

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

May 13, 2008
6:00 P.M. – Town Hall
5300 Belt Line Road
Upstairs Conference Room

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

Absent: None

Work Session

Item #WS1 - Discussion regarding Arbor Foundation.

Ron Whitehead led the discussion. There was no action taken.

Item #WS2 - Discussion regarding Hotel Business Support Program.

Ron Davis and Chad Hansen led the discussion. There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares

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

May 13, 2008
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: Donald Harrison with the General Services Department and Chris Kellen with the Fire Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

April 22, 2008, Regular City Council Meeting and Work Session

Councilmember Braun moved to duly approve the Minutes for:

April 22, 2008, Regular City Council Meeting and Work Session with a correction to Item #R6. This correction had been made before posting of the Agenda.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R3 - Presentation to Wipe Out Kids Cancer.

There was no action taken.

Item #R4 - Presentation and recognition of Lisa Pyles, Addison Airport Director.

There was no action taken.

Item #R5 - Consideration and approval of an ordinance authorizing the issuance of \$34,500,000 Town of Addison, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2008; levying a tax, and providing for the security for and payment of said certificates; accepting the best bid therefore and awarding the sale thereof; approving the official statement; enacting other provisions relating to the subject; and declaring an effective date.

Councilmember Niemann moved to duly approve Ordinance No. 008-004 authorizing the issuance of \$34,500,000 Town of Addison, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2008; levying a tax, and providing for the security for and payment of said certificates; accepting the best bid therefore and awarding the sale thereof; approving the official statement; enacting other provisions relating to the subject; and declaring an effective date.

Councilmember Meier seconded. Motion carried.

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

Item #R6 - Discussion and consideration of approval of proposed amendments to Chapters 66 and 82 of the Code of Ordinances related to utility administration and collections for the Town.

Councilmember Niemann moved to duly approve Ordinance 008-015 and Ordinance 008-016 for amendments to Chapters 66 and 82 of the Code of Ordinances related to utility administration and collections for the Town.

Councilmember Kraft seconded. Motion carried.

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

Item #R7 - Discussion and consideration of approval of appointing a member to the Addison Planning and Zoning Commission.

This Item was tabled.

There was no action taken.

Item #R8 - **PUBLIC HEARING** Case 1555-SUP/Dunkin' Donuts. Public hearing regarding and consideration of approval of a Special Use Permit for a restaurant, located at 4900 Belt Line Road, Suite 125, on application from Texas Donuts, L.P., represented by Mr. Lesley A. Morgan of the Dimension Group.

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 Braun moved to duly approve Ordinance No. 008-017 for a Special Use Permit for a restaurant, located at 4900 Belt Line Road, Suite 125, on application from Texas Donuts, L.P., represented by Mr. Lesley A. Morgan of the Dimension Group.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R9 - PUBLIC HEARING Case 1554-Z/Best Press, Inc. Public hearing regarding and consideration of approval of an ordinance amending an existing Planned Development ordinance (Ordinance 093-057) in order to add an allowed use: book publishing warehouse, and approve development plans, located at 4201 Airborn Drive, on application from Best Press, Inc., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd.

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 Meier moved to duly approve Ordinance 008-018 amending an existing Planned Development ordinance (Ordinance 093-057) in order to add an allowed use: book publishing warehouse, and approve development plans, located at 4201 Airborn Drive, on application from Best Press, Inc., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R10 - REPLAT/Westgrove and Airborn Addition. Discussion and consideration of approval of a replat of two lots located in Block A, Carroll Estates, one tract located at 4201 Airborn Drive, and the adjoining tract located at the southeast corner of Westgrove Drive and Sojourn Drive, on application from Kalisher Properties, Ltd., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd.

Councilmember Kraft moved to deny a replat of two lots located in Block A, Carroll Estates, one tract located at 4201 Airborn Drive, and the adjoining tract located at the

southeast corner of Westgrove Drive and Sojourn Drive, on application from Kalisher Properties, Ltd., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd.

Councilmember Hirsch seconded. Motion carried.

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

Item # R11 - FINAL PLAT/Lot 3, Block 1, Daseke Addition. Discussion and consideration of approval of a final plat for one lot of 1.332 acres, zoned R-16 (Residential-16) located at 5530 Celestial Road, on application from Don R. Daseke, represented by Mr. David Littleton of Halff Associates.

Councilmember Mellow moved to duly approve a final plat for one lot of 1.332 acres, zoned R-16 (Residential-16) located at 5530 Celestial Road, on application from Don R. Daseke, represented by Mr. David Littleton of Halff Associates, subject to the following conditions:

1. Revise all references of the lot and block number for the platted area to be "Lot 1, Block 1, Daseke Addition No. 2."
2. Label the "Owners Certificate" as such.
3. Change "TOWN OF ADDISON" to "COUNTY OF DALLAS" in the second line of the Owners Certificate.
4. The bearing in the first call of the Owners Certificate does not match the drawing. Please verify.
5. The area identified in the Owners Certificate does not match the drawing. Please verify.
6. Remove the building line.
7. Add a "Drainage & Floodway Easement" at one foot (1') above the 1% annual change floodplain identified in the submitted report.
8. Add a "Certificate of Approval" to be signed by the Mayor and City Secretary.
9. Move the notary block for the owner below to below the owner's signature.
10. Provide a closure sheet.
11. Add a five-foot wide sidewalk easement along the front property line.
12. Rename the plat Lot 1, Block 1, Daseke Addition No. 2

Councilmember Meier seconded. Motion carried.

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

Item #R12 - FINAL PLAT/Lots 1R2, 1R3, and 1R4, Block A, Addison Storage Addition. Discussion and consideration of approval of a final plat for one tract of .441 acres, and one tract of .847 acres, located in an Industrial-3 district on the west side of Addison Road, between Glenn Curtiss Drive and Ratliff Road, on application from Addison Storage Associates, represented by Mr. Bruce Myers of T.F. Stone Company.

Councilmember Niemann moved to duly approve a final plat for one tract of .441 acres, and one tract of .847 acres, located in an Industrial-3 district on the west side of Addison Road, between Glenn Curtiss Drive and Ratliff Road, on application from Addison Storage Associates, represented by Mr. Bruce Myers of T.F. Stone Company, subject to the following conditions:

1. Please correct the spelling of Glenn Curtiss in the Owner's Certificate.
2. Revise "City of Addison" to read "Town of Addison" in the Owner's Certificate.
3. Add a notary block for the surveyor's certificate.
4. Remove the line going through a portion of the dedication statement.
5. Provide a closure sheet.

Councilmember Braun seconded. Motion carried.

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

Item #R13 - Discussion and consideration of approval authorizing the City Manager to enter into a developer participation agreement in an amount not to exceed \$1,000,000 with Ashton Dallas Residential LLC for the construction of public streetscape improvements in the Asbury Circle townhome development located generally at the southeast and southwest corners of the intersection of Belt Line Road and Commercial Drive within the Town.

This Item was withdrawn by Staff.

There was no action taken.

Item #R14 - Discussion and consideration of approval to reject bids for roof repairs to the Addison Athletic Club, Theatre Centre and the re-roofing of Surveyor Pump Station.

Councilmember Kraft moved to reject the bids for roof repairs to the Addison Athletic Club, Theatre Centre and the re-roofing of Surveyor Pump Station.

Councilmember Mellow seconded. Motion carried.

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

Items #R15 - Discussion and consideration of approval of Resolution R08-008 to participate in the National Flood Insurance Program.

Councilmember Niemann moved to duly approve Resolution R08-008 to participate in the National Flood Insurance Program.

Councilmember Meier seconded. Motion carried.

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

Item #R16 - Discussion and consideration of approval of Change Order No. 1, in the amount of \$38,749.90 and approval of final payment to Northstar Construction, Inc., in the amount of \$205,434.17 for the construction of the Addison Airport Taxiway Sierra Pavement Improvements.

Councilmember Mellow moved to duly approve Change Order No. 1, in the amount of \$38,749.90 and approval of final payment to Northstar Construction, Inc., in the amount of \$205,434.17 for the construction of the Addison Airport Taxiway Sierra Pavement Improvements.

Councilmember Kraft seconded. Motion carried.

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

Item #R17 - Consideration and approval of Change Order No. 4, in the amount of \$33,879.52, for various items and approving final payment to JRJ Paving, L.P., in the amount of \$848,106.90 for the Paving and Drainage Improvements to Addison Road.

Councilmember Braun moved to duly approve Change Order No. 4, in the amount of \$33,879.52, for various items and approving final payment to JRJ Paving, L.P., in the amount of \$848,106.90 for the Paving and Drainage Improvements to Addison Road.

Councilmember Niemann seconded. Motion carried.

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

At 9:00 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Item:

Item #ES1 - Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase, exchange, or value of real property located generally at 15810 and 15812 Addison Road within the Town of Addison.

Item #ES2 - Closed (executive) session of the Addison 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 governmental body 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 taxation of improvements at Addison Airport.

The Council came out of Executive Session at 9:30 P.M.

Item #R18 - Discussion and consideration of approval to authorize the City Manager to enter into a contract to purchase certain real property within the Town of Addison and located generally at 15810 and 15812 Addison Road.

Councilmember Niemann moved to duly approve authorizing the City Manager to enter into a contract to purchase certain real property within the Town of Addison and located generally at 15810 and 15812 Addison Road.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

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

Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares