

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

May 8, 2007
7:30 P.M. – Town Hall
5300 Belt Line Road

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

Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Robert Coleman with the City Manager's Office, Justin Izzo with the Fire Department, Sue Ellen Fairley with the City Manager's Office and Joy Kees with the Human Resources Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for the April 17, 2007, Special Meeting and Work Session and the Minutes for the April 24, 2007, Council Meeting. (Approved as written.)

Mayor Chow moved to duly approve the above listed item.

Councilmember Mallory seconded. Motion carried.

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

Voting Nay: None

Item #R3 - Presentation to Wipe Out Kids' Cancer of the proceeds generated through the 2007 Town of Addison Bowl-A-Thon.

Mayor Chow presented a check from the Town in the amount of \$8,127.84 to Ambassador Carson Leslie, his Mother, Annette Leslie and Cindy Brinker Simmons, from Wipe Out Kids' Cancer.

Item #R4 - Consideration of approval of the First Amendment to Existing Right-of-Way License and Use Agreement between the Town of Addison and RedMoon, Inc., to among other things allow RedMoon to upgrade their existing network in Addison to provide high-speed Internet Wi-Fi services to the residents and the business community, and authorizing the City Manager to execute the First Amendment, subject to the City Attorney's final approval.

Councilmember Mallory moved to duly approve the First Amendment to Existing Right-of-Way License and Use Agreement between the Town of Addison and RedMoon, Inc., to among other things allow RedMoon to upgrade their existing network in Addison to provide

high-speed Internet Wi-Fi services to the residents and the business community, and authorizing the City Manager to execute the First Amendment, subject to the City Attorney's final approval.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Item #R5 - **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant, and approval of a Special Use Permit for the sale of alcoholic beverages for on-premises consumption for Case 1538-SUP/Café Astoria, 15701 Quorum Drive, represented by Ms. Teodora Arseva.

Mayor Chow opened the meeting as a public hearing. No one spoke at the public hearing. Mayor Chow closed the meeting as a public hearing.

Councilmember Kraft moved to duly approve Ordinance 007-012, approving an amendment to an existing Special Use Permit for a restaurant, and approval of a Special Use Permit for the sale of alcoholic beverages for on-premises consumption for Case 1538-SUP/Café Astoria, 15701 Quorum Drive, represented by Ms. Teodora Arseva, subject to conditions.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Item #R6 - **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant, Case 1539-SUP/Rise and Dine Restaurant, 4135 Belt Line Road, Suite 100, represented by representatives of Mr. Joseph Spates.

Mayor Chow opened the meeting as a public hearing. No one spoke at the public hearing. Mayor Chow closed the meeting as a public hearing.

Councilmember Mellow moved to duly approve Ordinance 007-013, approving a Special Use Permit for a restaurant, Case 1539-SUP/Rise and Dine Restaurant, 4135 Belt Line Road, Suite 100, represented by Mr. Joseph Spates, subject to no conditions.

Councilmember Mallory seconded. Motion carried.

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

Voting Nay: None

Item #R7- Presentation of Proclamation to Councilmember Diane Mallory.

Mayor Chow presented a Proclamation to Councilmember Diane Mallory for her years of faithful service as a Councilmember.

Item #ES1 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to (i) seek the advice of its attorney(s) about pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and (ii) on a matter in which the duty of the attorney(s) to the City 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 and relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature.

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

Item #ES2 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) 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 attorney(s) to the City 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 and relating to matters concerning access to Addison Airport and including House Bill 2955 and Senate Bill 1462 filed with the 80th Regular Session of the Texas Legislature.

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

Item #ES3 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the 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 City 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 and relating to matters concerning and including the Dallas Area Rapid Transit 2030 Transit System Plan and the Cotton Belt Rail Line, and House Bill No. 107 filed with the 80th Regular Session of the Texas Legislature.

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

Item #R8 - Discussion and consideration of any action in connection with or related to pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and/or relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature.

John Hill gave an update on this item. No action was taken on this Item.

Item #R9 - Discussion and consideration of any action regarding 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/or regarding and relating to matters concerning access to Addison Airport, including House Bill 2955 and Senate Bill 1462 filed with the 80th Regular Session of the Texas Legislature.

John Hill gave an update on this item. No action was taken on this Item.

Item #R10 - Discussion and consideration of any action in connection with or related to the Dallas Area Rapid Transit 2030 Transit System Plan and the Cotton Belt Rail Line, and House Bill No. 107 filed with the 80th Regular Session of the Texas Legislature.

John Hill gave an update on this item. No action was taken on this Item.

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

Mayor

Attest:

City Secretary