

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

March 13, 2007
7:30 P.M. – Town Hall
5300 Belt Line Road

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

Absent: Councilmember Hirsch

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Brandon Graham with the Public Works Department, Bryan Warning with the Special Events Department and Bobby Wayne Johnson with the Fire Department.

Item #R2 - Consent Agenda.

Item #2b was considered separately.

#2a - Approval of the Minutes for the February 27, 2007, Council Meeting. Approval of the Minutes for the February 26, 2007, Special Meeting. (Approved as written.)

Councilmember Niemann moved to duly approve the Minutes for February 27, 2007, Council Meeting and the Minutes for the February 26, 2007, Special Meeting.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: Hirsch

#2b - Consideration and approval to authorize the City Manager to enter into an annual contract with Yellow Rose Landscape Services totaling \$65,223.61 for planting seasonal color.

Councilmember Mallory moved to duly authorize the City Manager to enter into an annual contract with Yellow Rose Landscape Services totaling \$65,223.61 for planting seasonal color.

Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: Hirsch

Item #R3 - Presentation of the Government Finance Officers Association (GFOA) "Certificate of Achievement for Excellence in Financial Reporting" to the Town of Addison for its Comprehensive Annual Financial Report (CAFR).

Randy Moravec made the presentation of the Certificate of Achievement for Excellence in Financial Reporting. No action was required for this item.

Item #R4 - Consideration and approval to authorize the City Manager to release the 2006 Comprehensive Annual Financial Report (CAFR) is requested.

Councilmember Niemann moved to duly authorize the City Manager to release the 2006 Comprehensive Annual Financial Report (CAFR).

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: Hirsch

Item #R5 - Consideration and approval to authorize the City Manager to enter into an Interlocal agreement with the North Central Texas Council of Governments (NCTCOG) for purposes related to the implementation of Governmental Accounting Standards Board (GASB) Statement Number 45.

Councilmember Mallory moved to duly authorize the City Manager enter into an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for purposes related to the Implementation of Governmental Accounting Standards Board (GASB) Statement Number 45.

Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: Hirsch

Item #R6 - Consideration and approval to authorize the City Manager to enter into a contract with Gabriel, Roeder, Smith, & Company (GRS) to perform actuarial services related to the implementation of Governmental Accounting Standards Board (GASB) Statement Number 45.

Councilmember Niemann moved to duly authorize the City Manager to enter into a contract with Gabriel, Roeder, Smith & Company (GRS) to perform actuarial services related to the implementation of Governmental Accounting Standards Board (GASB) Statement Number 45, subject to City Attorney's approval.

Councilmember Mellow seconded. Motion carried.

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

Councilmember Niemann recused himself and left the Council Chambers.

Item #R7 - Consideration and approval of a resolution of the City Council of the Town of Addison, Texas, in support of the application of Prestonwood Market Square, Ltd., HSM Pepper Square Partners, Ltd., to the Texas Commission on Environmental Quality for a municipal setting designation for properties located at 14856 Preston Road, 14902 Preston Road, 6160 Belt Line Road and adjacent streets rights of way in Dallas, Texas; providing an effective date.

Councilmember Kraft moved to duly approve Resolution No. R07-007 of the City Council of the Town of Addison, Texas, in support of the application of Prestonwood Market Square, Ltd., HSM Pepper Square Partners, Ltd., to the Texas Commission on Environmental Quality for a municipal setting designation for properties located at 14856 Preston Road, 14902 Preston Road, 6160 Belt Line Road and adjacent streets rights of way in Dallas, Texas; providing an effective date.

Councilmember Mallory seconded. Motion carried.

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

Councilmember Niemann returned to the Council Chambers.

Item #R8 - **PUBLIC HEARING**, requesting approval of an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only for Logan's, located at 5290 Belt Line Road, Suite 150, represented by Mr. Jack Bendetti.

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 Mallory moved to duly approve an amendment to an existing Special Use Permit (Ordinance No. 007-008) for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only for Logan's, located at 5290 Belt Line Road, Suite 150, represented by Mr. Jack Bendetti, subject to the following conditions:

-All mechanical equipment on the new building shall be completely screened from view. The screening material shall be architecturally

compatible to the building, and the Building Official shall make the determination of “architecturally compatible.”

-The applicant shall not use any terms or graphic depictions that denote alcoholic beverages in exterior signs.

-The applicant should be aware that he will be required to comply with all requirements of the building and fire codes.

Councilmember Kraft seconded. Motion carried.

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

Mayor Chow recused himself and left the Council Chambers.

Item #R9 - **PUBLIC HEARING**, requesting approval of a Special Use Permit for a Restaurant, Pho Quo Huong, located at 4826 Belt Line Road, represented by Mr. Sonny Huynh.

Deputy Mayor Pro – Tem Braun opened the meeting as a public hearing. There were no questions or comments. Deputy Mayor Pro-Tem Braun closed the meeting as a public hearing.

Councilmember Kraft moved to duly approve Special Use Permit (Ordinance No. 007-009) for a Restaurant, Pho Quo Huong, located at 4826 Belt Line Road, represented by Mr. Sonny Huynh, subject to the following condition:

-The parking requirement for this restaurant shall be set at 15 spaces.

Councilmember Mellow seconded. Motion carried.

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

Mayor Chow returned to Council Chambers.

Item #R10 - Consideration and approval to authorize the City Manager to enter into a contract with Ratliff Hardscape totaling \$155,584 for construction of screening walls on Les Lacs Drive - Grand Homes Subdivision and Beltway Drive - Chatham Court Subdivision.

Councilmember Braun moved to duly authorize the City Manager enter into a contract with Ratliff Hardscape totaling \$155,584 for construction of screening walls on Les Lacs Drive – Grand Homes Subdivision and Beltway Drive - Chatham Court Subdivision.

Councilmember Niemann seconded. Motion carried.

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

At 8:42 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Item:

ES #1 - Closed (executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation 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, Tex. Gov. Code, regarding and relating to the Addison Airport fuel farm and its construction.

The Council came out of Executive Session at 9:11 P.M.

Item #R11 - Consideration and approval to authorize the City Manager to approve a payment to Thielsch Engineering including 50% of Retainage and Change Order No. 2, for necessary additions as constructed on the Addison Airport Bulk Fuel Storage Facility.

Councilmember Mallory moved to duly authorize the City Manager to approve a payment to Thielsch Engineering including 50% of Retainage in the amount of \$53,175.00, and Change Order No. 2, in the amount of \$62,980.00, for necessary additions as constructed on the Addison Airport Bulk Fuel Storage Facility.

Councilmember Niemann seconded. Motion carried.

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

Item #R12 - Consideration and approval to authorize the City Manager to approve Change Order No. 3, for corrective measures to make the Addison Airport Bulk Fuel Storage Facility operational.

Councilmember Niemann moved to duly authorize the City Manager to approve Change Order No. 3, not to exceed \$40,000.00, for corrective measures to make the Addison Airport Bulk Fuel Storage Facility operational.

Councilmember Braun seconded. Motion carried.

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

Item #R13 - Consideration and approval to authorize the City Manager to execute a supplemental agreement to the Engineering Services Agreement with Robert and Company, Inc., for construction management services related to the Addison Airport Bulk Fuel Storage Facility.

Councilmember Niemann moved to duly authorize the City Manager to execute a supplemental agreement to the Engineering Services Agreement with Robert and Company, Inc., in the amount of \$20,000.00, for construction management services related to the Addison Airport Bulk Fuel Storage Facility.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: Hirsch

Item #R14 - Discussion and consideration of any additional or further action to be taken regarding and relating to the Addison Airport Fuel Farm and its construction.

No action was taken on this Item. The item was withdrawn by Staff.

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

Mayor

Attest:

City Secretary