

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

November 13, 2007
7:30 p.m. – Town Hall
5300 Belt Line Road

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

Absent: Councilmember Meier

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Robert Trevino with the Public Works Utilities Division, Corey Gayden with the Police Department and Jeff Patterson with the Fire Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes:

October 16, 2007, Special Meeting and Work Session
October 23, 2007, Regular City Council Meeting

Councilmember Niemann made a motion to approve the Minutes for:
October 16, 2007, Special Meeting and Work Session
October 23, 2007, Regular City Council Meeting.

Councilmember Braun seconded. Motion carried.

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

Item #R3 - Mr. Wazir Moolji, owner of Perry's C-Store Deli at 16601 Addison Road, Addison, TX, has requested to and will address the City Council regarding his property.

Salima Moolji spoke on behalf of Mr. Moolji.

There was no action taken on this Item.

Item #R4 - Consideration and approval of the appointment of Scott Wheeler to the Dallas Central Appraisal District (DCAD) Board of Directors.

Councilmember Niemann made a motion to approve Resolution R07-029 for the appointment of Scott Wheeler to the Dallas Central Appraisal District (DCAD) Board of Directors.

Councilmember Braun seconded. Motion carried.

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

Item #R5 - Consideration and approval of annual contract for FY '08 with the Trinity River Authority to provide inspection, sampling and laboratory analysis on certain industries in Addison to comply with wastewater pretreatment laws as required by EPA.

Councilmember Braun made a motion to approve a contract for FY '08 with the Trinity River Authority to provide inspection, sampling and laboratory analysis on certain industries in Addison to comply with wastewater pretreatment laws as required by EPA.

Councilmember Niemann seconded. Motion carried.

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

Item #R6 – Consideration and approval of (i) a Contract for Services with each of several Non-Profit entities, as follows: Communities in Schools – Dallas, Senior Adult Services, Metrocrest Social Services, Metrocrest Family Medical Clinic, Metrocrest Chamber of Commerce, The Family Place, Special Care and Career Services, WaterTower Theatre, Inc., The Dance Council, and Richardson Symphony Orchestra, and (ii) an Agreement for Use of the Addison Theatre Centre with WaterTower Theatre, Inc.

Councilmember Niemann made a motion to approve (i) a Contract for Services with each of several Non-Profit entities, as follows: Communities in Schools – Dallas, Senior Adult Services, Metrocrest Social Services, Metrocrest Family Medical Clinic, Metrocrest Chamber of Commerce, The Family Place, Special Care and Career Services, WaterTower Theatre, Inc., The Dance Council, and Richardson Symphony Orchestra, and (ii) an Agreement for Use of the Addison Theatre Centre with WaterTower Theatre, Inc., subject to City Attorney's approval.

Councilmember Kraft seconded. Motion carried.

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

Item #R7 - Consideration and approval for the Town to become a member of River of Trade Corridor Coalition, otherwise known as ROTCC.

Councilmember Braun made a motion to approve that the Town become a member of River of Trade Corridor Coalition, otherwise known as ROTCC.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: Niemann

Absent: Meier

Item #R8 – Consideration and approval of Resolution to adopt Rule §70.3 of the Texas Administrative Code, Cost of Copies of Public Information, which updates the charges for copies of public information and service rendered charges.

Councilmember Kraft made a motion to approve Resolution No. R07-027 to adopt Rule §70.3 of the Texas Administrative Code, Cost of Copies of Public Information, which updates the charges for copies of public information and service rendered charges.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Item #R9 – FINAL PLAT/Asbury Circle. Consideration of approval of a final plat for 73 lots on 8.140 acres, located in a Belt Line Road zoning district, at the southwest corner of the intersection of Belt Line Road and Commercial Drive, on application from Ashton Woods Homes, represented by Mr. Casey Ross of Dowdey, Anderson & Associates.

Councilmember Mellow made a motion to approve a final plat for 73 lots on 8.140 acres, located in a Belt Line Road zoning district, at the southwest corner of the intersection of Belt Line Road and Commercial Drive, on application from Ashton Woods Homes, represented by Mr. Casey Ross of Dowdey, Anderson & Associates,

1. Please identify boundary monuments on the face of the plat.
2. The location of the callout on the plat for Lots 3A, 3B, 3C-1, 4R-1 & 5, Addison Town Center does not seem to indicate that these lots are part of the platted property. However, all lots are referenced as being a part of the platted property. Please clarify.
3. Change the reference of “City of Addison” to “Town of Addison” in the title block.
4. Change the year on the City Approval Block to be filled in with the signature.
5. Provide a closure sheet.

Councilmember Kraft seconded. Motion carried.

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

Councilmember Niemann recused himself from participation for Item #R10 only. He did not leave Council Chambers.

Item #R10 - FINAL PLAT/Lake Forest Addition, Lots 1 and 2, Block A. Consideration of approval of a final plat for 2 lots on 2.006 acres, located on the east side of Lake Forest Drive, approximately 200 feet south of Belt Line Road, on application from Mr. Scott Hershman, represented by Dayton Macatee Engineering.

Councilmember Braun made a motion to approve a final plat for 2 lots on 2.006 acres, located on the east side of Lake Forest Drive, approximately 200 feet south of Belt Line Road, on application from Mr. Scott Hershman, represented by Dayton Macatee Engineering, with the following conditions:

1. A 1/2" iron rod needs to be set at the two points in the northern property line.
2. The page of the instrument recorded in Volume 72034 does not match between the Owner's Certificate and the drawing. Please verify.
3. Remove Owner's Dedication, State of Texas and County of Dallas from the middle of the Owner's Certificate.
4. Indicate the "Point of Beginning" on the drawing.
5. Remove the limits of the 100 year floodplain from the drawing.
6. Remove the flood statement from the plat.
7. Change "City of Addison" to "Town of Addison" in Note 1.
8. Place the "Drainage and Floodway Easement" limits at a 4:1 slope from the toe of slope or at the limits of the 100 year floodplain, whichever is greater.

Councilmember Kraft seconded. Motion carried.

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

Item #R11 - PUBLIC HEARING Case 1548-SUP/Marble Slab Creamery Public hearing on, and consideration of approval of, an ordinance amending the zoning on certain property located in a Local Retail zoning district at 4937 Belt Line Road by approving a Special Use Permit for a restaurant (ice cream shop), on application from Mr. Salim Sayani.

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 Hirsch made a motion to approve Ordinance No. 007-037, amending the zoning on certain property located in a Local Retail zoning district at 4937 Belt Line Road by approving a Special Use Permit for a restaurant (ice cream shop), on application from Mr. Salim Sayani, subject to no conditions.

Councilmember Niemann seconded. Motion carried.

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

Item #R12 - PUBLIC HEARING Case 1549-SUP/Patton's Corner. Public hearing on, and consideration of approval of, an ordinance amending the zoning on certain property, located in an Industrial-1 zoning district at 14345 Dallas Parkway by approving a Special Use Permit for a Christmas tree lot, on application from Mr. Jeff Patton.

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 made a motion to approve Ordinance No. 007-038, amending the zoning on certain property, located in an Industrial-1 zoning district at 14345 Dallas Parkway by approving a Special Use Permit for a Christmas tree lot, on application from Mr. Jeff Patton, subject to no conditions.

Councilmember Hirsch seconded. Motion carried.

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

Item #R13 - PUBLIC HEARING Case 1550-SUP/Joey's Seafood. Public hearing on, and consideration and approval of, an ordinance amending the zoning on certain property located in a Local Retail-LR zoning district at 4145 Belt Line Road by approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, on application from Mr. Alejandro Gonzalez Juaristi.

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 made a motion to approve Ordinance No. 007-039, amending the zoning on certain property located in a Local Retail-LR zoning district at 4145 Belt Line Road by approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, on application from Mr. Alejandro Gonzalez Juaristi, subject to the following condition:

- The plans shall be revised to eliminate the exterior patio.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Councilmember Niemann recused himself for Items #14 and #15 and left the Council Chambers.

Item #R14 - PUBLIC HEARING Case 1551-Z/David Weekley Homes. Consideration and approval of an ordinance amending the zoning on certain property generally described as 3.98 acres in the UC – Urban Center zoning district – Residential subdistrict, located at the southeast corner of Airport Parkway and Quorum Drive, by approving a final development plan, with waivers for 84 townhomes, on application from David Weekley Homes, represented by Mr. Larry Jackson.

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 made a motion to approve Ordinance No. 007-040, amending the zoning on certain property generally described as 3.98 acres in the UC – Urban Center zoning district – Residential subdistrict, located at the southeast corner of Airport Parkway and Quorum Drive, by approving a final development plan, with waivers for 84 townhomes, on application from David Weekley Homes, represented by Mr. Larry Jackson, with the following conditions.

- All air conditioning screening fences shall be of a solid material, and shall screen the air conditioning units from all sides.
- Plans shall be revised to include a wing-wall or gateway element at all alley entrances to help screen views into the alleys.
- All paving and drainage design and construction must meet city standards.
- A final site plan must be approved by the Fire Department before issuance of a building permit.
- Detailed streetscape plans shall be submitted for review and approval for lighting, paving, irrigation, site furniture, and planting prior to the issuance of a building permit.

- The on-going open space maintenance shall be the owners/homeowners association's responsibility, which includes the maintenance of the living screen area along Airport Parkway.
- Units in Block C, units 9-16, (as shown on the approved final development plan) shall be fitted with insulating windows and front doors that reduce noise by a minimum of 35 decibels from outside to inside.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Abstaining: Niemann

Item #R15 - PRELIMINARY PLAT/The Residences at Addison Circle. Consideration of approval of a preliminary plat for 84 lots, located on 3.98 acres at the southeast corner of Quorum Drive and Airport Parkway, on application from David Weekley Homes, represented by Dowdey Anderson & Associates, Inc.

Councilmember Kraft made a motion to approve a preliminary plat for 84 lots, located on 3.98 acres at the southeast corner of Quorum Drive and Airport Parkway, on application from David Weekley Homes, represented by Dowdey Anderson & Associates, Inc., with the following conditions:

1. The Thoroughfare Plan designates Airport Parkway as a Commercial Collector which requires a 64' Right-of-Way. As a result, a 2' right-of-way dedication is required on the plat for Airport Parkway.
2. Change all references of "City of Addison" to "Town of Addison."
3. Add building setbacks in accordance with the amendment to the UC zoning. Add a reference to the amendment to the face of the plat.
4. Add center line to existing streets.
5. Street names shall be chosen from the Town of Addison approved list. Please revise.
6. Add a 5' Sidewalk Easement along the Spectrum Drive frontage.
7. A reference to the Quorum Drive East Addition recorded in Volume 98001, Page 00033 needs to be added to the Owner's Certificate.
8. Place a 5' Utility Easement in the side yard along the frontage on Lot 30, Block A, Lots 1, 9, 16 & 24, Block B and Lot 30, Block C.
9. Show all lot lines, property owners and dimensions for the parcels across each public right-of-way.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Meier
Abstaining: Niemann

Councilmember Niemann returned to Council Chambers.

Item #R16 - Consideration and approval of an ordinance granting meritorious exceptions to Section 62-163 (Area) and Section 62-285 (Luminescent gaseous tubing) of the Addison sign ordinance (as set forth in the Town's Code of Ordinances) for Los Lupes Mexican Restaurant located at 3855 Belt Line Road.

Councilmember Kraft made a motion to approve Ordinance No. 007-041, granting meritorious exceptions to Section 62-163 (Area) and Section 62-285 (Luminescent gaseous tubing) of the Addison sign ordinance (as set forth in the Town's Code of Ordinances) for Los Lupes Mexican Restaurant located at 3855 Belt Line Road, with the conditions shown on the corrected drawing.

Councilmember Braun seconded. Motion carried.

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

Item #R17 - Consideration and approval of an ordinance granting meritorious exceptions to Section 62-186 (Monument Sign) and Section 62-285 (Luminescent gaseous tubing) of the Addison sign ordinance (as set forth in the Town's Code of Ordinances) for Los Lupes Mexican Restaurant located at 3855 Belt Line Road.

Councilmember Niemann made a motion to deny an ordinance granting meritorious exceptions to Section 62-186 (Monument Sign) and Section 62-285 (Luminescent gaseous tubing) of the Addison sign ordinance (as set forth in the Town's Code of Ordinances) for Los Lupes Mexican Restaurant located at 3855 Belt Line Road, subject to the following conditions:

South Façade:

1. Two signs with one having a logo 30" in height.
2. Accent lighting (neon), at the roof line approved subject to the lights being installed in a manner that does not allow lighting element to be seen.

East Façade:

1. Accent lighting (neon), at the roof line approved subject to the lights being installed in a manner that does not allow lighting element to be seen.

Councilmember Braun seconded. Motion carried.

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

Item #R18 - Consideration and approval authorizing the City Manager to enter into a contract with Building Solutions, Inc., for facilities project management services.

Councilmember Niemann made a motion to approve a contract with Building Solutions, Inc., for facilities project management services.

Councilmember Kraft seconded. Motion carried.

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

Item #R19 - Consideration and approval of a new ground lease and non-public fuel farm license agreement between the Town and ExecHangar ADS, LC on Addison Airport, and authorizing the City Manager to execute the same.

Councilmember Kraft made a motion to approve a new ground lease and non-public fuel farm license agreement between the Town and ExecHangar ADS, LC on Addison Airport, and authorizing the City Manager to execute the same, subject to City Attorney's review.

Councilmember Braun seconded. Motion carried.

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

Item #R20 - Consideration and approval of various items related to the Encore FBO Acquisition, LLC re-development at Addison Airport to include; 1) the assignment of R. Stern FBO LTD, ground leases at Addison Airport to Encore FBO Acquisition, LLC., 2) early termination of the R. Stern FBO LTD ground leases in favor of a new ground lease between the Town and Encore FBO Acquisition, LLC. at Addison Airport, and 3) granting a Public FBO (fixed base operator) Fuel Farm License agreement to Encore FBO Acquisition, LLC., and authorizing the City Manager to execute the same.

Councilmember Niemann made a motion to approve various items related to the Encore FBO Acquisition, LLC re-development at Addison Airport to include; 1) the assignment of R. Stern FBO LTD, ground leases at Addison Airport to Encore FBO Acquisition, LLC., 2) early termination of the R. Stern FBO LTD ground leases in favor of a new ground lease between the Town and Encore FBO Acquisition, LLC. at Addison Airport, and 3) granting a Public FBO (fixed base operator) Fuel Farm License agreement to

Encore FBO Acquisition, LLC., and authorizing the City Manager to execute the same, subject to the City Attorney's approval.

Councilmember Mellow seconded. Motion carried.

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

Item #R21 - Discussion and approval of a Memorandum of Understanding agreement between the Town of Addison and the Cavanaugh Flight Museum.

Councilmember Niemann made a motion to approve a Memorandum of Understanding agreement between the Town of Addison and the Cavanaugh Flight Museum, with a committee of no less than five (5) and no more than seven (7) members.

Councilmember Mellow seconded. Motion carried.

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

Item #R22 - Consideration and approval of an agreement with The Margulies Communication Group to assist the Town with media communications.

Councilmember Kraft made a motion to approve an agreement with The Margulies Communication Group to assist the Town with media communications.

Councilmember Niemann seconded. Motion carried.

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

Item #R23 - Consideration and approval of an agreement with Southwest Speakers Bureau, Inc., d.b.a. Shiroma Southwest to provide public relations and media publicity programs to promote certain Special Events in the Town of Addison.

Councilmember Braun made a motion to approve an agreement with Southwest Speakers Bureau, Inc., d.b.a. Shiroma Southwest to provide public relations and media publicity programs to promote certain Special Events in the Town of Addison.

Councilmember Niemann seconded. Motion carried.

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

Absent: Meier

Item #R24 - Consideration and approval of an agreement with Krause Advertising to provide marketing consultation, creative ad production services, administrative and account oversight for the Town's 2007-2008 marketing and special events initiatives.

Councilmember Kraft made a motion to approve an agreement with Krause Advertising to provide marketing consultation, creative ad production services, administrative and account oversight for the Town's 2007-2008 marketing and special events initiatives.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Item #R25 - Consideration and approval of an agreement with Rodney Hand & Associates Marketing Communications, LP to advertise in the November 2007, February 2008, May 2008 and August 2008 editions of the Addison/North Dallas Corridor Guide publication.

Councilmember Niemann made a motion to approve an agreement with Rodney Hand & Associates Marketing Communications, LP to advertise in the November 2007, February 2008, May 2008 and August 2008 editions of the Addison/North Dallas Corridor Guide publication, subject to City Attorney's approval.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Item #R26 - Consideration and approval of a resolution amending the Town of Addison's Purchasing Manual.

Councilmember Niemann made a motion to approve Resolution No. R07-028, amending the Town of Addison's Purchasing Manual.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Meier

Item #R27 - **PUBLIC HEARING** – Consideration and approval of an ordinance amending the Town's Code of Ordinances by amending Article II (Property Taxation) of

Chapter 74 (Taxation) thereof by adding a new section 74-33 providing for the taxation of certain tangible personal property, described as goods-in-transit, which would otherwise be exempt pursuant to Article 9, Section 1-n of the Texas Constitution and Section 11.253 of the Texas Tax Code, and providing that the taxation of such tangible personal property applies to and is effective for 2008 and all tax years thereafter.

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 made a motion to approve Ordinance No. 007-042, amending the Town's Code of Ordinances by amending Article II (Property Taxation) of Chapter 74 (Taxation) thereof by adding a new section 74-33 providing for the taxation of certain tangible personal property, described as goods-in-transit, which would otherwise be exempt pursuant to Article 9, Section 1-n of the Texas Constitution and Section 11.253 of the Texas Tax Code, and providing that the taxation of such tangible personal property applies to and is effective for 2008 and all tax years thereafter.

Councilmember Niemann seconded. Motion carried.

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

Item #R28 - Discussion of the taxing of leased vehicles used for personal purposes.

No action was taken on this Item.

At 10:19 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 of the Texas Government Code, to conduct a private consultation with its attorney(s) to see the advice of its attorney(s) about contemplated litigation, and/or on a matter or matters 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, regarding and relating to the Addison Airport Bulk Fuel Storage Facility.

The Council came out of Executive Session at 10:54 p.m.

Item #R29 - Consideration of approval of any action regarding the Addison Airport Bulk Fuel Storage Facility.

There was no action taken on this Item.

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

Mayor

Attest:

City Secretary