #R9 - Consideration and approval authorizing the City Manager to approve an ordinance granting meritorious exception to section 62-163, Area of Signs, for Ounce Prime Steakhouse located at 14866 Montfort Drive.

Councilmember Niemann moved to duly deny granting meritorious exception to section 62-163, Area of Signs, for Ounce Prime Steakhouse located at 14866 Montfort Drive.

Councilmember Meier seconded.

Voting Aye: Meier, Niemann, Braun

Voting Nay: Chow, Kraft, Mellow

Abstaining: Hirsch

Councilmember Kraft moved to duly approve Ordinance 007-025 granting meritorious exception to section 62-163, Area of Signs, for Ounce Prime Steakhouse located at 14866 Montfort Drive, for a 30" letter height sign.

Councilmember Mellow seconded the motion.

Voting Aye: Kraft, Mellow

Voting Nay: Chow, Niemann, Braun, Meier

Abstaining: Hirsch

Both motions failed; the request for meritorious exception was not approved.

Councilmember Hirsch returned to Council Chambers.

Item #R10 - Consideration of adoption of an ordinance amending Article II (Food) of Chapter 46 (Health and Sanitation) of the Code of Ordinances by adopting the Texas Food Establishment Rules recently adopted by the Texas Department of State Health Services and by making certain modifications to the said Texas Food Establishment Rules and providing other food service regulations.

Councilmember Braun moved to duly adopt ordinance 007-025 amending Article II (Food) of Chapter 46 (Health and Sanitation) of the Code of Ordinances by adopting the Texas Food Establishment Rules recently adopted by the Texas Department of State Health Services and by making certain modifications to the said Texas Food Establishment Rules and providing other food service regulations.

Councilmember Meier seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R11 - Consideration of adoption of an ordinance amending Division 1 of Article XII (Swimming Pools and Spas) of Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances by adopting the Standards for Public Pools and Spas recently amended by the Texas Department of State Health Services and by providing for certain modifications to the said Standards for Public Pools and Spas.

Councilmember Kraft moved to duly adopt ordinance 007-026 amending Division 1 of Article XII (Swimming Pools and Spas) of Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances by adopting the Standards for Public Pools and Spas recently amended by the Texas Department of State Health Services and by providing for certain modifications to the said Standards for Public Pools and Spas.

Councilmember Niemann seconded. Motion carried.

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

Item #R12 - Consideration of approval of awarding a bid to DSS Fire, Inc., to upgrade the Service Center Fire Alarm system in the amount of \$27,463.00.

Councilmember Niemann moved to duly approve of awarding a bid to DSS Fire, Inc., to upgrade the Service Center Fire Alarm system in the amount of \$27,463.00.

Councilmember Kraft seconded. Motion carried.

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

Item #R13 - Discussion and consideration of annual appointments to the Metrocrest Chamber Leadership Class.

Councilmember Hirsch motioned to appoint Bob Baumann and Becky Thompson to the Metrocrest Chamber Leadership Class and for finding a better way to promote the program to allow more residents in the community to be aware of Metrocrest Chamber Leadership.

Councilmember Meier seconded. Motion carried.

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

At 10:38 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Item:

Item #ES1 - Closed (executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: Eddins Enterprises, Inc., dba Friendly Aviation and RSP Management Services, Inc. v. The Town of Addison, Texas, Cause No. 05-11030-K, 192nd Judicial District Court, Dallas County, Texas.

The Council came out of Executive Session at 10:57 P.M.

Item #R14 - Discussion and consideration of any action in connection with or related to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: Eddins Enterprises, Inc., dba Friendly Aviation and RSP Management Services, Inc. v. The

Town of Addison, Texas, Cause No. 05-11030-K, 192nd Judicial District Court, Dallas County, Texas.

There was no action taken on this item.

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

Mayor

Attest:

City Secretary